

Facts and Fiction about Rigging in 1990 Elections in Pakistan

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Consequent upon August 6, 1990 proclamation of the President of Pakistan, dismissing the Benazir Bhutto-led government of the Pakistan Peoples Party (PPP) and appealing to the electorate for a fresh mandate, the electioneering was alleged to have been most vehemently influenced by the “intention” of the President who had dismissed the elected government. Not only that, but the results of the 1990 polls were also said to have been “engineered” against the “mass support” of the PPP. The Pakistan Democratic Alliance (PDA) of which the PPP was the strongest component, did not accept the results and dubbed them as having been “rigged”. The paper analyses the rigging theory in detail in the light of the PDA, Islami Jamhuri Ittehad (IJI) and other parties’ views as also that of the international observers — National Democratic Institute, Washington, the French Team and the SAARC Team to understand the true nature of the conduct of those polls.

President Ghulam Ishaq Khan dismissed the PPP government of PM Benazir Bhutto on August 6, 1990 on charges of corruption and ordered the holding of fresh elections which were organized under the aegis of the Caretaker Prime Minister, Ghulam Mustafa Jatoi. The PPP resented the action and challenged its constitutionality in the superior judiciary which upheld the presidential proclamation. The opposition alliance, IJI appreciated the dismissal as it rid the nation of a corrupt administration. The

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President later set up special disqualification courts under a 1977 Act of the parliament to try members of parliament on misconduct charges. References were filed in these courts against the dismissed PM, her husband Asif Ali Zardari (now under trial on charge of involvement in a number of corruption cases), her cabinet colleagues and party leaders. Side by side with it, the election campaign also continued wherein the PPP adopted a tough stance against the President. The IJI on the other hand built their case on the thesis that Benazir government was “corrupt and an agent of the United States and India as it had compromised on vital national interests such as the nuclear programme and the Kashmir question”.¹ Other parties in the opposition camp, also in their campaign highlighted the importance of changing the complexion of leadership of the country for the weal of the common man.²

4,86,48,960 electors from all over the country went to the polls on October 24 to elect 204 of the 207 members of the National Assembly of Pakistan. 2 candidates had already returned unopposed, and in another constituency, the election had to be postponed due to murder of the IJI candidate.

There were 1332 candidates in the field for 204 general Muslims seats and 82 candidates for 10 minority seats. The polling was held without any break from 8 a.m. to 5 p.m. The Election Commission of Pakistan (ECP) set up 33,736 Polling Stations (PSs) where 33,736 Presiding Officers (POs), assisted by 343,644 other staff conducted the elections. A maximum of 1500 electors were assigned to a PS. Production of National Identity Card was made compulsory for the electors to receive a Ballot Paper (BP). The parties and also independent candidates were allowed to witness the polling through their duly authorized Polling Agents.

1 For details, see author's "The American Factor of the 1990 Elections in Pakistan", *Pakistan Studies*, Bi-annual Research Journal, University of Balochistan, Vol.XVI-XIX (1998) and "The 1990 Elections in Pakistan", *South Asian Studies*, University of the Punjab, Lahore, Vol.13, No.2 (July 1996).

2 For details see *Dawn*, *Muslim*, *Jang* (Urdu) of August 7, 1990. *PLD*, *Lahore High Court* 1990, pp.505-11; *PLD*, *Sind High Court* 1991, pp.1-155; *PLD*, *Supreme Court of Pakistan* 1992, pp.646-721; *PDA White Paper on Elections 1990*, Islamabad, 1991, hereafter *PDA White Paper*; *Muslim Students Following the Line of the Imam*, *Documents from the U.S. Espionage Den* (45); *U.S. Intervention in Islamic Countries*; *Pakistan-1*, Iran, n.d.

The POs were vested with magisterial powers to undertake summary trials of mischief mongers, if any. Entry to the PSs was restricted to the polling officials, electors and members of the national and international press.

Results

The IJI won 106 National Assembly seats. Its major victory came from the Punjab where it bagged 92 seats out of a total of 114 (plus Sind 3, NWFP 8, Balochistan 2 and Federal Capital 1). The PDA won 44 seats: Sind 23, Punjab 14, NWFP 5 and Balochistan 2. The Mohajir Qaumi Movement (MQM) with 15 seats emerged as the third strongest force in the National Assembly. The vote percentage of the IJI and the PDA was 37.37 and 36.83 respectively, while in the Provincial Assemblies' polls out of the total 460 seats, the IJI won 260 and the PDA 64 seats.

The PDA's Rigging Thesis

The PDA's first reaction to the election results was reflected in the statements of Air Marshal (Retired) Asghar Khan, Benazir Bhutto and others which included such discordant comments, as:

- a. "the elections were a fraud and outright rigging";³
- b. "70 constituencies have been rigged";⁴
- c. "rigging covered over 80% constituencies — 165 seats";⁵
- d. "re-election must be held in 100 constituencies";⁶
- e. "all ballot bags may be opened within 48 hours and recounting be undertaken";⁷
- f. "in 100 constituencies recounting may be undertaken within 48 hours; 40 to 50 PSs were specified for rigging in every constituency";⁸
- g. "30 to 40 PSs were reserved for rigging in every constituency";⁹
- h. "the ECP was culprit of rigging";¹⁰

3 *Dawn, Musawat*, October 25, 1990.

4 *Jang*, October 29, 1990.

5 *Ibid.*, October 25, 1990.

6 *Ibid.*, October 29, 1990.

7 *Ibid.*, October 30, 1990.

8 *Musawat*, October 30, 1990.

9 *Ibid.*, October 29, 1990.

- i. "rigging was carried out in 81 constituencies";¹¹ and
- j. "45 to 50 constituencies were rigged".¹²

The PPP spokesman daily *Musawat* also brought out a supplement entitled "*Selection 1990 Mukammal* (completed)"¹³ which left little doubt about the PPP's outlook on the whole election scenario. However, the *PDA White Paper* on Elections 1990 had altogether different story to tell.

The *White Paper* according to Senator Iqbal Haider, Central Secretary Information of the PDA, was not a study of elections but that of "rigging" which had been taken as an established fact from the very beginning. According to its authors, the *White Paper* "outlines why and how the elections of 1990 were rigged".¹⁴ The thesis was built largely on the basis of selected newspaper reports from August 6, 1990 onwards, miscellaneous other documents and election petitions of the PDA candidates. Besides the polling day rigging and the post-polling analysis, the Zia era, the roles of the President, caretakers and the ECP were the main topics discussed in it.¹⁵

The PDA shared the view that the dissolution of assemblies, the formation of the caretaker government and partial behaviour of the ECP were part of a plot to prevent them from forming the government.¹⁶ The principal task before the ECP, they alleged, was "to secure national mandate endorsing most vehemently the presidential decree of August 6, 1990".¹⁷ The ECP, therefore, was out for "defending the establishment instead of enquiring into allegations of election fraud."¹⁸ Similarly, the staff below the level of Returning Officer was "below the board" as they had been borrowed from the departments of the provincial governments

10 *Ibid.*, October 27, 1990.

11 *PDA White Paper*, pp.272-74.

12 *Ibid.*, p.396.

13 *Musawat*, October 27, 1990.

14 *PDA White Paper*, p.xiii.

15 *Ibid.*, pp.15-82.

16 *Ibid.*, p.xv.

17 *Ibid.*, p.164.

18 *Ibid.*, p.155.

working under the caretakers.¹⁹ From amongst the members of the higher judiciary, the PDA accredited honesty to Qazi Mohammad Jamil, Judge of the Peshawar High Court, who ruled on September 26, 1990 that the dissolution of the NWFP Assembly was illegal,²⁰ and Mr. Justice Sajjad Ali Shah, Chief Justice, Sind High Court, who was member of the division bench which “admitted for hearing a constitutional petition challenging the validity of the presidential order which dissolved the National Assembly.”²¹ Mr. Justice Sajjad Ali Shah²² in his note of dissent on the August 6, 1990 Presidential Order disagreed on the jurisdiction of Supreme Court after a High Court Judgement on that matter “attained finality”. Pointing out the bias of the Bench against Pakistan People Party, he observed:

No references were filed against Ministers or public representatives of any other political party except PPP in spite of the fact that there were allegations against them of serious nature. It is apparent from what is stated above and impression is unavoidable that object behind (the) order of the dissolution was not only that Government of that time be toppled but there was also motivation with calculated moves to tarnish image of Pakistan Peoples Party in the eyes of people so that it should be routed in the election and not returned to power again...

This action cannot be defended or justified on technical grounds or construction of words used in the language of Article 58(2)(b) of the Constitution or the fact that on the same subject, Constitution Petition was filed in one High Court by some person not directly concerned, which was dismissed and against that no Petition was filed in the Supreme Court for leave to appeal, hence judgement of High Court in that case has attained finality and that factor would deter Supreme Court from giving final judgment in this case.²³

To give effect to the above plan, the *PDA White Paper* alleged that the President and the caretakers went into action “against a political party [PDA] with roots in the people” with a view to

19 *Ibid.*, p.159.

20 *Ibid.*, pp.53–57.

21 *Ibid.*, pp.55–58.

22 Now retired. He was subsequently appointed as Chief Justice of Pakistan by the Benazir government (installed after 1993 polls), superseding as many as 8 Judges. The Benazir administration was, however, not comfortable with him after his March 20, 1996 verdict rejecting any share to the executive in the appointment of Judges.

23 *PLD Supreme Court 1992*, p.721.

“keeping people out of the decision-making process”, and depriving them of the right to elect a government of their own choice.²⁴ They resorted to rigging tactics namely, irregularities in voters, registration, refusing provision of supplementary lists to PDA polling agents, shifting of polling stations, bogus voting, looting of ballot papers, stuffing of ballot boxes, misuse of postal ballots, preventing PDA agents from entering the polling stations, arresting and kidnapping of the PDA polling agents, refusing to give official results to the PDA polling agents, changing election results during transition from Presiding Officers to the Returning Officers, changing election results after their declaration, presence of unauthorized police at the Polling Stations, lack of action by police on complaints of PDA candidates and pressurizing, forcing and bribing the candidates to withdraw.²⁵

The ECP denied the PDA allegations and in its *Report on the General Elections 1990* (Volume III) explained its own position supported by documentary evidence spread over 213 pages, which sufficiently repudiated the PDA charges.

On the other hand, the PPP challenged the Presidential Order in the Lahore High Court and Sind High Court and both of them rejected their prayer to restore the Assemblies. Later, the Supreme Court also maintained the above decision. The PPP neither challenged the judgment of the Sind High Court, the superior judiciary from the province of Sind which was their established power-base, nor filed a review petition against it in the Supreme Court. The logic of the Sind High Court was, nevertheless, different from that of the Lahore High Court and the Supreme Court of Pakistan. The Sind High Court in their judgment highlighted the acceptance of the post-August 6, 1990 electoral programme by the PPP to the hilt without any precondition. The acceptance of these judgments was admission of the legitimacy of the presidential order, on the part of the PPP. The judgement held that:

The Election Commission of Pakistan has been fully activated and it has made all arrangements for holding of fair and free elections to the national and Provincial Assemblies in the country on 24th and 27th of October

24 *PDA White Paper*, p.xiii.

25 *Ibid.*, p.xxiv.

respectively. The entire machinery of the Government is also fully geared up and the people have showed their resolve to elect their representatives. All the political parties in the country are participating in election unreservedly. They have filed nomination papers of their respective candidates for National and Provincial Assemblies. Symbols have been allotted to all the political parties. The political activities to win over the support of electorate, holding of public meetings are to their peak. The political parties including the party of deposed Prime Minister has already entered into political alliance with other parties for contesting elections to National and Provincial Assemblies. In such circumstances the relief for restoration of the dissolved Assemblies or withholding of the election process is neither possible nor available.²⁶

To understand the crux of the PDA version of the allegedly “rigged constituencies” they can be roughly divided into the following six broad categories, namely:

Category I

Constituencies alleged to have been rigged and documentary evidence enclosed in the *PDA White Paper*

National: NA 1, 13, 95, 158, 159 and 160.
 Provincial: PS 14, 16, and 17; PP 82, 84 and 226.
 [Source: *PDA White Paper*, pp.320-477]

Category II

Constituencies alleged to have been rigged without any documentary evidence

National: NA 2, 3, 4, 6, 9, 24, 39-41, 43, 48, 49, 57, 59, 61, 63, 64, 72-74, 77, 80, 82, 83, 86, 87, 90, 92, 94, 96, 98-101, 104, 105, 109, 110, 112, 113, 115-117, 119-121, 123, 124, 126, 128, 129, 131, 137, 142, 143, 149, 152, 153, 156, 157, 166, 174-176, 180, 181, 184, 188, 190, 191, 195, 199, 202, 203, and 206.
 Provincial: PB 16 and 19
 PF 39
 PP 111, 128, 140, 176-178.
 PS 18, 67 and 71.
 [Source: *PDA White Paper*, pp.xiii-xxxiii and 1-256]

26 *PLD Sind High Court* 1991, pp.1–155.

Category III

Constituencies listed as rigged in the *PDA White Paper*

- National: NA 1-4, 6, 24, 39-41, 43, 48, 49, 57, 59, 61, 63, 64, 72-74, 76, 77, 80, 82, 83, 86, 87, 92, 94-101, 104, 105, 109, 110, 112, 113, 115-117, 119-121, 123, 124, 126, 128, 129, 131, 134, 139, 142, 149, 156-158, 160, 174-176, 180, 181, 199, 202 and 206.
- [Source: *PDA White Paper*, pp.241-8]

Category IV

Constituencies alleged to have been rigged but no election petitions filed

- National: NA 2-4, 6, 24, 39, 41, 48, 59, 64, 72-74, 77, 82, 86, 87, 104, 109, 112, 113, 116, 119-121, 123, 128, 129, 139, 142, 149, 176, 202 and 206.
- [Source: *Report on the Election 1990*, Vol.III, pp.107-22.]

Category V

Constituencies about which election petitions were filed

- National: NA 1, 40, 43, 49, 57, 61, 63, 76, 80, 83, 92, 94-101, 105, 110, 115, 124, 126, 131, 134, 156-158, 160, 174, 175, 180, 181 and 199.
- [Source: *Report on the Election 1990*, Vol.III, pp.107-122]

Category VI

Election petitions decided by the Election Commission, but judgments not challenged in the superior judiciary High Court or the Supreme Court

- National: NA 1, 40, 43, 49, 57, 61, 63, 76, 80, 83, 92, 94-101, 105, 110, 115, 124, 126, 131, 134, 156-158, 160, 175, 180, 181 and 199.

[Source: Unofficial report collected by the author on
April 16, 1996 from the Election
Commission of Pakistan.]

As regards NA-95 Lahore in Category I, the argument of Air Marshal Muhammad Asghar Khan (PDA) pertained to the registration of bogus votes in the electoral rolls and stuffing of stamped ballot papers in three PSs located in Ward 70, Ward 71 and Mozang.²⁷ As for the former, the ECP held that correction in the electoral rolls was governed by Section 18 of the Electoral Rules Act 1974 and the opportunity could have been availed of within prescribed time by a voter through a written request to the Registration Officer.²⁸ The petition moved by Asghar Khan on October 7, 1990 was, therefore rejected on October 17, 1990 by the Chief Election Commissioner (CEC).²⁹ As regards the other allegation, even if the total number of votes of the said three PSs not exceeding 4500 were also added to his account it would not have changed the overall position of the voting pattern of Mian Nawaz Sharif (IJI) 59944 votes and Air Marshal Asghar Khan (PDA) 39585 votes.³⁰ Firing was alleged by the PDA to have been undertaken by the Awami National Party (ANP) workers to harass the female voters at PS Yakkatoot in NA-1 where Benazir Bhutto (PDA) was contesting against Ghulam Ahmad Billor (ANP).³¹ Even if all the voters had voted for the PDA in this PS, the decision would not have been different in a voting pattern of Ghulam Ahmad Billor (ANP) 51233 and Benazir Bhutto (PDA) 38951.³² Similarly, even if it is taken for granted that the BP books at PS 24 of NA 160 were forged, the final outcome would have been the same as Ghulam Murtaza Jatoi (IJI) and Asif Ali Zardari

27 *PDA White Paper*, pp.279–84.

28 Election Commission of Pakistan, *Report on the General Elections 1990*, Islamabad, Vol.I, pp.22–23. Hereafter *Election 1990 Report*.

29 *Ibid.*, Vol. III, pp.306–07.

30 *Ibid.*, Vol. II, p.46.

31 *PDA White Paper*, pp.475–77.

32 *Election 1990 Report*, Vol.II, p.5

(PDA) were trailing behind with 48,588 and 44,964 votes, respectively.³³

The ECP accepted the petition of Ghulam Muhammad Shahlani (PDA) and declared the “election of Provincial Sind-14 as void”, and ordered a fresh election.³⁴ However, the parties concerned unanimously agreed to repolling in 5 PSs only which was accepted by the ECP.³⁵ Repolling was held on June 29, 1991 and Agha Ghulam Ali (Independent) again won the seat.³⁶ Punjab Provincial-84 candidate Choudhary Mahboob Elahi (PDA)³⁷ informed the ECP that he did not like to pursue the complaint.³⁸ Similarly, in the case of the Punjab Provincial-82 where the Returning Officer had informed the ECP about rigging practices in 13 PSs on the basis of reports of the concerned POs,³⁹ the ECP ordered repolling in all the 13 PSs. Repolling was held on November 17, 1990 and Khalid Javaid Virk (IJI) again won with 31,391 votes by defeating PDA’s Choudhary Bashir Ahmed who got 28,181 votes.⁴⁰ Changing the results was alleged on the electoral officials in PP-226 by Abdul Qadir Shaheen (PDA)⁴¹ which received massive publicity through a publication entitled *Intikhab 1990 ka White Paper* (Election 1990’s White Paper) authored by columnist Abid Tihami.⁴² The PDA candidate, however, did not own the contents of the said publication, although they were also reproduced in the *PDA’s White Paper*.

Categories II and IV candidates had no solid ground to contest the public verdict. Likewise, those in Category VI also chose to accept the judgment of the ECP on their Election petitions and did not challenge it in any High Court or the Supreme Court of

33 The ECP’s explanation on this point appeared to be misleading. The complaint did not refer to the ballot papers, rather ‘ballot paper books’ and the counter foils. *Ibid.*, pp.84–85.

34 *Ibid.*, pp.166–72.

35 *Ibid.*, pp.173–74.

36 *Ibid.*, Vol.II, p.313.

37 *PDA White Paper*, pp.465–67.

38 *Election 1990 Report*, Vol.III, p.27.

39 *Ibid.*

40 *Election 1990 Report*, Vol.II, p.196.

41 *PDA White Paper*, pp.408–52.

42 Jang Publications, Lahore, 1991.

Pakistan. However, there was a good weight in the allegation that through promises of economic prosperity (documentary evidence enclosed about Punjab only),⁴³ the caretakers wanted to distract the voters' traffic from the PDA but it is very difficult rather impossible to establish that how many innocent minds were actually betrayed by PM Jatoi,⁴⁴ Chief Minister Sind, Jam Sadiq Ali⁴⁵ and others on the polling days.

The ECP refuted the charges of rigging and asked the parties and also the candidates to file documentary evidence in support of their allegation.⁴⁶ The Commission also termed the PDA accusations baseless, malafide and nothing more than an afterthought.⁴⁷ A spokesman of the ECP pointed out that as long as polling was going on, Benazir Bhutto did not complain about rigging, but as soon as the election results started pouring in and it became evident that the PDA was losing she started using the rhetoric of rigging.⁴⁸ To start with, she directed the PDA candidates to bring the evidence of rigging to the notice of the ECP,⁴⁹ but when they failed to respond to her call enthusiastically she launched an offensive against the ECP through the press to obstruct the completion of the election process. On October 29, the PDA demanded opening of all ballot bags within 48 hours and recounting of ballot papers keeping an eye on their serial numbers. It is, however, worth mentioning that these ballot papers did not have any serial numbers.⁵⁰ The CEC ruled this demand as unconstitutional and with malafide intention to cause unlimited delay in the holding of the inaugural session of the National Assembly. He, however, expressed readiness to order the recounting of the ballot papers pertaining to the constituencies about which a written request with valid complaint was submitted. He also expressed his dismay over the PDA's demands to hold

43 *PDA White Paper*, pp.287–319.

44 *Ibid.*, p.122.

45 *Ibid.*, pp.120–21.

46 *Jang*, October 29, 1990.

47 *The Muslim*, October 26, 1990

48 *Ibid.*

49 See her directive in the daily *Musawat*, October 25, 1990.

50 *Nawa-i-Waqt*, October 30, 1990.

reelection in 100 constituencies which were never specified, and that the reelection should not be 'through the ECP'.⁵¹ PDA's widely divergent claims about rigging, such as (a) the rigging was carried out in 81 constituencies,⁵² (b) 80% constituencies were rigged,⁵³ (c) rigged constituencies stood at 70,⁵⁴ (d) filing of election petitions in 35 constituencies,⁵⁵ (e) Benazir Bhutto's demand of re-election in 100 constituencies",⁵⁶ (f) Asghar Khan's allegation that 45 to 50 constituencies were rigged.⁵⁷ and finally (g) treating the election "as a fraud",⁵⁸ left little doubt about the absence of a connecting link between the entire exercise which if did not totally falsify their claims, at least raised serious questions about their factual truth as stated in their *White Paper*. A member of the PDA "research team", Omar Asghar Khan, who was also a PDA candidate for a National Assembly seat told the author that they considered the election of the remaining constituencies also as unfair because the *entire system* (italics author's) of election was rigging-oriented.⁵⁹

PDA's emphasis on the total number of votes – 7.75 million in 1988 and 8.25 million in 1990⁶⁰ to build their case for a higher number of seats was misdirected as the polling was not held under the proportional system. The PDA expressed lack of trust in the administrative machinery of the provincial governments,⁶¹ Army and even the ECP to conduct a fair poll, but did not suggest any idea as to how the judiciary could manage to recruit 378,548⁶² judicial officers (Civil Judges and above) for 217 constituencies with an average of 1744 in one constituency. (It may be recalled

51 *The Muslim*, October 30, 1990.

52 *PDA White Paper*, pp.272–74.

53 *Jang*, October 25, 1990.

54 *PDA White Paper*, pp.245–48.

55 *Election 1990 Report*, Vol. III, p.123.

56 *Jang*, October 29, 1990.

57 *PDA White Paper*, p.396.

58 *Ibid.*

59 Interview on February 10, 1992 at Islamabad.

60 *PDA White Paper*, pp.xxv–xxix.

61 For instance, see *ibid.*, p.159.

62 *Election 1990 Report*, Vol. I, p.54.

that average strength of judicial officers both in a provincial and National Assembly constituency is not more than 8).

The ECP provided relief to various complainants. For example, in 3 constituencies, namely PF-46, PB-15 and PB-35 complete, and in six constituencies PF-51, PF-59, PB-38, PS-14, PP-82 and PP-134 partial repolling was ordered. In NA-29 the ECP ordered recounting of votes in the entire constituency. In NA-156, PS-97 and PF-25 recounting of votes was ordered in a number of PSs.⁶³ Of the above PS-14, PP-82 and NA-156 were included in “rigged ones” by the PDA.

Jami‘at-i-‘Ulama’-i-Pakistan Noorani Group (JUPN) and the Pakistan Awami Tahrik (PAT) also complained of “rigging”. The latter even boycotted the provincial assemblies’ elections. The Sind National Front (SNF) leader, Mumtaz Ali Bhutto, also protested against “rigging”,⁶⁴ however, he did take part in the provincial assembly polls from PS-30 and received 514 votes.⁶⁵ From amongst the parties of national stature, Nawabzada Nasrullah Khan, President, Pakistan Democratic Party and leader of many alliances, who personally contested the election and lost on two seats pleaded to accept the results in the interest of the promotion of democracy in the country. On the contrary, Benazir Bhutto conceded defeat to the extent of admitting the charges of corruption that letting the corrupt elements scot-free was their mistake.⁶⁶ However, she continued a campaign against the election results.

The Viewpoints of the International Observers

The caretaker government permitted international observers to visit the PSs of their choice to observe the conduct of polls. A 40-member team of Washington-based National Democratic Institute (NDI) was the largest group which posted their observers at Rawalpindi, Islamabad, Quetta, Peshawar, Lahore, Multan, Faisalabad, Karachi, Sukkur and Nawabshah. It included experts from 17 countries. President Ghulam Ishaq Khan welcomed their

63 *Ibid.*, p.235.

64 *Dawn*, October 26, 1990.

65 *Election 1990 Report*, Vol.III, p.69.

66 *Jang*, October 26, 1990.

visit and assured them of all possible cooperation in their mission. He called upon them not to entertain any doubt about the democratic credibility of Pakistan. He exhorted the NDI to also go and witness the plight of democratic norms in Indian-held Kashmir, occupied Arab lands and South Africa.⁶⁷

On the polling day the NDI teams observed balloting at more than 600 PSs in 30 constituencies,⁶⁸ which included NWFP: NA-1, 2, 5 and 6; Islamabad and Punjab: NA-35, 37, 38, 39, 42, 43, 44, 74–76, 81, 96, 114, 115, 121–123; Sind; NA-151, 152, 153, 160, 181, 184 and 196; and Balochistan: NA-197 and 204. In constituencies NA-35, 37–39, 42–44, 74–76, 81, 96, 114, 115, 123, 181 and 184 they noticed “orderliness” comparable with established democracies lacking evidence of any wholesale fraud.⁶⁹ However, the irregularities they witnessed included wearing of an IJI badge by a polling official in NA-122,⁷⁰ and “an attempt (in one of the PSs) in NA-1, 2, 5 or 6 (combined comment) by a voter to vote more than once”.⁷¹ The NDI also recorded the comment of a senior PDA representative in Peshawar that “It was a fair election and we lost”.⁷² In Balochistan (combined comment about NA-197 and 204) they noted that in “one constituency some major parties had no agents present”.⁷³ In Sind’s NA-151, 152 and 153 won by PDA, the teams observed lack of “freedom to cast one’s vote in a safe and open environment”.⁷⁴ In NA-160 Ghulam Murtaza Jatoi (son of the caretaker PM and Asif Ali Zardari (husband of Benazir Bhutto) were in the field. In this constituency, won by the IJI, the NDI team complained of some irregularities.⁷⁵ On the whole, the NDI endorsed fair polling in 23 out of 30 constituencies they visited. Of these 30, the PDA challenged results of 10 — NA-1, 2, 39, 74, 76, 95, 96, 115, 160 and 181— by way of filing election

67 *Dawn and Jang* October 28, 1990.

68 National Institute for International Affairs, *The October 1990 Elections in Pakistan*, Washington D.C., n.d., p.9.

69 *Ibid.*, pp.62–79.

70 *Ibid.*, p.68.

71 *Ibid.*, p.77.

72 *Ibid.*, p.78.

73 *Ibid.*, p.79.

74 *Ibid.*, pp.7–75, 180–93.

75 *Ibid.*, pp.72–73.

petitions. NA-1 and NA 2 were won by the ANP, NA 115 by JUPN, NA-181 by an Independent and the rest by the IJI. Be as it may, in their first comment released to the press on October 26, 1990 the NDI validated the fairness of the polls. Here is an excerpt from their statement:

The elections as we observed them at the local level, were generally open, orderly and well-administered. The procedures used for the balloting process were in accordance with the applicable election law. In addition, the electoral system afforded opportunities for the candidates and parties to check for abuse... It is our opinion that the safeguards in the system would make tampering on a scale sufficient to affect overall nationwide results difficult, but not impossible. Delegation members did receive some information that a "cell" in a provincial chief minister's secretariat had requested progressive reports of election results in apparent violation of published election rules. The delegation does not believe that above mentioned problems significantly altered the outcome of the elections.⁷⁶

Subsequently, the Executive Vice President of the NDI Kenneti Wollack in his statement before the Subcommittee on Asia and Pacific Affairs of the House Foreign Affairs Committee on November 2, 1990 stated that "hard and fast evidence regarding massive fraud has yet to be documented and presented".⁷⁷ Their later expert analysis of the data too revealed no significant underlying trend which was indicative of massive centrally organized fraud.⁷⁸

Another 4-member International Federation for Human Rights Team also referred to as the French Team reported irregularities in NA-35, 95, 96, 191 and PP-128.⁷⁹ However, PP-128 was the only constituency the PDA could come up with a solid evidence in support of their allegations. Benazir Bhutto released its result to the press to support the charge of rigging which mentioned total votes 474; votes polled 630; Khalid Saeed (PDA) 87; Akhtar Rasul (IJI) 420; Independents 3, 2, and 1, respectively; challenged and tendered votes 116. However, neither the document was listed in the *PDA White Paper* nor commented upon. The acceptance of the results of NA-35, 191 and PP-128 by the PDA automatically

⁷⁶ *Ibid.*, pp.159–62.

⁷⁷ *Ibid.*, pp.165–66.

⁷⁸ *Ibid.*, p.205.

⁷⁹ *Ibid.*, pp.232–34.

nullified the observation of the Team. The irregularity of discovery of “two identical identity cards” in NA-95 pointed out by the French Team also did not amount to the upsetting of the overall results.⁸⁰ Eventually, only one constituency — NA-96 — was left with incident of irregularity for which the PDA candidate filed a petition. It is, therefore, not fair by any criterion to rule, on its basis, the entire polling in 204 constituencies of the National Assembly and 460 constituencies of the Provincial Assemblies as a “highly sophisticated fraud”.⁸¹ ‘According to the ECP, the Team arrived in Karachi on October 24, 1990, i.e. the day of polling at about 1.30 p.m. and after paying short visits to various PSs in the city, landed at Islamabad Airport at 5.30 p.m. They were still there when the polling time was already over. Even otherwise also their report that results were manipulated during transit of the ballot boxes from PSs to the venue for counting of votes was baseless as the counting of votes was undertaken at the very premises of the PSs and empty ballot boxes were transported to the Returning Officers after completion of the entire exercise, with final results.

Besides, the NDI, the SAARC (representing India, Bangladesh, Bhutan, Nepal and Burma) Teams too confirmed that the elections were held in a free, fair and impartial manner.

The State Dignitaries and the National Press

President Ghulam Ishaq Khan, Chairman Senate Wasim Sajjad and Chairman Joint Chiefs of Staff Committee Admiral Iftikhar Ahmad Sirohey in their separate letters congratulated the CEC Mr. Justice Naimuddin and members of the ECP on the conduct of just, fair and impartial elections. Daily *Nawa-i-Waqt* (Rawalpindi) also in an editorial note commended the faithful discharge of responsibility assigned to the ECP. The paper specifically pointed out that though Pakistan did not require certification of its electoral exercise by a foreign country, the positive opinion of foreign observers about our democratic process was nonetheless praiseworthy.⁸² The largely circulated Urdu daily *Jang* (Rawalpindi) also in its editorial note appreciated the election

80 *Ibid.*; *Musawat*, October 31, 1990.

81 *The Nation*, October 30, 1990.

82 *Nawa-i-Waqt*, November 4, 1990.

mechanism devised by the ECP as a result of which free, fair and impartial elections became possible.⁸³

Versions of Jatoi and Benazir

Another aspect of “rigging” revolved around the post-election attitude of caretaker PM Ghulam Mustafa Jatoi and that of Benazir Bhutto. Jatoi spoke of “rigging” by his government and pleaded his helplessness in stopping it. His first comment appeared in the daily *Nation* (Lahore) of January 4, 1991:

Mr. Ghulam Mustafa Jatoi, former caretaker Prime Minister and a prominent IJI leader, charged that Nawabzada Nasrullah Khan was defeated under a well thought-out plan in the October 1990 elections adding that some other prominent figures might have met the same fate. When asked as to how this took place while he was caretaker Prime Minister, Mr. Jatoi explained that the then government was not involved since it was a political plan.⁸⁴

The authors of the *PDA White Paper* as well as Professor Anwar H. Syed⁸⁵ relied on this statement as something coming from the horse’s mouth but, interestingly enough, the daily contradicted it in its issue of January 7 in these terms:

Former Prime Minister and a prominent IJI leader Ghulam Mustafa Jatoi has categorically contradicted a news item, published in the press that Nawabzada Nasrullah Khan’s defeat in the October 1990 elections was the result of [a] planned rigging and that despite having its knowledge, he could not do anything in his capacity as caretaker Prime Minister. Addressing a press conference here on Saturday evening, he said the elections held in October this year were cent per cent free, fair and impartial and the Chief Elections Commissioner, Justice Naemuddin deserved all credit for it.⁸⁶

Again on September 28, 1991 Mr. Jatoi termed the October 1990 elections as “absolutely free, fair and impartial and ruled the PDA’s charge of rigging in their *White Paper* as “rubbish” and a “pack of lies”. This story was carried by the *Dawn*, *Frontier Post*, *The News*, *The Nation*, *Jang* (Rawalpindi), *Nawa-i-Waqt*

83 *Jang*, October 30, 1990.

84 *Election 1990 Report*, Vol. III, p.14.

85 Anwar H. Syed, “The Pakistan People’s Party And the Punjab National Assembly Elections, 1988 and 1990”, *Asian Survey*, Volume XXXI, Number 7, July 1991, p.589.

86 *Election 1990 Report*, Vol. III, pp. 14–15.

(Rawalpindi), *Pakistan, Amn* and *Jasarat*, in their September 28, 1991 issue — and read as follows:

Mr. Ghulam Mustafa Jatoi, former Prime Minister and Chairman NPP (National Peoples Party) has said that the October 1990 general election was “absolutely free, fair and impartial”. He said this when he was asked by a PPI correspondent here on Friday to comment on the allegations contained in the *PDA White Paper* that the October 1990 elections were rigged. “At least I am grateful to the PDA that they have certified my overwhelming success from my National Assembly constituency from Sialkot in the October 1990 elections”, he added. The former Prime Minister said the extracts he had read in the *PDA White Paper* were nothing but “Rubbish”. “As far as I am concerned at least the allegations concerning me and our constituencies are baseless, unfounded and a pack of lies.

The controversy subsided for the time being until in 1992 he made another statement pleading that in 95 constituencies of the National Assembly, the IJI victory was pre-decided. He held that leaders of national stature such as Maulana Fazlul Rahman, Nawabzada Nasrullah Khan and Abdul Wali Khan were wilfully “kept out of the election race” because they would have supported his (Jatoi’s) case for the primeministership.⁸⁷

The above statement was made when Jatoi had finally said good-bye to the IJI and joined hands with the PDA, which was then campaigning for a “Long March” against Islamabad to bring about the fall of Nawaz Sharif ministry. It may be noted that Wali Khan who was said to have been defeated through underhand means did not approve of the idea and refused to join the PDA sponsored “long march” wherein the Nawabzada was playing the key role. His plea was that destabilizing the democratically-elected government by undemocratic means, like the “long marches” was no service to the cause of democracy. In mid-February 1993 when the question of presidential election dominated the political scenario, Jatoi once again reiterated that he never talked of rigging in the 1990 elections. As far as Benazir Bhutto was concerned, she never accepted the fairness of the polls. On January 16, 1991, that is, 84 days after the polls, as it were, the NDI came to her rescue, when it advanced the thesis that 15% of the constituencies were rigged, but did not specify them.

87 *Nawa-i-Waqt*, November 21, 1992.

The PPP co-chairperson and the members elected on PDA's tickets took part in all legal business of the elected assemblies at the centre, as well as in the provinces. They also accepted the membership of 33 Standing Committees of the National Assembly. The PPP chairperson Begum Nusrat Bhutto was appointed member of the Standing Committees on Cabinet Secretariat and Women Development and the co-chairperson Benazir Bhutto that of the Foreign Affairs.⁸⁸ In Balochistan, the PDA entered into a coalition headed by the Chief Minister Taj Muhammad Jamali and also accepted a ministerial appointment. Similarly, the PDA members also participated in the parliamentary delegations sent abroad by the Government to various friendly countries, and to the international fora.

As the clamouring that the assemblies were "rigging"-based continued, Benazir obtained the resignations of PDA members of the National Assembly and kept them with herself until April 18, 1993 when the President finally dismissed PM Muhammad Nawaz Sharif and dissolved the National Assembly under Article 58 (2) (b) of the Constitution on the charges of corruption. Before the formal dismissal of Nawaz Sharif, Benazir Bhutto handed over these resignations to the President. However, when the National Assembly was restored as a result of the Supreme Court ruling of May 26, 1993 on the petition of Nawaz Sharif, the PDA members returned to the National Assembly without any qualms whatsoever. That was why Mr. Hamza, an IJI MNA, once taunted the PDA leadership of sitting in the same "bogus" National Assembly from which they had resigned.

Conclusion

The 1990 polls were by and large free and fair. The PDA's accusations of rigging were unfounded. The accusations with their consistently changing patterns were devoid of a common ground and looked more like the broodings of a defeated sportsman. The PDA's non-acceptance of such results which were not even referred to in their *White Paper* hardly left any doubt that they lacked courage to face the political defeat. The endorsement of the fairness of polls by the NDI, SAARC delegation, national press

88 National Assembly circular of January 18, 1993.

and a cross section of population rejected the rigging theory in totality.

As regards the second report of the NDI issued on January 15, 1991, i.e. 84 days after the elections were held pointing out that unspecified 15% of the total constituencies were “rigged” and “most, but not all, of those constituencies were won by the IJI”,⁸⁹ does not satisfy a free inquiry. Even a mathematical analysis of this hypothesis upholds the dominant majority of the, IJI. For instance, if 15% of the IJI’s total score of 106, i.e. 15 is added to that of the PDA the position remains the same — IJI 91, PDA 59 others 54. If 15% of the seats won by all parties and Independents are crowded out, the emerging situation would be like this: IJI 91, PDA 37, Others 46.

The NDI’s second thought also militates against the PDA’s claims that the rigged constituencies were “45”, “50”, “70”, “81” “100”, and “165”. Hence, there seems to be no meeting point between the PDA and the NDI’s afterthought and safely speaks of the diplomatic exigency of the latter — the so-called champions of democracy — which might be aimed at not finally breaking ties with the PDA who could return in any future elections. The bleak ray of truth can, however, be visualized in the statement of the CEC to the effect that as long as the polling was in progress, the PDA did not complain of any irregularity, but the moment the results started pouring in and the negative trend became obvious, the PDA leadership started making noise about rigging and accusing the CEC, ECP and the administration of partiality. Interestingly enough, during the 1993 polls held under the supervision of the same CEC, the ECP started announcing *at late night* (italics for emphasis) even of the urban constituencies wherein the PPP was winning, the honesty of the CEC and ECP was never questioned. The future of democracy in Pakistan rests not on this partisan but a judicious approach, both by voters as well as the politicians.

89 NDI Report, pp.iv-ix.