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## Press Release

**Six Election Petitions Decided in October, 63 Pending**

Islamabad, November 14, 2014: The election tribunals decided six cases in October 2014 bringing the total number of decided cases to 348 out of 411 (322 of 385 by the tribunals and 26 by the ECP itself) while 63 petitions are pending, says the Free and Fair Election Network (FAFEN).

Of the decided 348 cases, 153 (127 by the tribunals and 26 by the ECP itself) have been dismissed on grounds of technical deficiencies implying that the merits of the petitions were not adjudicated on. Thirty-eight (38) petitions have been accepted, 23 dismissed due to non-prosecution, 29 dismissed as withdrawn and 89 dismissed after complete trial. The reasons for dismissal of 16 petitions are not known to FAFEN due to unavailability of copies of orders despite continuous efforts to obtain them.

With regards to the 38 petitions accepted, 10 were filed by independent candidates, eight by PPPP members, six by PML-N candidates and none of the petitions filed by PTI was accepted. Fourteen (14) accepted petitions are against the returned candidates of PML-N, 10 petitions cite independent candidates as respondents while three nominate returned candidates of PTI.

There is no provision in the law that deals with writ petitions against interim orders of election tribunals or the timeframe for their disposal, if filed. As a result, stay orders passed by high courts against writ petitions have lingered on for several months, delaying the disposal of petitions within the legally-stipulated deadline. As of October 31, 2014, 19 petitions were pending due to restraint orders issued by the high courts.

Given the backlog, the ECP has failed to ensure compliance with the mandatory legal provision of disposing of election petitions within 120 days of receipt by the tribunals. Section 67(1)A of the Representation of People Act 1976 says where a petition is not decided within four months, further adjournment sought by any party shall be given only on payment of special cost of Rs 10,000 per adjournment and adjournment shall not be given for more than three days.

Even though all the pending cases have crossed the limit of 120 days, the compliance with the mandatory provision of imposing the fine has been rare. The Supreme Court of Pakistan had already emphasized that the tribunals should follow the Section 67(1)A strictly. FAFEN recorded 2,609 adjournments of over seven days 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 days.