



Political Parties' Petitions

with

ELECTION TRIBUNALS

April 2014 UPDATE

Free and Fair Election Network
www.fafen.org

Abbreviations used in the report	
ECP	Election Commission of Pakistan
NA	National Assembly
PA	Provincial Assemblies
IND	Independent
PML-N	Pakistan Muslim League-N
PTI	Pakistan Tehreek-e-Insaf
PPPP	Pakistan Peoples Party Parliamentarians
JUI-F	Jamiat Ulema-e-Islam-Fazl
PML-F	Pakistan Muslim League (F)
PML	Pakistan Muslim League
JUI-N	Jamiat Ulema-e-Islam Nazryati
PkMAP	Pakhtunkhwa Milli Awami Party
Atd	Abbottabad
Bhwp	Bahawalpur
DIK	Dera Ismail Khan
Fsbd	Faisalabad
Hub	Hub-Quetta
Hyd	Hyderabad
Kar	Karachi
Lhr	Lahore
Lor	Loralai
Mul	Multan
Pesh	Peshawar
Rwp	Rawalpindi
Suk	Sukkur

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Executive Summary

The election tribunals established by the Election Commission of Pakistan (ECP) to redress post-election disputes have failed to dispose of as many as 150 out of 156 petitions within the legally-stipulated deadline.

As of March 31, 2014, only 62% (254 of 410) of the post-election petitions were decided by the tribunals and the ECP (229 out of 385 by 14 tribunals and 25 by ECP).

The ECP constituted 14 tribunals across the country following the 2013 General Elections to redress election-related complaints of contesting candidates. The election results were officially notified on May 22, 2013, following which the candidates were given until July 6 (45 days) to submit their petitions. The ECP received a total of 409 petitions, while one petition was filed directly with the Lahore Tribunal.

It is, however, important to note that ECP's data released on January 28, 2014 shows 407 petitions filed with the commission. One petition numbered and later on cancelled by the ECP, one forwarded to the Lahore Tribunal after numbering and another filed directly with the Lahore Tribunal are missing from the ECP's data.

This update, covering the proceedings till March 31, 2014, is based on direct observation of tribunals as part of FAFEN's legal study being commissioned with the assistance of 18 trained lawyers.

According to the observation, around sixty percent (229 out of 385) of the petitions have so far been decided or disposed of by the tribunals. Eighteen petitions were accepted; 17 were dismissed due to non-prosecution; 23 dismissed as withdrawn; 20 dismissed after complete trial whereas 111 petitions were dismissed on technical grounds which made them not maintainable. Reasons for dismissal of 40 petitions are not known to FAFEN due to non-availability of the copies of orders.

The current pace at which the tribunals are operating has already delayed the decisions of 150 (96%) out of 156 petitions pending with the tribunals. Meanwhile, FAFEN observers have recorded 2,076 adjournments of over seven days in the tribunals, in violation of election laws and ECP's directions which urge the tribunals to hear the petitions on a day-to-day basis and do not allow an adjournment of more than seven days¹.

The ECP received a total of 409 petitions, out of which 25 were dismissed by the ECP itself during scrutiny. FAFEN's data suggests that the ECP referred 384 petitions to the tribunals. One petition was filed directly with the tribunal in Lahore, bypassing the legal mechanism which resulted in its dismissal at the initial stage. Most of the referred petitions were moved by the contesting candidates, while three petitions were filed by voters.

The Lahore tribunal, being the busiest, received 56 petitions, highlighting the high prevalence of result-related disputes in Lahore and its suburban districts. The Peshawar tribunal received 40 petitions, followed by Faisalabad with 39 petitions. Collectively, the tribunals in Lahore, Peshawar and Faisalabad received one-third of the total election result disputes. Although disputes in Karachi echoed considerably in media, the Karachi tribunal received 30 petitions – considerably lower compared to the number of petitions filed in Lahore and Peshawar.

The election tribunals are legally bound to decide a petition within 120 days of their receipt. The ECP can accept petitions within 45 days of the gazette notification of the returned candidates and can either dismiss

¹ It was specifically mentioned in the "HANDBOOK ON ELECTION TRIBUNAL PETITION PROCESS" published by the ECP in 2013: "In 2009, an amendment to ROPA was adopted stating that "no adjournment shall be granted to any party for more than seven days and that too on payment of costs as the Tribunal may determine".

or forward a petition to the respective tribunal at a time it may deem fit after initial scrutiny. The ECP started referring the petitions to the tribunals in June 2013. As there is no time limit for the ECP to forward or dismiss the petitions, some cases remain pending with the commission for more than 120 days. According to FAFEN's data, the Lahore Tribunal received at least two petitions on January 29, 2014.

If analyzed with the date of receipt, nearly 150 petitions (39% of 385) are still awaiting decisions despite the lapse of the legally-stipulated deadline.

The petitions forwarded to the tribunals are moved on single or multiple grounds and seek single or multiple reliefs. A majority of the petitions challenged the nomination or qualification of returned candidates with the additional ground of use of corrupt practices to sway the elections.

There were 38 petitions challenging the nomination process and another 91 challenging the qualification of returned candidates. More than half (212 or 55%) of the petitions, among other grounds, made allegations of corrupt practices employed by returned candidates, while almost three-fourth (277 or 72%) of the petitions accused other personnel, including election officials, of malpractice.

Petitioners in 248 cases sought declaration to the effect that the election of the winning candidate be declared void and the petitioner be declared returned candidate instead. Among other reliefs, 122 petitions sought disqualification of the returned candidates and re-polling in the constituency. Another 89 petitions sought recounting of ballots for the entire or parts of the constituencies, 43 demanded re-examination of excluded ballots while 57 sought re-polling at certain polling stations besides 70 petitions seeking other reliefs.

Most of the petitions (99) were filed by independent candidates, followed by PML-N members who filed 66 petitions. PTI members filed 58 petitions, while PPPP member filed 50 petitions.

PML-N - the party with the highest number of seats in the National Assembly - had the highest number of petitions filed against its winning candidates. According to FAFEN's data, over one-third (138 or 35%) of the 385 petitions were filed against the party's winning candidates. Meanwhile, PPPP's returned candidates were nominated in 49 petitions.

Introduction

The Election Commission of Pakistan (ECP) constituted 14 tribunals across the country to redress election-related complaints of contesting candidates. For the first time, the tribunals are being headed by retired judges rather than serving high court judges (except for the tribunal in Quetta which is being headed by a serving judge of Balochistan High Court).

Earlier, the workload of serving judges often restricted the tribunals' proceedings and the cases often continued for several years. By appointing retired judges, the ECP has removed these restrictions, making it easier to resolve the cases within 120 days stipulated by Section 67(1A) of the Representation of the People Act 1976.

Section 52(2) of the Representation of the Peoples Act 1976 gives 45 days to candidates to file their petitions with the ECP following the notification of the official gazette of the names of the returned candidates. It states that "an election petition shall be presented to the Commission within [forty-five days] of the publication in the official gazette of the name of the returned candidate and shall be accompanied by a receipt showing that the petitioner has deposited at any branch of the National Bank of Pakistan or at a Government Treasury or sub-Treasury in favor of the Commission, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees."

The election results were officially notified on May 22, 2013, following which the candidates had until July 6 to submit their petitions. The ECP received 409 petitions, while one petition was filed directly with the Lahore tribunal.

FAFEN has deployed 18 trained, non-partisan lawyers to observe the tribunals' proceedings. This report is based on their direct observations. According to the data gathered by the observers, the tribunals received and heard at least 385 petitions by the end of March 2014.

Tribunals' Decisions

According to FAFEN observers, nearly 60% (229 out of 385) of the cases were decided or disposed of by the tribunals by March 31, 2014. Eighteen petitions were accepted; 17 were dismissed due to non-prosecution; 23 dismissed as withdrawn; 20 dismissed after complete trial whereas 111 petitions were dismissed on technical grounds which made them not maintainable. Another 40 petitions were also dismissed but their reasons are not known to FAFEN observers due to non-availability of the certified copies of judgments.

The current pace at which the tribunals are progressing has already delayed the decisions of 150 (96% of 156 pending cases) petitions beyond the legally-stipulated time of 120 days.

The following table gives the details of petitions filed and decided by the ECP and election tribunals:

Total Number of Petitions filed with the ECP	409
Total Number of Petitions filed directly with the Tribunals	1
Total Number of Petitions	410
Number of Petitions dismissed by the ECP	25
Number of Petitions disposed of by Tribunals	229
Number of Petitions disposed of as of March 31, 2014	254
Number of Pending Petitions as of March 31, 2014	156

The following table gives the details of cases decided by the tribunals:

No.	Tribunal	Petition Accepted	Dismissed for Non - Prosecution	Dismissed as Withdrawn	Dismissed as non-maintainable	Dismissed as not proved in trial	Dismissed but reason unknown	Total
1	Lahore	3	4	2	14	-	8	31
2	Rawalpindi	-	-	1	4	-	-	5
3	Multan	-	-	-	4	-	2	6
4	Faisalabad	2	-	3	12	3	1	21
5	Bahawalpur	1	6	1	4	6	1	19
6	Peshawar	4	-	3	16	2	7	32
7	Abbottabad	4	-	3	6	-	1	14
8	Dera Ismail Khan	2	2	-	5	4	-	13
9	Karachi	-	1	3	17	1	2	24
10	Hyderabad	-	2	2	11	-	1	16
11	Sukkur	2	-	3	10	4	-	19
12	Loralai	-	1	1	2	-	8	12
13	Hub	-	-	-	-	-	3	3
14	Quetta	-	1	1	6	-	6	14
	Total	18	17	23	111	20	40	229

Adjournments

The “Handbook on Election Tribunal Petition Process” published by the ECP in 2013 specifically prohibits an adjournment of petitions for more than seven days:

“In 2009, an amendment to ROPA was adopted stating that “no adjournment shall be granted to any party for more than seven days and that too on payment of costs as the Tribunal may determine”.

However FAFEN observers witnessed 2,076 adjournments of more than seven days till March 31, 2014, in violation of the provision as well as the ECP’s directions. The following table gives the details of such adjournments by each tribunal:

No.	Tribunal	Adjournments
1	Peshawar	196
2	Dera Ismail Khan	40
3	Abbottabad	37
4	Rawalpindi	31
5	Lahore	330
6	Faisalabad	209
7	Multan	130
8	Bahawalpur	267
9	Karachi	86
10	Hyderabad	320
11	Sukkur	150
12	Loralai	221
13	Hub	12
14	Quetta	47
Total		2076

Petitions Pending Beyond the Legally-Stipulated Time Period

FAFEN observers reported a total of 150 petitions having missed the legal deadline of 120 days for decision as of March 31, 2014. Section 67(1A) of the ROPA 1976 says that “the Election Tribunal shall proceed with the trial of the Election Petition on a day-to-day basis and the decision thereof shall be taken within four months from its receipt”.

The date of receipt has been defined on page 7 of the “Hand Book on Election Tribunal Petition Process” prepared and published by the ECP following the 2013 General elections as follows: “the date of receipt at the Registrar is essential as it will trigger the start of the legally prescribed period (120 days) from making a decision on the Election Petition”.

The following table gives the details of these cases:

No.	Election Tribunal	Cases Pending for over 120 days
1	Multan	16
2	Faisalabad	17
3	Bahawalpur	17
4	Lahore	22
5	Rawalpindi	5
6	Peshawar	8
7	Abbottabad	2
8	Dera Ismail Khan	-
9	Karachi	6
10	Hyderabad	18
11	Sukkur	8
12	Quetta	10
13	Lora Lai	18
14	Hub	3
Total		150

Analysis of Petitions

FAFEN has identified four types of grounds on which the 385 petitions were filed. They are as follows:

1. Incorrect nomination process
2. Winning candidate not qualified to contest the elections
3. Returned candidate winning the polls through corrupt or illegal practice by the administration, election officials, polling staff and/or returning officer etcetera
4. Returned candidate involved in a corrupt/illegal practice himself

Generally, the petitioners have sought six different types of reliefs in the petitions which are listed below:

1. Declare the winning candidate's election null and void and the petitioner as the returning candidate instead
2. Disqualify the winning candidate and order a re-poll.
3. Recount ballot papers for the entire or parts of a constituency
4. Re-examination of invalid votes
5. Re-polling at certain polling stations
6. Any other (categorizes all other reliefs, including the court's directions to NADRA to verify the thumb impressions of voters)

A large number of petitions filed with the ECP were based on multiple grounds seeking more than one relief.

FAFEN does not have a complete breakdown of 16 petitions due to accessibility issues. According to the breakdown of details available with FAFEN, 38 petitions challenged the nomination process of candidates, 91 challenged the qualification of winning candidates, 212 leveled allegations of corrupt or illegal practices by the administration, election officials and/or polling staff while 277 directly accused the winning candidates of involvement in corruption/illegal practice.

Moreover, 248 petitions sought a declaration to the effect that the winning candidate's election be declared void and the petitioner be declared winner instead. Another 122 petitions sought re-polling and disqualification of the winning candidate, while recounting of ballot papers for entire or parts of a constituency was sought in 89 petitions. In addition, 43 petitions sought re-examination of the ballot papers declared invalid by the ECP; 57 sought re-polling at certain polling stations while 70 sought other forms of reliefs from the tribunals.

The Lahore tribunal has been the busiest; receiving 56 petitions followed by Peshawar and Faisalabad with 40 and 39 petitions respectively. The Karachi tribunal received a comparatively less number of petitions, contrary to media reports pointing out several electoral violations in the area.

The following table gives the total number of cases received and decided/disposed of by each tribunal:

Tribunal	Cases Received	National Assembly	Provincial Assembly	Cases Decided
Abbottabad	16	6	10	14
Bahawalpur	36	13	23	19
DI Khan	13	1	12	13
Faisalabad	39	15	24	21
Hub	7	2	5	3
Hyderabad	34	9	25	16
Karachi	30	10	20	24
Lahore	56	23	33	31
Loralai	29	5	24	12
Multan	22	10	12	6
Peshawar	40	19	21	32
Quetta	24	7	17	14
Rawalpindi	12	5	7	5
Sukkur	27	9	18	19
Total	385	134	251	229

Party-wise Analysis of Petitions

Most of the petitions (99) were filed by independent candidates. Party-wise, PML-N members filed a total of total of 66 petitions with 13 tribunals (no petition was filed in Hub), while PTI members followed with 58 petitions with no petitions filed in Dera Ismail Khan, Hub, Quetta and Sukkur.

PPPP members filed 50 petitions - almost evenly distributed across the country. They filed nine petitions in Bahawalpur and none in Hub and Rawalpindi.

JUI-F members filed 27 petitions, mostly in Peshawar and Loralai while PML-F filed 18 petitions, mostly in Hyderabad.

JI members filed 13 petitions, followed by PML-N (10), ANP and BNP (seven each) and JUI-N (five). The following table gives the details of petitions filed by each party:

Party	ABT	BHP	DIK	FSD	HUB	HYD	KHI	LHR	LRL	MUL	PESH	QTA	RWP	SUK	TOTAL
ANP	1	-	2	-	1	-	-	-	-	-	3	-	-	-	7
BNP	-	-	-	-	2	-	-	-	4	-	-	1	-	-	7
IND	6	6	4	23	1	4	1	16	3	8	8	11	2	6	99
JI	-	-	-	-	-	-	11	-	-	-	2	-	-	-	13
JUI-F	1	-	1	-	-	1	-	-	9	-	10	3	-	2	27
JUI-N	-	-	-	-	-	-	-	-	5	-	-	-	-	-	5
Others	2	2	-	2	3	1	1	4	4	-	1	2	-	3	25
PML-F	-	1	-	-	-	10	2	-	-	-	-	-	-	5	18
PML-N	3	10	3	5	-	9	4	6	2	6	7	3	5	3	66
PML	-	-	-	3	-	-	-	6	-	1	-	-	-	-	10
PPPP	1	9	3	1	-	8	4	4	1	3	4	4	-	8	50
PTI	2	8	-	5	-	1	7	20	1	4	5	-	5	-	58
Total	16	36	13	39	7	34	30	56	29	22	40	24	12	27	385

PML-N

The Pakistan Muslim League-Nawaz (PML-N) filed 66 petitions across the country, of which five challenged the nomination of candidates while 14 challenged the qualifications of winning candidates. The party made allegations of corrupt or illegal practices employed by someone other than the candidate in 40 petitions and directly accused the winning candidate of corruption/illegal practice in 46 petitions.

The party sought the winning candidates' disqualification and declaration of the petitioner as the winner in 46 petitions, while 19 petitions sought re-poll in certain constituencies. Recounting of ballot papers was sought in 16 petitions, while 10 petitions sought a re-examination of votes declared invalid by the ECP. In addition the party sought re-polling at certain polling stations in 11 petitions and other forms of relief in eight petitions.

PTI

The Pakistan Tehreek-e-Insaf (PTI) filed 58 petitions, challenging the nomination of candidates in four petitions and qualifications of winning candidates in 10 petitions. The party made allegations of corrupt or illegal practices employed by someone other than the candidate in 35 petitions and directly accused the winning candidate of corruption/illegal practice in 49 petitions.

The party sought the winning candidates' disqualification and declaration of petitioner as the winner in 39 petitions. Twenty-two petitions sought a re-poll in the constituency, while 21 demanded a recount of ballot papers. The party sought re-examination of invalid votes in four petitions and re-polling at certain polling stations in seven petitions besides seeking other forms of relief in 13 petitions.

PPPP

The Pakistan People's Party Parliamentarians (PPPP) filed a total of 50 petitions, with two challenging the nomination of candidates and 13 challenging the winning candidates' qualifications. The party made allegations of corrupt or illegal practices employed by someone other than the candidate in 22 petitions, and directly accused the candidate of attempting to sway the results in 30 petitions.

The party sought the winning candidates' disqualification in 31 petitions and re-poll in the constituency in nine petitions. Recounting of ballot papers for entire or parts of a constituency was sought in nine petitions, while re-examination of invalid votes was sought in six petitions. The party sought re-polling at certain polling stations in six petitions and other forms of reliefs in as many petitions.

JUI-F

The Jamiat Ulema-i-Islam-Fazl (JUI-F) filed a total of 27 petitions, but unlike the three main parties, most of its petitions were filed in Peshawar and Loralai.

The party challenged the nomination of candidates in two petitions and the winning candidates' qualifications in five petitions. The party made allegation of corrupt or illegal practices employed by someone other than the candidate in 12 petitions and directly accused the candidate of wrongdoings in 18 petitions.

The party sought the winning candidates' disqualification in 19 petitions and re-poll in the constituency in four petitions. Recounting of ballot papers was sought in five petitions, while re-examination of votes was sought in as many petitions. Furthermore, the party sought re-polling at certain polling stations in seven petitions and other forms of relief in four petitions.

The details of nature of grounds on which the petitions were filed are given in the following table:

Party	Incorrect nomination process	Winning candidate not qualified to contest the polls	Corrupt/illegal practice employed by someone other than the candidate	Winning candidate involved in corrupt/illegal practice
ANP	1	4	5	5
BNP	-	-	3	4
IND	19	33	63	68
JI	-	-	2	13
JUI-F	2	5	12	18
JUI-N	-	2	1	3
Others	3	6	14	17
PML-F	2	2	8	18
PML-N	5	14	40	46
PML	-	2	7	6
PPPP	2	13	22	30
PTI	4	10	35	49
Total	38	91	212	277

The details of nature of prayers sought in the petitions are given in the following table:

Party	Declare the winning candidate's election void and the petitioner as the returned candidate	Disqualify the winning candidate and order a re-poll	Recounting of ballot papers for entire or parts of a constituency	Re-examination of invalid votes	Re-polling at certain polling stations	Other reliefs
ANP	6	3	1	1	1	
BNP	6			1	1	1
IND	57	31	24	11	16	24
JI	3	12	-	-	-	-
JUI-F	19	4	5	5	7	4
JUI-N	4	1	-	-	-	-
Others	18	8	5	3	3	5
PML-F	14	11	6	2	3	6
PML-N	46	19	16	10	11	8
PML	5	2	2	-	2	3
PPPP	31	9	9	6	6	6
PTI	39	22	21	4	7	13
Total	248	122	89	43	57	70

Petitions against Winning Candidates

According to FAFEN's data, over one third (138 or 35%) of the 385 petitions were filed against returned candidates of PML-N – the party with the highest number of seats in the National Assembly.

Most of these petitions (115) were filed in Punjab - 49 in Lahore, 27 in Faisalabad, 19 in Bahawalpur and 14 in Multan. No petitions were filed against PML-N candidates in Dera Ismail Khan and Hyderabad.

PPPP's returned candidates were nominated in 49 petitions – mostly in Sindh (25 in Hyderabad and 18 in Sukkur).

PTT's candidates were nominated in 30 petitions, most of which were filed in Khyber Pakhtunkhwa (13 in Peshawar, five in Abbottabad and three in Dera Ismail Khan). JUI-F's winners were nominated in 19 petitions (mostly in Loralai, Dera Ismail Khan and Peshawar) while independent candidates were collectively nominated in 78 petitions. The following table gives the details of petitions filed against each party:

Party	ABT	BHP	DIK	FSD	HUB	HYD	KHI	LHR	LRL	MUL	PSH	QTA	RWP	SUK	Total
ANP	-	-	-	-	-	-	-	-	2	-	3	-	-	-	5
IND	6	13	4	11	-	6	-	4	1	6	10	16	1	-	78
JUI-F	1	1	5	-	1	-	-	-	7	-	4	-	-	-	19
MQM	-	-	-	-	-	1	20	-	-	-	-	-	-	1	22
Others	-	2	-	-	4	-	-	-	1	-	4	2	1	3	17
PMAP	-	-	-	-	-	-	-	-	13	-	-	-	-	-	13
PML-F	-	-	-	-	-	2	-	-	-	-	-	-	-	4	6
PML-N	4	19	-	27	1	-	3	49	4	14	6	4	6	1	138
PML	-	1	-	1	1	-	-	2	1	-	-	2	-	-	8
PPPP	-	-	1	-	-	25	5	-	-	-	-	-	-	18	49
PTI	5	-	3	-	-	-	2	1	-	2	13	-	4	-	30
Total	16	36	13	39	7	34	30	56	29	22	40	24	12	27	385

PML-N

According to FAFEN's observation, over one third of the petitions (138) were filed in constituencies won by PML-N candidates. Seventeen petitions said the PML-N winners were nominated incorrectly while 46 challenged the qualifications declared by the party's candidates. Moreover, 88 petitioners made allegations of corrupt/illegal practices employed by people to help the candidates win. The winners were directly accused of being involved in corrupt/illegal practices in 95 petitions.

There were 81 petitions seeking the winner's disqualification and declaration of petitioners as the returned candidates. Another 47 sought re-poll in the constituencies, while 34 petitioners sought recount of ballot papers for entire or parts of the constituency. Ten petitions demanded re-examination of invalid votes, while 15 sought re-poll at certain polling stations. In addition, 30 petitions sought reliefs other than the categories identified above.

PPPP

As many as 49 petitions challenged the winning candidates of PPPP. Five petitions claimed the winners were nominated incorrectly while eight challenged the qualifications declared by the party's candidates.

Nineteen petitioners made allegations of corrupt/illegal practices employed by people to help the candidates win, while 45 directly accused the winners of engaging in corrupt or illegal practices.

There were 40 petitions seeking the winners' disqualification and declaration of petitioners as the returned candidates. Another 20 petitions sought re-poll in constituencies, while 12 sought recount of ballot papers for entire or parts of the constituency. Five petitions demanded re-examination of the votes declared invalid by the ECP; eight sought re-poll at certain polling stations while 13 sought other forms of reliefs from the tribunals.

PTI

The winning candidates of PTI were challenged in 30 petitions. Four petitions said the winners were nominated incorrectly while eight challenged the candidates' declared qualifications. 17 petitioners made allegations of corrupt/illegal practices employed by people to help the candidates win, while 22 directly accused the winners of engaging in corrupt/illegal practices.

Twenty petitions sought the winners' disqualification and declaration of petitioners as the returned candidates, while 10 sought re-poll in the constituencies. Another 10 petitions sought recount of ballot papers for entire or parts of the constituency, while three demanded re-examination of invalid votes from the tribunal. Furthermore, nine petitions sought re-poll at certain polling stations while two sought reliefs other than the categories identified above.

MQM

FAFEN observers reported 22 petitions filed against MQM candidates. Twenty-one petitions accused the party's candidates of engaging in corrupt/illegal practices in an attempt to sway the election results while two said the winner had been nominated incorrectly.

As many as four petitions sought the winners' disqualification, while 12 sought re-poll in the constituencies. Four petitions sought recount of ballot papers for entire or parts of the constituency, while two petitioners demanded re-examination of votes declared invalid by the ECP. Moreover, two petitions sought re-poll at certain polling stations, with three seeking other reliefs from the tribunals.

JUI-F

Nineteen petitions were filed against JUI-F's winning candidates. One petition said the winner was nominated incorrectly, while seven challenged the winners' qualifications. Twelve petitioners made allegations of corrupt/illegal practices employed by people to help the party's candidates win, with an equal number of petitions directly accusing the party's candidates of corrupt/illegal practices.

There were 12 petitions seeking the winners' disqualification and declaration of petitioners as the returned candidates. Another three petitions sought re-poll in certain constituencies, four demanded re-examination of invalid votes while two sought re-polling at certain polling stations. In addition, two petitions sought other forms of reliefs from the tribunals.

The details of nature of grounds on which the petitions were filed against winning candidates are given in the following table:

Party	Incorrect nomination process	Winning candidate not qualified to contest	Returned candidate winning the election through corrupt/illegal practice	Returned candidate involved in corrupt or illegal practice
ANP	-	-	3	5
IND	10	17	50	47
JUI-F	1	7	12	12
MQM	-	-	2	21
Others	-	2	9	14
PMAF	-	-	6	7
PML-F	-	1	-	5
PML-N	17	46	88	95
PML	1	2	6	4
PPPP	5	8	19	45
PTI	4	8	17	22
Total	38	91	212	277

The details of nature of prayers sought against winning candidates are given in the following table:

Party	Declare the winning candidate's election void and declare the petitioner as the return candidate	Disqualify the winning candidate and order a re-poll	Recount of ballot papers for entire or parts of a constituency	Re-examination of invalid votes	Re-polling at certain polling stations	Any other relief
ANP	3	1	3	1	-	3
IND	53	22	20	8	14	13
JUI-F	12	3	-	4	2	2
MQM	4	12	4	2	2	3
Others	13	4	3	4	5	2
PMAF	11	-	1	4	1	-
PML-F	6	2	2	1	-	-
PML-N	81	47	34	10	15	30
PML	5	1	-	1	1	2
PPPP	40	20	12	5	8	13
PTI	20	10	10	3	9	2
Total	248	122	89	43	57	70

Recommendations

Based on the observation of the tribunals' proceedings, FAFEN recommends that:

1. All tribunals formed by the ECP should exercise utmost transparency and help remove barriers to observation. The Representation of Peoples Act says that Qanun-e-Shahadat 1984 shall apply to proceedings of all election tribunals. Under the provisions of Qanun-e-Shahadat, documents forming the acts or records of the acts of tribunals are public documents and every person has a right to inspect them and obtain copies upon payment of legal fees.
2. No provision in the law or rules sets a time limit on the ECP to forward an election petition to a concerned tribunal. The rules/law also does not specify a time limit for a petitioner to remove any objections raised by the ECP. According to FAFEN's data, two election petitions were received by the Lahore tribunal on January 29, 2014. The law or rules should be amended to reflect adequate deadlines for both the ECP to handle a petition and the petitioner to respond in case an objection is raised.
3. All election tribunals have been established by the ECP. However, the tribunals in Sindh and Khyber-Pakhtunkhwa are working six days a week while tribunals in Punjab and Balochistan are working five days a week. The working days of all tribunals should be made uniform.
4. According to ROPA's provisions, an appeal against the tribunals' decisions can be filed before the Supreme Court of Pakistan, but any party can file a writ petition against any interlocutory order of the tribunal before the high court and no time limit to dispose of such petitions is provided in the law. FAFEN has observed that a considerable number of petitions could not be decided within the legally-stipulated time due to pendency and restraint orders passed in the writ petitions filed against interlocutory orders of the tribunals in these petitions. It is recommended that some mechanism should be provided to deal with such types of hurdles in timely disposal of election disputes.
5. It has also been observed that some of the petitions are pending adjudication awaiting report by NADRA regarding thumb verification, directed by the tribunals. As disposal of petitions is mandatory in stipulated time, there should be some provision or mechanism which also bounds all other institutions/departments to fulfill their task related to these election petitions, if directed by the tribunals, in a specific time so that delay in disposal of petitions can be avoided.
6. Another important issue which needs consideration is upholding of petitions for a considerable time by the ECP while they are transferred to another tribunal on request by any party or a tribunal itself. It has been observed that this practice is also causing delay in the disposal of petitions within stipulated time.