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## **THE FUTURE OF ELECTORAL LAWS IN PAKISTAN: CHALLENGES AND REFORMS**

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### **Abstract**

The future of electoral laws in Pakistan is a subject of increasing importance, given the nation's evolving political landscape. This paper examines the current challenges facing Pakistan's electoral system, including issues of transparency, fairness, and voter accessibility. It explores the impact of outdated laws, administrative inefficiencies, and political interference on the integrity of elections. Furthermore, the paper proposes key reforms aimed at strengthening democratic processes, such as the introduction of technology in voting, enhancing the autonomy of the Election Commission, and ensuring greater inclusivity in the electoral process. By analyzing both the obstacles and potential reforms, this paper seeks to contribute to the ongoing discourse on how Pakistan can achieve a more robust and credible electoral system that reflects the will of its people.

Keywords: Challenges, Electoral Laws, Reforms, Transparency, Pakistan.

### **1. INTRODUCTION**

Since its inception in 1947 the electoral laws of Pakistan have undergone various modifications reflecting Pakistan's complex critical evolution. Initially, these legislations were adapted from

the colonial period and were consequently changed to requirements of the newly born state. Over the decades Pakistan's electoral legislation has gone through repeated modifications in accordance with the changing political landscape, marked by periods of civilian governance and military rules. These amendments strive for designing the demands for fair, representative and more transparent electoral system, highlighting the continuing struggle for strengthening the democratic institutions in Pakistan (Batoool, 2014).

The constitution of Pakistan 1973 gives the foundational framework for both parliamentary and residential systems in the country. It defines the role of election commission of Pakistan which is the main organization tasked with responsibilities for managing these democratic procedures. The ECP'S authority consists of formulating the transparent and accurate electoral rolls, inhibiting the corrupt practices, and the overall conduct of elections- a huge responsibility in a country having population over 220 million (Waseem, 2006).

Over the years Pakistan's democratic system has been criticized for issues including voter fraud, maneuvering of electoral zones, and the influence of powerful political dynasty and military establishment. These issues have invited several amendments to the electoral legislation in Pakistan, often steered by the objective of improving the transparency and fairness of the electoral procedures in Pakistan. Introduction of electronic voting machines and biometric verification methods are one of the key modifications for mitigating fraud and streamlining the voting procedures in Pakistan (AL-Kubaisi et al., 2024).

The importance of electoral laws in democratic governance cannot be exaggerated. These electoral laws not only administer the process of the conduct of elections but also sustain the true principles of democracy itself. Basically, electoral laws are the complete expression of democratic standards. They decipher the abstract principles of equivalence, justice and representation into tangible electoral procedures ensuring that every eligible citizen has the right to vote in a free and fairway, that every vote is calculated, and that the election's results are reflecting the true will of the public. Moreover, these electoral laws play an important role in maintaining the political stability by giving a clear and transparent framework for resolving the election related issues. Electoral laws by working as a deterrent against illegitimate meddling and

corruption in the electoral procedures enhances the standard of government institutions and the trust of the public in the democratic procedures in the country (Khan, 2019).

In Pakistan, where democratic organisations have historically been fragile, the heftiness of electoral legislation is particularly imperative. The subsequent military interventions and eras of martial laws which have repeatedly disrupted the democratic structure in Pakistan are creating the demand for more resilient electoral laws. By ensuring that electoral laws are inclusive, clear, and obeyed to, Pakistan can safeguard against the use of political power and develop a better democratic culture in the country (Khan, 2019).

This paper examines that future of electoral legislation in Pakistan is not just about improving the legal framework except about supporting the democratic procedures that strengthen these electoral laws. It is about making an electoral system that can resist political pressures and can provide honest democratic governance in Pakistan. This paper through an analysis of the existing electoral laws, their challenges, and necessary reforms contributes to the discourse on improving democratic integrity in electoral procedures in the country. The struggle is not only essential for political stability in Pakistan but also for its over all development towards a truly representative and participatory democracy.

## 2. RESEARCH METHODOLOGY

This study assesses Pakistan's electoral law reforms using a qualitative technique. The study's main focus is on examining the current elections and drawing international comparisons. The elections act of 2017 and reports from the election commission of Pakistan were among the legal documents that were carefully examined as part of the main collection of data for this study. Furthermore, a comparative perspective on electoral reforms in Pakistan is provided by secondary sources such as academic publications, professional assessments, and international case studies from Nations like Brazil, India and Sweden. Thematic analysis is used for evaluating the common concepts and designs pertaining to the strengths and shortcomings of electoral reforms in Pakistan.

## 3. LITERATURE REVIEW

This literature review assesses the diverse scholarly debates and realistic research on the complexities faced by Pakistan's electoral system. This review examines the historical

modifications of electoral laws of Pakistan and the hurdles faced by them over time. It also assesses the effectiveness of various reforms presented for improving the electoral transparency and integrity in Pakistan. This literature review by gathering insights from academic experts, legal analysts and historical data, provides a comprehensive understanding of the current electoral scenario in Pakistan and emphasizes the urgent need for electoral reforms in the country. Through analytical approach this research highlights that legal amendments play an imperative role in strengthening Pakistan's democracy.

Ahmed, 2020 in his book entitled “electoral reforms and democracy in Pakistan” examines the complex relationship between electoral reforms and the enhancing of democratic procedures in the country. In this book the author gives an inclusive review of pros and cons of electoral reforms in Pakistan. The author by focusing on institutional challenges and the role of political parties examines that incremental electoral reforms have both headed and hindered democratic development in Pakistan. The author suggests for an inclusive overhaul of the Pakistan's electoral system, pressing the need for greater accountability transparently and public involvement in the electoral reform process.

Malik 2018 in his book entitled “governance elections and the state: A Pakistani perspective” examines the governance issues prevailing in the Pakistan's electoral processes, particularly the impact of state institutions on election results. The author finds systematic biases and the excessive influence of powerful politicians are substantial barriers to fair and transparent elections in Pakistan.

Khan (2021) in his paper entitle “technological interventions and voter confidence in Pakistan's electoral system” examines influence of deploying electronic voting machines EVMs on voter trust in Pakistan. Khan suggests that large scale public education campaigns and experimental testing can be helpful in gradually increasing public trust in technology when used in the elections.

Qureshi (2019) in his research paper entitled “media influence on electoral behavior in Pakistan”, examines the impact of media coverage on voter perceptions and behaviors during elections. The author finds that planted media coverage has a substantial impact on election results in Pakistan, often working in the political entities' favor. The author suggests that for a more informed voting

population enforcing strict media guidelines during election times and promoting media literacy among the public can be useful.

Sharma (2019) in his research paper entitled “the impact of electronic voting machines on election integrity in India” examines the effectiveness of electronic voting machines events in promoting electoral integrity in India. The author finds that voting fraud and ballot stuffing have considerably been decreased by electronic working machines EVMs making India's election results more reliable. The author recommends adding more advanced encryption and authentication features to the EVM technology for preventing any possible tempering during voting process.

Lindberg (2020) in his research paper ‘transparency and trust in Sweden’s electoral process’ examines the ways in which transparency measures in Sweden’s electoral process support high levels of public involvement and trust. The author identifies that open voting procedures and the active participation of several political party observers at voting booths promote transparency and reduce risks of electoral malpractice. The author urges to adopt similar transparency measures for enhancing trust in electoral processes.

Johnson (2022) in his research paper “civic education and electoral engagement in Sweden” examines the effects of Civic education programs on democratic participation and voter involvement in Sweden. This paper highlights that by introducing early civic education programs in school curriculum can be used for increasing political awareness and electoral participation among young individuals. Johnson suggests that other countries can increase voter participation by inducing comprehensive civic education programs into early educational curriculum.

Costa, 2018 in his research paper “electronic voting and democracy in Brazil” examines the impacts of digital voting mechanisms on Brazil’s democratic procedure. The author finds that besides continuous concerns about hacking electronic voting has streamlined the political process by making it more effective and quicker. The author suggests frequent up gradations and extensive security audits are necessary for protecting electronics systems against potential cyber security risks.

#### 4. HISTORICAL CONTEXT OF ELECTORAL LAWS IN PAKISTAN

Since its inception in 1947, Pakistan's electoral legislation under gone substantial modifications, reflecting Pakistan's political evolution. Initially these laws were adapted from the colonial era, which were subsequently modified for the growing needs of a newly born state. Over the years Pakistan's electoral framework has been continuously modified in response to the changing political climate of the country, which has been characterized by periods of military rule and civilian governance. These subsequent amendments have sought to address the needs for representation and more transparent election procedures in Pakistan (Al Kubaisi et al. 2024). Details of historical context of electoral laws in Pakistan are given in the following paragraphs

##### 4.1 Evolution of Electoral Laws from Post-Independence to Present

Pakistan since its inception in 1947 experienced turbulent history regarding its democratic procedures and electoral legislation. Initially, it operated under the government of India act 1935, a legacy from colonial rule, which continued until a more suitable constitution could be drafted. The process of developing a comprehensive electoral system from this temporary setup reflects significant legislative milestones and various constitutional amendments impacted by both political unrest and military interventions (Talbot, 2009).

The first constitution of Pakistan established in 1956 introduced a parliamentary system in the country. However, it was short lived as Constitution was abrogated in 1958 by the -then president Iskandar Mirza with the support of general Ayyub Khan declared Martial law in the country. This marked the beginning of a series of military interventions that would shape Pakistan's political structure over the following years (Nawaz, 2020).

Following Mirza's removal General Ayyub Khan drafted a new constitution in 1962 that established presidential system in Pakistan through indirect elections. This system lasted until 1969, the increased public dissatisfaction and political instability in the country led Yahiya Khan another military leader to dissolve the assemblies and once again revoke the constitution (Ahmed & Afridi, 2014).

The 1973 constitution marked a major turning point in Pakistan's legal history, which is still in effect today, albeit with amendments. The aforementioned constitution restored the parliamentary system in the country and was the outcome of pensive consultations involving

several political entities, including the Pakistan People's Party (PPP), the National Awami Party (NAP), Jamiat Ulema-e-Islam (JUI), the Pakistan Muslim League (Qayyum), Jamiat Ulema-e-Pakistan (JUP), and Tehreek-e-Istiqlal, along with eminent legal experts such as Abdul Hafeez Peerzada and Yahiya Bakhtiyar. Prior to the former promulgation of the 1973 constitution, General Jahiya Khan presided over Pakistan's first general elections under the system of universal adult suffrage in 1970 (Burki, 2018).

#### 4.1.1 Major Amendments and Their Impacts on the Political Landscape

Numerous amendments to Pakistan's 1973 Constitution have profoundly impacted Pakistan's electoral and political landscape. The amendments to the 1973 constitution of Pakistan targeting various key articles have significantly change the political and government landscape of the country. Details are given in the following paragraphs

##### 4.1.1.1 Eighth Amendment (1985)

Enacted in 1985, under the military rule of General Zia-ul-Haq, the Eighth Amendment to the 1973 Constitution of Pakistan notably changed the political environment of the country by changing its numerous important clauses. The inclusion of Article 58(2) (b), which significantly altered the balance of power within the Pakistani government, was one of the most important and contentious amendments (Siddique, 2005).

##### I). Presidential Power to Dissolve the National Assembly

Purportedly to handle situations if the government is unable to function properly, this amendment gave the President the power to unilaterally dissolve the National Assembly. This Power was a mean of breaking impasses and guaranteeing political stability. The President of Pakistan may dismiss the National Assembly without the Prime Minister's or the Cabinet's approval, but it turned into a tool for political maneuvering. As the legislature is meant to serve as a check on executive authority in parliamentary democracies, this power significantly upset the intended balance (Mohammed, 2009).

This consolidation of power drew criticism from both nationality and internationally as it paved the way for increased political instability in Pakistan. This article was frequently invoked by presidents to dismiss governments leading to a cycle of sporadic governments and frequent

elections in the country. It impeded political continuity and efficient governance. The misuse of article 58 (2)(b) contributed to a growing perception that the president and the military establishment are undermining the authority of elected governments in Pakistan. This article increased political unrest in Pakistan made it more difficult for the succeeding governments to design and implement long term policies which hampered economic growth and governance reforms (Noman, 1989).

In response to strong criticism and the detrimental impacts on Pakistan's democratic system, 13th amendment was passed in 1997 to repeal article 58 (2) (b). By eliminating the president's authority to dissolve the national assembly unilaterally, this amendment was a milestone towards establishing parliamentary autonomy and balance for stabilizing the political system in Pakistan. The legacy of article 58 (2) (b) shows how constitutional amendments can change the country's democratic trajectory and governance. The 13th amendment emphasizes on the importance of maintaining balance of power between various departments of government for ensuring accountability, stability and the smooth working of the parliamentary democracy (Bahadur, 1998).

#### 4.1.1.2 Thirteenth Amendment (1997)

After an extensive presidential authorities during Martial laws the enactment of 13th amendment to the constitution of Pakistan in 1997 was a significant shift back towards strengthening parliamentary system in Pakistan. This amendment is important for its repeal of article 58 (2)(b) created under the eighth amendment in 1985 under general Zia ul Haq rule (Rizvi, 2020).

#### D).Repeal and Restoration of Parliamentary Sovereignty

As aforementioned article 58 (2)(b) had given the president the power for dissolving the national assembly unilaterally, in cases where the government fails to function efficiently. However, this authority was frequently misused by the president of Pakistan leading to political instability and destruction in the balance of power favoring the executive over the legislature. The frequent dissolution of the national assembly damaged the stability and continuity of democratic system in the country. Moreover, it had led to a cycle of political crises and short-lived governments in Pakistan (Waseem, 2022).

The 13th amendment reaffirmed the principals of parliamentary democracy. It was a decisive move for curbing the breach of the powers by the president and restoring the powers of the



legislature. By removing the president's authority to dissolve the parliament unilaterally, the 13th amendment intends to foster a more stable political environment favorable for long term policy devising and governance in Pakistan (Ahmad & Rafiq, 2016).

## II).Impacts on Democratic Governance

Removal of Presidents authority given under article 58 (2) (b) highly reduced the possibility of the legislature being dismissed arbitrarily and promoted more political stability and continuity in the country. It allowed elected governments of Pakistan to complete their turns without the fear of dissolution, which assisted in developing a political culture based on the democratic norms and supremacy of the legislature (Shah, 2014).The 13th amendment was a victory of democratic norms and was a grave step in preventing excessive use of powers by executive. Furthermore, the 13th amendment contributed in rebalancing the political system and guarantee that government official had a fair chance for implementing their strategies and plans without excessive interference from the executive branch. This move was important for the development of democratic procedures and institutions in Pakistan (Ziring, 2018). In short the 13<sup>th</sup> amendment was helpful in strengthening the foundations of parliamentary democracy in Pakistan by repealing the president's disruptive power to dissolve the Parliament unilaterally. This legislative change has a great impact on Pakistan's constitutional development. It aims at enhancing democratic governance in Pakistan by promoting a more balanced and stable democratic system and setting precedent for future reforms (Talbot, 2019).

### 4.1.1.3 Fourteenth Amendment (1997)

The 14th amendment to the 1973 constitution of Pakistan was enacted in 1997 to bring substantial changes for enforcing strict party discipline among members of the national assembly. This amendment changed the article 63a of the Constitution of Pakistan 1973, introducing methods with profound implications for the working of parliament within the legal framework (Amir & Ahmad, 2017).

#### I). Enhancing Party Discipline

Article 63a was revised to instruct that voting against the official party line in Parliament could result in a member of parliament losing their right to hold office. The purpose of this legislative amendment was to improve the part cohesion and provide a unified approach to formulate

policies and casting votes in the legislative Assemblies of Pakistan. The intention behind this amendment was of stopping the frequent defections and cross voting that had been upsetting legislative processes and jeopardizing the stability of the Pakistan's government (Khan, 2005).

## II).Criticism and Implications for Legislative Independence

The goal of strengthening party discipline was to provide order and predictability to parliamentary procedures, but the amendment drew harsh criticism for interfering with democratic principles of individual liberty and judgment. The critics are argued that the 14th amendment has undermined the liberty and judgment of elected representatives by penalizing members of national assembly for voting against the party line. This limitation gravely limited their capabilities to represent their voters' interests, in cases where regional issues conflict with national party strategies (Akhtar, 2018)

The 14th amendment was towards stifling healthy democratic discussions within the legislature limiting legislatures' capability to advocate for diverse opinions. This amendment by implementing strict party discipline increased the risk of turning parliamentarians into mere spokesmen of their parties, rather representatives of the individuals who vote them (Kamran, 2008).

In short, the modifications made to article 63a by the 14th amendment aimed to strengthen party cohesion while simultaneously drawing attention to the need for striking a balance between party discipline and democratic autonomy of individual legislatures. This argument persists to influence the debate on democratic procedures and legislative principals in Pakistan, reflecting the ongoing discourse between party unity and legislatures' Liberties in parliamentary democracies (Kamran, 2008).

### 4.1.1.4 The Eighteenth Amendment (2010)

The 18th amendment 2010 to the 1973 constitution of Pakistan brought significant changes for enhancing the parliamentary system, judicial independence, and provincial autonomy in the country.

It profoundly changed the power dynamics between the executive, judiciary and the legislative branches in Pakistan (Abbas, 2023).

## I).Parliamentary and Executive Reforms

This amendment modified key provisions of the eighth amendment (articles 58 and 89) by repealing the president's power to dissolve the national assembly unilaterally, power that had been a source of political instability in Pakistan. This amendment for enhancing the parliamentary system and restraining executive over each returned this power to the prime Minister of Pakistan and the legislative branch (Abbas, 2023).

### i). Judicial Reforms

The article175a of the Constitution of Pakistan underwent significant modifications for transforming the judicial appointment procedure in the country. The 18th amendment established the judicial commission of Pakistan for making the process of nomination of the judges of the supreme court and high courts more transparent and reducing political interference. This amendment was aimed at enhancing the judiciary's independence and ensuring its procedures remain effective and transparent (The Eighteenth Amendment Act, 2010).

### ii). Decentralization and Provincial Autonomy

The 18th amendment for reinforcing the local governance eliminated the concurrent list that was previously part of the 4th schedule, giving a significant array of authority to the Provincial Assemblies. It increased the administrative autonomy of provinces following them to legislate on a wider range of issues. The 18th amendment for reinforcing the local governance eliminated the concurrent list that was previously part of the fourth schedule, giving a significant array of authorities to the provincial Assemblies. It increased the administrative autonomy of provinces allowing them to legislate on a wider range of issues, enabling them to address local perquisites more directly which was previously under joint Federal and provincial jurisdiction (The Eighteenth Amendment Act, 2010).

Collectively, these amendments contemplate the evolution of Pakistan's constitutional and political landscape. They highlight the ongoing struggle between legislative Independence and executive authority, between unitary and Federal government structures, and between centralization and decentralization of power. Every amendment has played a key role in determining the path of democratic development and governance of Pakistan. Pakistan's continuous battle for making a strong and stable democratic system amidst the current military

takeovers is illustrated by the country's evolution of electoral legislation (The Eighteenth Amendment Act, 2010).

Although, the 1973 constitution established a basic structure, the frequent amendments and political maneuvering highlights the continuous difficulties and intricacies of Pakistan's democratization. The history of these legislative amendments highlights that for promoting to democratic governance and political maturity electoral laws must be stable and consistent (Ahmed, 2021).

## 5. CHALLENGES FACING THE ELECTORAL LAWS IN PAKISTAN

Despite continuous reforms and amendments, the electoral system of Pakistan is continuously facing significant challenges that undermine its effectiveness and the public's faith in governance procedures. These challenges include transparency issues, voter fraud, technological inadequacies, and the prevalent influence of money and political interference. Following paragraphs give details of these challenges.

### 5.1 Transparency and Fairness Issues

One of the basic problems that Pakistan's electoral procedure faces lack of transparency which can impede the fairness of elections. For example, various political parties raised concerns about the processing and dissemination of election results during the 2018 general elections of Pakistan. Accusations of ballot altering and the delay in the announcement of results by the election commission of Pakistan ECP highlighted substantial procedural flaws present in the electoral process. The prevailing skepticism about the transparency of the results was further aggravated by non-disclosure of form 45 to party agents, an important document that provides the tabulation of votes in each polling station (Islam et al, 2019).

### 5.2 Voter Fraud and Electoral Malpractice

Election malpractice and voter fraud are persistent problems in Pakistan, often revealed through techniques like tempering with voter list and fraudulent voting. In previous elections there have been reports of people voting on behalf of absent or deceased voters. One such instance happened during the 2013 general elections. Thumb impression verification showed substantial differences in voter signatures from numerous constituencies, indicating thousands of votes were

fraudulently cast. Such practices not only undermine the legitimacy of the election results but also erode public trust in the electoral system (Al-Kubaisi, 2024).

### 5.3 Technological Inadequacies

Pakistan's election processes are often criticized for its outdated and insufficient technological infrastructure required for sustaining a robust electoral system in the country. Due to logistical issues and opposition from various political parties that doubt the security and reliability of these technologies, The ECP head faced difficulties in implementing biometric verification systems and EVMs. The efficiency of technology upgrades meant to expedite voting and result compilation procedures has been hampered by the inadequate training of the polling staff and the failure of providing functional technological equipment in each polling station in Pakistan (Ahmad & Rafiq, 2016).

### 5.4 Influence of Money and Political Pressure

Another major problem that undermines the integrity of Pakistan's elections includes the influence of money and political pressure. Through patronage networks and resource distribution, wealthy candidates and powerful political parties have excessive interference on the electoral procedures, swaying election results in their favor. Furthermore, there is a common belief that candidates with greater campaign funding have a better chance of winning the elections, which disadvantages those with lower resources. Political pressure from powerful bodies can also result in voter coercion and electoral official's manipulation, further undermining the integrity of elections in Pakistan. These problems highlight significant weaknesses in Pakistan's electoral system that needs urgent consideration. To enhance transparency and fairness in Pakistan's electoral processes, it is necessary for the ECP to take more stringent actions for the timely distribution of election data and guarantee stricter enforcement of electoral laws in the country (Rashid & Rashid, 2024).

## 6. THE ROLE OF THE ELECTION COMMISSION OF PAKISTAN

The ECP plays a key role in guaranteeing the integrity and fairness of electoral procedures across the country. The ECP was established under the 1956 constitution and further empowered by the 1973 constitution of Pakistan. The ECP is tasked with responsibilities of supervising, planning and managing elections for upholding the principles of democracy in Pakistan. The ECP is a vital

component of Pakistan's democratic governance; its responsibilities include everything from voter registration to election results certifications. Details of the role of the election commission of Pakistan are given in the following paragraph (khan, 2023).

### 6.1 Legal Framework Governing the Election Commission

With its roots firmly laid in Pakistan's constitution, the ECP is the cornerstone of electoral integrity and democracy in the country. The ECP was initially created under the constitution of 1956, but its current structure and functions are primarily outlined in articles 218 to 221 of the Constitution of 1973, detailing the role of ECP in the election process of Pakistan. The election commission order of 2002, implemented under president Pervez Musharraf's administration, included additional improvements and operational guidelines for reforming electoral procedures in Pakistan. The elections act of 2017, enacted on October 2, 2017 represents the most significant legislative reform. It strengthened the legal framework governing elections in Pakistan and streamlined the electoral process by consolidating and amending existing electoral legislation into a single document. This inclusive legislation clearly outlines the responsibilities of the ECP, which include creating electoral rolls, drawing boundaries for constituencies, holding elections, and ensuring that all electoral activities are done in a fair, just and in strict obedience with the law(The Constitution of Pakistan, 1973).

### 6.2 Effectiveness and Limitations in Enforcing Electoral Laws

Despite having extensive legal authorities, the ECP faces several challenges in its effort to implement these laws. Political interference is one of the basic hurdles that undermine the ECP'S autonomy and sway its decision making procedures. Despite the fact that ECP is constitutionally an independent institution, strong political figures often put pressure and try to influence its operations, particularly during crucial electoral events (Mughal, 2014).

Resource constraints severely hampered the ECP'S ability to conduct elections effectively. The ECP's ability to provide comprehensive training for polling staff, maintain up to date electoral rolls, and provide security at polling stations is hampered by the lack of financial and human resources. Due to the aforementioned constraints, these issues which are crucial for maintaining the integrity and fairness of elections remain inadequately addressed (Mughal, 2014).

Technological problems also pose a significant challenge. Although, EVMs and biometric verification systems have been adopted by the ECP for modernizing the voting procedures, yet these technologies face implementation related challenges. The wide spread deployment of these technologies has been made more difficult by stakeholder's skepticism about their security and reliability (Haq et al, 2022).

### 6.3 Recent Actions and Their Outcomes (2017-2024)

The election commission of Pakistan ECP launched several key initiatives for improving the effectiveness and integrity of Pakistan's voting system. The most important and comprehensive reform brought in this regard was the election act of 2017. This comprehensive act consolidated several previous electoral laws into a single document. It introduced clear guidelines, providing the ECP extended authorities and responsibilities for managing electoral activities more efficiently (Begum, 2022).

#### 6.3.1 Technological Advancements

During this period integration of advanced technologies into the election procedures remained one of the main priorities of the ECP. By 2024, the ECP had greatly increased the use of EVMS and biometric verification systems within Pakistan. These technologies were introduced for preventing electoral fraud and guaranteeing the accuracy of voter identification and vote counting. The ECP to meet initial cynicism regarding the reliability and security of advanced technologies introduced robust public rallies and educational sessions for building trust among voters and stakeholders (Ali et al, 2024).

#### 6.3.2 Voter Education and Engagement

Besides integrating advanced technologies into the electoral process, the ECP initiated wide ranging voter education campaigns. The purpose of these campaigns was to educate the public about voting rights, full voting procedure, and the value of voting. The ECP made special efforts by using various media platforms, including digital media to reach marginalised communities and first time voters within the country. This resulted in an increased voter participation and turn out in subsequent elections, especially during the 2024 of Pakistan (Mahesar et al, 2021).

#### 6.3.3 Monitoring and Transparency

The ECP enforced comprehensive policies for enhancing the transparency and monitoring of elections entailing both domestic and international observers. This involved elaboration with established domestic watch dog organisations including Pakistan institute of legislative development and transparency PILDAT and the free and fair election network (FAFEN). These aforementioned organisations performed key role in monitoring the electoral procedure and provided unbiased information regarding the conduct of elections in several areas of Pakistan (Mirbahar, 2022).

Moreover, the ECP facilitated the involvement of international observers like the Commonwealth observer group and the European Union election observation mission (EUEOM). These international organisations improved the credibility of their assessments by bringing global norms and practices to the monitoring process and ensured a wider perspective on Pakistan's election environment (Evans, 2008).

For enhancing these efforts, the ECP created rapid response units in the country. These rapid response units were equipped to handle and resolve the irregularities and issues regarding elections quickly. The presence of these units during the election period guaranteed that any concern raised could be investigated and fixed quickly, upholding the electoral procedure's overall integrity and public trust. By introducing these extensive transparency and monitoring initiatives, involving both domestic watch dogs and international observers as well as proactive rapid response units, the ECP greatly improved the supervision and credibility of Pakistan's electoral procedures. These measures not only assured the voters about the transparency and integrity of the elections but also brought Pakistan's electoral procedures in compliance with international standards (Khalid, 2013).

#### 6.3.4 Collaboration with Civil Society and International Observers

Another key development of the ECP during this period (2017to2024) is that it actively collaborated with numerous civil society organisations and non-governmental organisations NGOs for monitoring and auditing the electoral procedures in Pakistan. The transparency and integrity of the election was enhanced by these strategic alliances (Ghaus-Pasha, 2005).

Ensuring that electoral procedures are in compliance with both national and international standards, organisations like the free and fair election network FAFEN and the Pakistan institute



of legislative development and transparency PILDAT played an important role by providing independence oversight and monitoring electoral activities. These partnerships helped in enhancing the comprehensive examination and verification of election procedures, identifying and fixing any irregularities and that the results of the elections were unanimously accepted. By involving respected civil society organisations, the ECP not only increased public trust in the electoral procedures but also reaffirmed Pakistan's commitment for conducting free, fair and transparent elections in accordance with international democratic standards (Ali & Zia, 2019).

### 6.3.5 Outcomes of the 2024 Elections

The results of the 2024 elections revealed the collective impact of various key initiatives. The 2024 elections were noticeably better than previous elections, as less cases of electoral malpractice were reported. It was credited that the use of EVMs and biometric verification systems improved the accuracy and efficiency of the vote counting procedure. Moreover, the voter education campaigns also helped Pakistan in achieving one of its highest voter turn outs in its electoral history. The 2024 elections demonstrated notable advancements in electoral transparency and public trust, and were largely considered as a turning point for Pakistan's democracy. The election commission of Pakistan was praised by international observers and local watch dogs for its initiatives, considering that the measures and reforms taken between 2017 to 2024 have markedly enhanced the overall quality and transparency of the election process in Pakistan (Arshad, 2024).

In short, the ECP has undergone significant transformations between 2027 and 2024. The ECP through legislative modifications, technological progressions, and proactive public involvement considerably improved Pakistan's electoral system. It established a new standard for subsequent elections and strengthened the pillars of democracy in Pakistan.

## 7. COMPARATIVE ANALYSIS: ELECTORAL REFORMS IN PAKISTAN AND OTHER DEMOCRACIES

Electoral reforms play a pivotal role in enhancing the integrity and efficiency of democratic processes worldwide. In examining Pakistan's reform trajectory, it is instructive to analyze and compare the electoral systems of India, Brazil, and Sweden. These countries have been selected

for their diverse approaches to similar challenges such as voter fraud, technological integration, and enhancing public trust in elections, which resonate with the issues faced by Pakistan.

### 7.1 India and Pakistan: Emphasizing Technological Solutions to Electoral Challenges

The use of EVMs by India provides an imperative case study for Pakistan. Both countries face similar difficulties like logistical constraints in managing huge electoral geographies and previous cases of electoral fraud. India systematically used electronic voting machines events in the early 2000s to address issues with manual voting systems, such as booth capturing and ballot tampering. In addition to deployment of EVMs, India eventually introduced Voter verifiable paper audit trials (VVPAT) that significantly reduced these problems by giving voters a transparent mechanism for verifying the votes they cast. Similar technological integrations are being explored in Pakistan for improving the efficiency and transparency of elections. The ECP in an effort to replicate India's electoral fraud reduction efforts, conducted pilot projects in Pakistan using EVMs in 2024 elections (Hapsara et al., 2017).

Yet, due to concerns about machine reliability and the possibility of technological manipulation, the acceptance and introduction of such technology in Pakistan have been met with skepticism. It is evident from India's experience that in addition to technology Pakistan should take stringent measures for guaranteeing the security and transparency of these devices which include public demonstrations and meticulous third party testing.

### 7.2 Brazil and Pakistan: Combating Electoral Corruption with Technology and Reforms

Since the late 1990s, Brazil's experience with electronic voting provides further inside for perspective. The main objective of switching to electronic voting is to reduce widespread malpractices of paper based voting procedures and speed up the vote counting procedures. Brazil has made notable progress in reducing results times and improving count accuracy by using computerized voting technology. However, like Pakistan, Brazil is still facing the challenges regarding political corruption which affects election results beyond the voting process itself (Avgerou et al., 2009).

Brazil strategies for combating corruption include amendments in existing electoral finance legislation and stringent enforcement of these laws against electoral malpractices (Avgerou et al., 2009). Brazil's multifaceted approach emphasizes the need for comprehensive reforms,

particularly for Pakistan, where widespread electoral and political corruption remained a continuous hurdle to fair and transparent elections. For ensuring that election integrity is maintained from the start of the campaign till the results are announced, these measures include not only technological advancements but also comprehensive legislations and stringent implementation procedures (Cheema, 2005).

### 7.3 Sweden and Pakistan: Prioritizing Civic Education and Transparency

Sweden's electoral system contrasts significantly with Pakistan, especially in terms of the public's trust in the voting process and transparency of the electoral system. Sweden uses paper ballots, which are counted transparently in front of party officials. This system is facilitated by a robust framework for civic education to ensure all voters are well informed about their rights and the election procedures. It is noted that this transparent procedure and active involvement of civil society are credited with the high levels of voter trust and participation in Sweden (Johansson, 2022).

Using some aspects of Sweden's model could have revolutionary impacts on Pakistan's electoral system. Enhancing transparency in election planning, campaign financing and voting procedures in addition to the counting procedure may contribute to the development of public trust. Furthermore, funding inclusive civic education initiatives for educating Pakistan about their rights and obligations in elections would empower them as voters and possibly boost turn out. Pakistan can solve its issues by following the road map provided by the analysis of election reforms in India, Brazil and Sweden. The measures taken by these countries can be used for enhancing election integrity by using technology, combating corruption through legislative amendments and prioritising civic education and transparency for increasing public trust in the electoral procedures. Pakistan should adopt a balanced approach that includes significant funding in public education for fostering civic involvement, extensive legislative amendments for combating corruption and misconducts, and technological solutions for increasing security and efficiency. Pakistan can improve its election system to better serve its democratic goals by taking inspiration from the achievements and learnings from the problems of these diverse democracies (Hapsara et al., 2017).

## 8. RECOMMENDATIONS FOR STRENGTHENING ELECTORAL INTEGRITY IN PAKISTAN

The legality and stability of democratic governance depend heavily on the electoral integrity. For enhancing electoral integrity in Pakistan requires multi-faceted strategies, including administrative reforms, technological advancements and legislative amendments. This analysis gives key recommendations for enhancing the electoral procedures in Pakistan.

### 8.1 Revision of the Elections Act of 2017

The election act of 2017 is an imperative legislation for Pakistan's electoral framework but it needs following amendments

I). Mandatory security standards and certification procedures must be introduced for alleviating security concerns about EVMs. Sections 94 and 95 of election act of 2017, which deals with election equipment must be amended allowing frequent security assessments, updates, and adherence to international security standards.

II). Sections 132 and 133 must be amended for increasing the transparency of campaign money. These amendments must impose more stringent restrictions on campaign spending and required detailed and timely financial reports from all candidates in accordance with international standards for account ability and transparency.

III). It is imperative to amend sections 10 and 76 of the election act of 2017 to target malpractice related to digital technologies and social media as these technologies are being increasingly used in campaigning nowadays. This will broaden the definitions and punishments for electoral fraud.

### 8.2 Introduction of a Comprehensive Data Protection Law

A strong legislative framework is required for ensuring the secure implementation of biometric verification technologies. For ensuring robust privacy rights, the law should set an explicit criterion for the ethical collection, storage and use of personal data by election officials. These recommendations must be incorporated into the election act of 2017's existing framework, enhancing deceptions regarding voter verification and registration.

### 8.3 Overseas Voting Rights Legislation

For creating special legislative measures under the election act of 2017 is necessary for formalizing the mechanism allowing overseas Pakistani's participation in the elections. For insurance accessible and safe electronic or postal voting systems, the proposed amendments to section 241 should specify the procedures security precautions and eligibility criteria for overseas voting.

#### 8.4 Enhancing the ECP's Capacity and Independence

For ensuring the integrity and transparency of elections enhancing the capacity and autonomy of the election commission of Pakistan ECP is crucial. Structural amendments and resource enhancements are required for making the ECP working efficient without taking political pressure. These amendments are crucial for maintaining public trust in the electoral procedures and also sustaining the democratic values of Pakistan.

#### 8.5 Structural Reforms within the ECP

For maintaining Independence and operational effectiveness of the ECP, structural amendments are necessary. By amending structure under which the ECP functions, these reforms aim to ensure that it is free from political interference and adequately equipped for managing fair and transparent elections in the country. By reviewing internal governance and enhancing procedural autonomy, the ECP will function more efficiently for fulfilling its fundamental responsibility in Pakistan's democratic procedures.

I). reforming the appointment procedure for the ECP officials is crucial for the ECPS Independence from political interference. The Independence and transparency in the selection process can be ensured by adding more provisions to the existing legal framework governing the ECP. For example, sections 201 and 202 should be amended to establish panels for enhancing the transparency and independence in the selection process.

II). Sections 10 and 11 must be amended to give ECP full control over its budget and financial decisions. This autonomy of ECP is necessary to protect it against political pressures that can arise due to financial constraints.

#### 8.6 Capacity Building

For enhancing the effectiveness and responsiveness to evolving electoral challenges capacity building within the election commission of Pakistan is necessary. It requires providing the ECP with the necessary equipment, resources and skilled staff for conducting elections in an effective and transparent manner. By enhancing its capabilities, the ECP can maintain electoral integrity and adopt new modifications in election management.

It is imperative to establish continuous professional development programs for the ECP'S officials. By amending section 220 of the election act of 2017, specific training modules and resources should be outlined. It will help enhance the effectiveness of the ECP in electoral procedures. Establishing a dedicated wing is crucial for improving the ECP'S technological infrastructure. Along with cyber security measures and data protection, this wing should be supported by legislative provisions outlining its budget, responsibilities and organizational structure by adding new provisions to section 221.

#### 8.7 Strengthening Oversight and Transparency

Strengthening oversight and transparency within the Election Commission of Pakistan (ECP) is pivotal for building public trust and ensuring the credibility of the electoral process. Implementing rigorous oversight mechanisms and enhancing transparency are essential steps towards creating a more accountable and open electoral system. These measures are fundamental in preventing electoral malpractices and promoting a culture of integrity in elections.

#### 8.8 Public Reporting and Accountability

Section 190 of the election act of 2017 must be amended authorizing the ECP to publish comprehensive post-election reports that include information on voter turnout, instances of misconduct, and the effectiveness of new technologies used during the election process. These reports should be presented in parliament handmade available to the general public for enhancing their trust on democratic procedures.

#### 8.9 Establishment of an Electoral Ombudsman

Transparency and trust in the electoral procedure can be further increased by amending section 195 of the election act of 2017 by establishing the post of electoral ombudsman for handling complaints about electoral irregularities and malpractices. This position can serve as a neutral

arbiter. By strengthening the foundations of Pakistan's electoral system, these structural and legal suggestions aim to promote a more inclusive accountable and transparent democratic procedure. By implementing these recommendations, Pakistan can significantly improve voting integrity and increase public trust in the democratic process. The suggestions provided can be helpful for Pakistan for creating a robust transparent and effective electoral system. Legislative amendments must consider the technological developments and emerging issues of electoral integrity. Similarly enhancing the capability and independence of the election commission of Pakistan is imperative for maintaining the trust of the voters and legitimacy of electoral procedures. Overall these recommendations can help Pakistan in establishing an inclusive equitable and transparent electoral system, guaranteeing that every vote is counted correctly.

## 10. CONCLUSION

Detailed study of Pakistan's electoral system highlights a critical need for comprehensive reforms for enhancing electoral integrity and building public trust in electoral procedures. The analysis of recent elections revealed prevailing issues such as political interference, equipment inadequacies and electoral fraud. Despite the inclusive measures taken with the election act of 2017, challenges still remain, particularly in ensuring the security and effectiveness of biometric systems and EVMS. Comparison with electoral systems of India, Brazil and Sweden has given valuable insights. India's integration of electronic voting machines EVMs show cases a potential path forward for Pakistan and highlights the need for strong security measures for maintaining public trust in electronic voting. Brazil's experiences demonstrate that technological advancement must be accompanied with truth regulatory frameworks. Moreover, Sweden's model emphasizes the importance of transparency civic education and active civil society participation in promoting a trustworthy environment for electoral activities.

These findings indicate that Pakistan must implement considerable structural and legal amendments to confront these challenges. This includes data protection legislation for securing voter information, improving the security measures for electronic voting machines and amending the election act of 2017 to tighten finance regulations. Moreover, independence and effectiveness of the election commission of Pakistan ECP can be enhanced through financial autonomy and protecting it from political pressures. Accountability and transparency can be further enhanced

by introducing an electoral ombudsman and establishing an independent panel for the supervision of ECP'S appointments.

Increasing voter participation and trust also requires investing in public education programs for educating voters about their rights and the electoral procedures. While reforming Pakistan's electoral system, the focus should be on creating a balanced approach that uses advanced technologies for increasing public participation and strengthening regulatory frameworks. Every election offers a chance to implement lessons learned and move closer to an inclusive transparent and democratic electoral procedure. By embracing continuous improvement and learning from international best practices, Pakistan can construct an electoral system that not only addresses current shortcomings but also anticipates future challenges, ensuring that every vote is a meaningful step toward a more democratic country.

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