

# Constitutionalization of Public Will

## Introduction:

An election is formal decision-making process by which a population chooses an individual.

An election is a way people can choose their candidate in a representative democracy or other form of government. The legislature chooses the government, usually by majority vote in the legislature.

There are different ways to organize an election in different countries. Voters might vote for an individual, or they might vote for a political party. This is because different countries use different voting systems.

This process is also used in many other private and business organizations.

## Interpretation of Term election:

The process of choosing by vote a member of a representative body.

## General definition:

“An election is a formal decision-making process by which a population chooses an individual to hold public office”.

## History of Election:

### a) Ancient Athens:

The first known democracy in the world was in Athens. Athenian democracy developed around the fifth century B.C.E. ... When a new law was proposed, all the citizens of Athens had the opportunity to vote on it. To vote, citizens had to attend the assembly on the day the vote took place.

### b) Ancient Greece and Rome:

Elections were used as early in the history as ancient Greece and ancient Rome, and throughout the Medieval (Middle Ages) period to select rulers such as the Holy Roman Emperor and the Pope.

### c) Ancient Pakistan:

The first direct elections held in the Pakistan after independence were for the provincial Assembly of the Punjab between 10 – 20 March 1951. The elections were held for 197 seats. As many as 939 candidates contested the election for 189 seats, while the remaining seats were filled unchallenged.

#### d) Ancient Arab:

Ancient Arabs also used elections to choose their caliphs, Uthman and Ali in the early Medieval Rashidun Caliphate and to select the Pala King Gopala in early Medieval Bengal.

### **Kinds of Elections:**

#### **Free elections:**

Free elections are those, that are entitled to vote have the right to be registered and to vote and must be free to make their choice. In Pakistan and many other countries every citizen over the age of 18 is entitled to vote. An election is considered 'free' when you can decide whether or not to vote and vote freely for the candidate or party of your choice without fear or pressure. A 'free' election is also one where you are confident that who you vote for remains your secret.

In Pakistan elections are conducted under the supervision (command) of the election commission, headed by chief election commissioner. The chief election commissioner hears appeals after the elections, against irregularities.

#### **Direct Elections:**

The system of election adopted by most of the democratic states, is direct one in which the electorate directly elect their representatives for all political offices.

Examples of directly elected bodies are European Parliament since (1979) and the United State senate since (1917).

#### **Advantages of Direct Elections:**

- The major advantage of direct election of representatives is that it guarantees the people have ultimate choice in who is going to represent their voice. This ensures that the citizens know exactly who is representing them.
- Direct election is that the representatives elected by the people are answerable to the electorate as a whole.

#### **Disadvantages of Direct Elections:**

- Direct elections are very expensive. It incurs huge expenditure on the public exchequer.
- Uneducated voters sometimes get misguided by false propaganda and sometimes vote taking in to caste, religious and various other sectarian (religious) considerations. This may result in the election of undeserving (worthless) candidates. There are also instances (cases) of Cash for vote.
- Election campaigns sometimes results in violence, tension, law and order problems and affects the day-to-day life of people.

- Since conducting direct elections are a huge exercise, ensuring free and fair elections at all the polling booths may not be possible. There are some instances of booth capturing, violence, intimidation (pressure) of election officials etc.

### **Indirect Elections:**

Under indirect system, the electorate (voter) elect the members of an electoral college, entrusting them the mandate (command) to elect representatives.

Several nations elect their heads according to indirect election including, Pakistan, India, Switzerland etc.

### **Advantages of Indirect Elections:**

- Indirect democracy is much efficient than the direct democracy.
- It saves much time and effort.
- People can choose their representatives who will represent them in the Parliament and other institutional bodies.

### **Disadvantages of Indirect Elections:**

- Since the number of voters are very small. There exists possibility of corruption, bribery, horse trading etc.
- It is less democratic because people do not have direct opportunity to elect, they instead do through their representatives. So, this may not reflect the true will of the people.
- Moreover, under a system of indirect democracy, the emergency of political parties is inevitable(unavoidable).
- Indirect elections have the flaw (error) of impairing the self-respect and sense of responsibility of the voters.
- People generally cast their voters in the favor of political parties and not that of individual candidates. The very purpose of putting any intermediary (middle) body between the voters and their deputies (delegates), therefore, gives no sense.

### **Conclusion:**