

# ELECTIONS SHOULD UNDER NO CIRCUMSTANCES BE DELAYED

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Why? Because it is unconstitutional to do so. The rest of this essay is redundant after that sentence. Yet we will carry on.

The operating word here is 'delayed'. Delayed from what? Delayed from its constitutionally mandated time. To argue for delaying a constitutionally mandated activity is tantamount to arguing for abeyance of the constitution. Cornell Law school legal dictionary defines 'abeyance' as 'a temporary suspension of activity while awaiting the resolution of some other proceeding without which the activity in abeyance cannot continue'. This is exactly what all arguments supporting the delaying of the elections sound like. Anyone who argues for suspension of or for 'holding [the constitution] in abeyance' flies too close to invoking the wrath of Article 6 of the constitution of Pakistan.

Article 6 reads: Any person who abrogates or subverts or suspends or holds in abeyance, or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the Constitution by use of force or show of force or by any other unconstitutional means shall be guilty of high treason.

For the past few months, the country has been drowned in legalese. One convoluted legal argument after another has formed a tangled web around the Pakistani public, making us all think that complex legal theories are being addressed in the state-of-the-art laboratories of the Pakistani parliament. When in fact, the question was, and is, fairly simple: Can the government hold the constitution in abeyance for any reason whatsoever? This is the question, everything else, all sideshows, all convoluted legal arguments about the rights and responsibilities of the CJP, about fissures in the SCP, about judicial

procedures, are a distraction from the question and an attempt to wrest control of the public narrative about the question.

There are no other questions, just this. To answer this question by saying that there are some situations in which the government can hold the constitution in abeyance indefinitely should not only invoke the wrath of Article 6, but also the contempt of the public and the ridicule of history. Arguing this strikes at the heart of our most fundamental rights as citizens of Pakistan and what it means to be subjects of the Pakistani state.

There is an immense effort from the other side to complicate the arguments or drown them in the noise of everyday outrages. We should try to simplify it.

The government and the state are political entities that came to exist because people felt the need to pool their resources as well as decision making for the mutual benefit of society as a whole. The formation of the state is rooted in the social contract theory, as espoused by philosophers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. According to this theory, individuals voluntarily come together and give up some of their individual rights to create a political entity to safeguard their collective rights and promote the common good. When people's rights are not protected, and the social contract is broken by the government, the people have the right to replace that government. When it is broken by a person, that person must go to jail.

This became the central philosophy of Western democracies and, subsequently, all current political systems. Same is the case in Pakistan; arguing for people's voice to be excluded from the affairs of the state for an unspc

-ified period of time, for whatever reason, is to argue against the very basis of the modern democratic state.

A government that makes this argument carries an enormous burden. The burden of this argument means establishing the extraordinary circumstances in which it is willing to commit 230 million injustices and break 230 million contracts by suspending the rights of 230 million Pakistanis. I say all of Pakistan because I feel the PDM government, egged on by their sponsors, will not stop at delaying Punjab and KPK elections alone but would also ask the same for the Federal elections later. The government has clearly shown us that it's willing to violate all these contracts for reasons that have still not been explained to us.

They sometimes do give some vague reasons. Security. We have had worse. Money. That isn't a lot of money, it can be arranged. What else? All elections must happen at the same time. Not a constitutional requirement nor a frequent occurrence in other democracies. That's all? Even if faced with falling skies, or imminent nuclear war, or famines in the farms, or lava shooting out of the Karakoram, Pakistan must remain committed to its democratic principles by allowing its citizens to elect their representatives who will make decisions about the skies and the war and the farms and the lava on behalf of the people with their consent. If anything, the worse the situation is, the more sense it makes to go to the people rather than to run away from them.

By creating a constitutional crisis around something as basic as elections, many people have done a historic disservice to Pakistani democracy. These actions, whether done in naivety, fear, or even in genuine good faith, will bring shame and dishonor upon the people who are participating in them. They are depriving Pakistanis of their fundamental rights for the short-term benefit of the Pakistani feudal, political, and institutional elite, and they should feel bad for doing so. The success or the failure of their effort will be defined by the resistance to it. Which side we lend our voices to is consequential and those who expend their words in service of the powerful will have their own words testify against them when justice finally triumphs.

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