



Political Parties' Petitions

with

ELECTION TRIBUNALS

JANUARY 2014 UPDATE

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 Ulama-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

Only forty percent (152 of 379) of the post-election petitions were decided by the election tribunals by December 31, 2013, with the tribunals falling behind the legally stipulated time of 120 days for the disposal of petitions in at least 181 cases.

The election results were officially notified on May 22, 2013, after which the candidates had until July 6 (45 days) to submit petitions with the Election Commission of Pakistan (ECP). There were 14 tribunals constituted across the country to redress election-related complaints by the contesting candidates. The commission received a total of 406 petitions.

This update, covering the proceedings till December 31, 2013, is based upon the observation of tribunals as part of FAFEN's legal study being commissioned with the assistance of 18 trained lawyers. These lawyers collect information and observe the proceedings of the tribunals.

Around forty percent (152 out of 379) of the cases were decided or disposed of by the tribunals till December 31, 2013. Nine petitions were accepted; 16 were dismissed as withdrawn; 14 were dismissed due to non-prosecution; seven were dismissed after complete trial whereas 92 cases were dismissed on technical grounds making the petitions not-maintainable. Reasons for dismissal of 14 petitions are not known to FAFEN due to non-availability of the copies of orders. The current pace at which the tribunals are operating may delay the decisions on several petitions beyond the legally stipulated time of 120 days. FAFEN observers recorded 1,450 adjournments of more than seven days in the election tribunals, whereas the election laws and ECP directions urge the tribunals to hear the petitions on a day-to-day basis and do not allow an adjournment of more than seven days¹.

ECP received a total of 406 petitions, out of which 24 were dismissed by the ECP itself during scrutiny of petitions. FAFEN's observation data suggests that the ECP had referred as many as 378 petitions to the tribunals as of December 31, 2013. Most of the referred petitions were moved by the contesting candidates, while three petitions were filed by voters. One petition was directly filed with a tribunal in Lahore, bypassing the legal mechanism which resulted in its dismissal at the initial stage.

The Lahore tribunal, being the busiest, received 53 (14%) 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. Lahore, Peshawar and Faisalabad tribunals collectively received one-third of the total election result disputes. Although electoral disputes in Karachi echoed considerably in media, the Karachi tribunal received only 29 petitions.

Tribunals are legally bound to decide a petition within 120 days of their receipt. The tribunals' time does not start with the date of submission of the petition with the ECP, rather the legal clock starts ticking when tribunals receive a petition from the ECP. The ECP can receive such petitions within 45 days of the gazette notification of the returned candidates and can either dismiss or forward a petition to the respective tribunal at a time it may deem fit after initial scrutiny. The ECP started forwarding the petitions to the tribunals in June 2013. Although a major chunk of the submitted petitions have been forwarded to the respective tribunals, as many as four petitions are either still pending with the ECP or not traceable by FAFEN, as of December 31, 2013.

If analyzed with the date of receipt of petitions by the tribunals, at least 181 petitions are still waiting for a decision despite the lapse of the legally stipulated time for their disposal. Given the pace of the tribunals'

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".

proceedings, more petitions can come under this category in days to come, posing a serious question over the efficacy and efficiency of dispute resolution mechanism in electoral governance.

The petitions forwarded to the tribunals are moved on a single or multiple grounds seeking single or multiple reliefs. A majority of the petitions are either a continuation of challenges to nomination or qualification of returned candidates with the additional ground of use of corrupt practices by the returned candidates or others to sway the elections. There were 38 petitions challenging the nomination process and another 90 challenging the qualification of returned candidates. More than half (209 or 55%) of the petitions, among other grounds, make allegations of corrupt practices by returned candidates, while almost three-fourth (275 or 73%) of the petitions alleged malpractice of other personnel, including the election staff.

Petitioners in 247 cases have sought declaration to the effect that the election of the winning candidates be declared void and they be declared returned candidates instead. Among other reliefs, 120 petitions seek disqualification of the returned candidates and re-polling in the constituency. Another 89 petitions seek recounting of ballots for the entire or parts of the constituencies, 43 demand re-examination of excluded ballots, while 57 seek re-polling in certain polling stations besides 70 petitions seeking other reliefs.

Independent candidates filed the most petitions across the country (96), while the candidates of the three leading parties in the National Assembly filed a major chunk of the petitions. PML-N members filed 66 petitions, almost evenly distributed across the 14 tribunals. PTI members followed with 57 petitions with none of them being filed in Dera Ismail Khan, Hub, Quetta and Sukkur. Members of PPPP –the second largest party in the National Assembly—filed 50 petitions. They party filed nine petitions in Bahawalpur and did not file any petitions in Hub and Rawalpindi.

A party-wise analysis of the petitions shows that PML-N – the party with the most seats in the National Assembly (over 50%) – had the majority share of the petitions filed against its winning candidates. According to the data available with FAFEN, over a third (135, or 35%) of the 379 petitions were filed against the party's candidates.

Most of the petitions were filed in Punjab (112), with 46 petitions filed in Lahore followed by Faisalabad (27), Bahawalpur (19) and Multan (14). 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 with 25 petitions in Hyderabad and 18 in Sukkur.

Introduction

The ECP constituted 14 tribunals across the country to redress election-related complaints of contesting candidates. For the first time in Pakistan's electoral history, the judges heading these tribunals include retired eligible judges instead of serving high court judges (except for one tribunal in Quetta which is being headed by a serving judge of Balochistan High Court). Earlier, the existing workload of judges would restrict the proceedings of the tribunals and the cases would often continue for years. By appointing retired judges, the ECP has removed the existing workload from the tribunals' schedules, making it easier to resolve the cases within 120 days stipulated by Section 67(1A) of the Representation of the People Act 1976. The day count starts when the tribunals receive petitions from the ECP.

Section 52(2) of the Representation of the Peoples Act 1976 gives 45 days to candidates to file their election petitions with the ECP after the publication of the official gazette of the names of the returned candidates. It states: "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 406 petitions, of which four are either still pending with the ECP due to technical reasons or not traceable by FAFEN. One petition was filed directly to the election tribunal in Lahore.

FAFEN deployed 18 trained non-partisan lawyers to observe the proceedings in the tribunals set up by the ECP. This report is based on the observations made by them. According to the data gathered by the observers, the tribunals received and heard at least 379 petitions (related to national and provincial assemblies) by the end of December 2013.

Tribunal Decisions as of December 31, 2013

According to FAFEN observers, nearly 40% (152 out of 379) of the cases were decided or disposed of by the tribunals by December 31, 2013. Nine petitions were accepted; 16 were dismissed as withdrawn; 14 were dismissed due to non-prosecution; seven were dismissed after complete trial whereas 92 petitions were dismissed on technical grounds which made them not maintainable. Fourteen other petitions were also dismissed but their reasons for dismissal are not known to FAFEN due to non-availability of the certified copies of judgments. The current speed at which the tribunals are progressing may result in delaying the decisions on many petitions beyond the legally stipulated time of 120 days. As many as 181 petitions are already falling behind this deadline. The following table gives the details of decided cases:

Sr. No.	Tribunal	Decided in Favour of Petitioner	Dismissed for Non - Prosecution	Dismissed as Withdrawn	Dismissed as not maintainable	Dismissed as not proved in trial	Dismissed but reason not known	Total
1	Lahore	-	4	2	14	-	-	20
2	Rawalpindi	-	-	1	2	-	-	3
3	Multan	-	-	-	2	-	4	6
4	Faisalabad	2	-	1	11	1	2	17
5	Bahawalpur	-	5	-	4	2	-	11
6	Peshawar	2	-	3	15	1	1	22
7	Abbottabad	4	-	3	6	-	-	13
8	Dera Ismail Khan	1	2	-	5	3	-	11
9	Karachi	-	1	3	13	-	1	18
10	Hyderabad	-	1	1	4	-	1	7
11	Sukkur	-	-	2	10	-	-	12
12	Loralai	-	1	-	2	-	5	8
13	Hub	-	-	-	-	-	-	-
14	Quetta	-	-	-	4	-	-	4
	Total	9	14	16	92	7	14	152

Adjournments

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”.

FAFEN observers reported 1,450 adjournments against the ROPA provisions as well as the directions of the ECP that were for more than seven days.

Sr. No.	Tribunal	Adjournments (more than seven days)
1	Peshawar	186
2	Dera Ismail Khan	19
3	Abbottabad	28
4	Rawalpindi	18
5	Lahore	227
6	Faisalabad	130

7	Multan	86
8	Bahawalpur	186
9	Karachi	79
10	Hyderabad	213
11	Sukkur	109
12	Loralai	149
13	Hub	3
14	Quetta	17
Total		1450

Petitions pending beyond Legally Stipulated Time of 120 Days

FAFEN observers reported a total of 181 petitions having missed the legal deadline of 120 days for decision, as of December 31, 2013. 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 at page 7 of the “HandBook on Election Tribunal Petition Process” prepared and published by the ECP following the 2013 General elections as under: “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:

Sr. No.	Election Tribunal	Cases pending for more than 120 days as of December 31, 2013.
1	Multan	14
2	Faisalabad	19
3	Bahawalpur	24
4	Lahore	26
5	Rawalpindi	7
6	Peshawar	16
7	Abbottabad	3
8	Dera Ismail Khan	2
9	Karachi	8
10	Hyderabad	21
11	Sukkur	10
12	Quetta	17
13	Lora Lai	14
14	Hub	-
Total		181

Analysis of Petitions

FAFEN has identified four types of grounds on which 379 petitions were filed. They are as follows:

1. Incorrect nomination process
2. Winning candidate not qualified to contest the elections
3. The returned candidate has won the election through a corrupt or illegal practice by the administration, election officials, polling staff, and/or returning officer etcetera
4. The returned candidate was involved a corrupt/illegal practice

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

1. Declare the election of the winning candidate void and declare the petitioner as the returning candidate instead
2. Disqualify the winning candidate and order a re-poll.
3. Recounting of 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 for the entire constituency or specific polling stations)

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 the 379 petitions due to accessibility issues. Of all, the reasons for filing the petitions and the nature of relief in 14 petitions are unknown to FAFEN.

According to the breakdown of details available with FAFEN, 38 petitions challenged the nomination process of candidates, 90 challenged the qualification of winning candidates, 209 levelled allegations of corrupt or illegal practices by the administration, election officials and/or polling staff while 275 petitions directly accused the winning candidates of corruption or illegal practice to sway the election results.

Moreover, 247 petitions sought a declaration to the effect that the election of the winning candidate be declared void and the petitioner be declared winner instead. Another 120 petitions sought re-polling and disqualification of the winning candidate, while the recounting of ballot papers for the entire or parts of a constituency was sought in 89 petitions. Forty-three petitions sought a re-examination of the ballot papers declared invalid, 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 53 petitions followed by Peshawar and Faisalabad with 40 and 39 petitions respectively. The Karachi tribunal received comparatively less number of petitions, contrary to media reports pointing to a number of issues in the 2013 General Elections.

The following table lists the total number of cases across the country. It also demarcates petitions challenging national and provincial elections and the number of cases decided/disposed of by each tribunal as of December 31, 2013.

Tribunal	National Assembly	Provincial Assembly	Cases Received	Total Decided
Abbottabad	6	10	16	13
Bahawalpur	13	23	36	11
DI Khan	1	12	13	11
Faisalabad	15	24	39	17
Hub	2	5	7	-
Hyderabad	9	25	34	7

Karachi	10	19	29	18
Lahore	22	31	53	20
Loralai	5	24	29	8
Multan	10	12	22	6
Peshawar	19	21	40	22
Quetta	7	15	22	4
Rawalpindi	5	7	12	3
Sukkur	9	18	27	12
Total	133	246	379	152

Petitions Filed by Unsuccessful Candidates/Voters (Party-wise Analysis)

According to FAFEN observers, most of the petitions (96) were filed by independent candidates. Party-wise, the members of the three leading parties in the National Assembly – PML-N, PPPP and PTI - filed the majority of the petitions. PML-N members filed a total of 66 petitions with 13 tribunals (no petition was filed in Hub), while PTI members followed with 57 petitions with no petitions filed in Dera Ismail Khan, Hub, Quetta and Sukkur.

Members of PPPP - the second-largest party in the National Assembly - filed 50 petitions, almost evenly distributed across the country. They filed nine petitions in Bahawalpur and did not file any petition in Hub and Rawalpindi.

JUI-F members filed 27 petitions, mostly in Peshawar (10) and Loralai (nine) while PML-F filed 18 petitions, mostly in Hyderabad (10).

JI members filed 13 petitions (most in Karachi – 11), followed by eight petitions from PML (most in Lahore – 4), seven each from ANP and BNP, and five from JUI-N.

Parties	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
Independent	6	6	4	23	1	4	1	15	3	8	8	9	2	6	96
JI	-	-	-	-	-	-	11	-	-	-	2	-	-	-	13
JUI(F)	1	-	1	-	-	1	-	-	9	-	10	3	-	2	27
JUI(N)	-	-	-	-	-	-	-	-	5	-	-	-	-	-	5
Other	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	-	-	-	4	-	1	-	-	-	-	8
PPPP	1	9	3	1	-	8	4	4	1	3	4	4	-	8	50
PTI	2	8	-	5	-	1	6	20	1	4	5	-	5	-	57
Total	16	36	13	39	7	34	29	53	29	22	40	22	12	27	379

PML-N

The Pakistan Muslim League-Nawaz (PML-N) filed 66 petitions across the country, of which five challenged the nomination process of candidates while the qualifications of winners were challenged in 14 petitions. In 40 petitions, the party alleged corrupt or illegal practices employed by someone other than the winning candidate. The party directly accused the winning candidate of being involved in a corrupt or illegal practice in 46 petitions.

The party sought disqualification of the winning candidates and declaration of the petitioner as the winners in 46 petitions. Nineteen petitions sought a re-poll in the constituency, while recounting of ballot papers for the entire or parts of a constituency was sought in 16 petitions. In 10 petitions, the party sought a re-examination of the votes declared invalid by the ECP. The party also 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 57 petitions across the country. The party challenged the nomination process of candidates in four petitions and the qualifications of winning candidates in 10 petitions. The party alleged corrupt or illegal practices employed by someone other than the winning candidate in 34 petitions, and directly accused the winning candidate of being involved in a corrupt or illegal practice in 49 petitions.

The party sought disqualification of the winning candidate and declaration of the petitioner as the winner in 38 petitions. Twenty-two petitions sought a re-poll in the constituency, while recounting of ballot papers for the entire or parts of a constituency was sought in 21 petitions. In four petitions, the PTI sought a re-examination of the votes declared invalid by the ECP. It also sought re-polling at certain polling stations in seven petitions and other forms of relief in 13 petitions.

PPPP

The Pakistan People Party Parliamentarians (PPPP) filed a total of 50 petitions, with two challenging the nomination process of candidates and 13 challenging the qualifications of the winning candidates. The party alleged corrupt or illegal practices employed by someone other than the winning candidate in 21 petitions, and directly accused the winning candidates of illegally attempting to sway the election results in 29 petitions.

The PPPP sought disqualification of the winning candidate in 31 petitions and a re-poll in the constituency in another eight petitions. The recounting of ballot papers for the entire or parts of a constituency was sought in nine petitions, while a re-examination of the votes declared invalid by the ECP was sought in six petitions. The party sought re-polling at certain polling stations in six petitions and other forms of reliefs in an equal number of 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 process of candidates in two petitions and the qualifications of winning candidates in another five petitions. The party alleged corrupt or illegal practices employed by someone other than the winning candidate in 12 petitions, and directly accused the winning candidate of wrongdoings in 18 petitions.

The party sought disqualification of the winning candidate in 19 petitions and sought a re-poll in the constituency in four petitions. The recounting of ballot papers for entire or parts of a constituency was sought in five petitions, while a re-examination of votes declared invalid by the ECP was sought in five petitions. 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:

Parties	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
Independent	19	32	62	67
JI	-	-	2	13
JUI(F)	2	5	12	18
JUI(N)	-	2	1	3
Other	3	6	14	17
PML(F)	2	2	8	18
PML(N)	5	14	40	46
PML(Q)	-	2	7	6
PPPP	2	13	21	29
PTI	4	10	34	49
Total	38	90	209	275

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

Parties	Declare the election of the winning candidate void and declare 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 forms of relief
ANP	6	3	1	1	1	
BNP	6			1	1	1
Independent	57	30	24	11	16	24
JI	3	12	-	-	-	-
JUI(F)	19	4	5	5	7	4
JUI(N)	4	1	-	-	-	-
Other	18	8	5	3	3	5
PML(F)	14	11	6	2	3	6
PML(N)	46	19	16	10	11	8
PML(Q)	5	2	2	-	2	3
PPPP	31	8	9	6	6	6
PTI	38	22	21	4	7	13
Total	247	120	89	43	57	70

Petitions Filed against Returned Candidates (Party-wise Analysis)

According to FAFEN's data, over a third (135, or 35%) of the 379 petitions against returned candidates were filed against members of the PML-N – the party with the most seats in the National Assembly (over 50%).

Most of these petitions were filed in Punjab (112) with the highest being filed in Lahore (46), followed by Faisalabad (27), Bahawalpur (19) and Multan (14). 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.

PTI's winning candidates were nominated in 30 petitions, most of which were filed in Khyber Pakhtunkhwa (Peshawar 13, Abbottabad five and Dera Ismail Khan three). JUI-F's winners were nominated in 19 petitions (mostly in Loralai, Dera Ismail Khan and Peshawar), while independent candidates were nominated in 76 petitions.

Parties	ABT	BHP	DIK	FSD	HUB	HYD	KHI	LHR	LRL	MUL	PSH	QTA	RWP	SUK	TOTAL
ANP	-	-	-	-	-	-	-	-	2	-	3	-	-	-	5
Independent	6	13	4	11	-	6	-	4	1	6	10	14	1	-	76
JUI(F)	1	1	5	-	1	-	-	-	7	-	4	-	-	-	19
MQM	-	-	-	-	-	1	19	-	-	-	-	-	-	1	21
Other	-	2	-	-	4	-	-	-	1	-	4	2	1	3	17
PMAP	-	-	-	-	-	-	-	-	13	-	-	-	-	-	13
PML(F)	-	-	-	-	-	2	-	-	-	-	-	-	-	4	6
PML(N)	4	19	-	27	1	-	3	46	4	14	6	4	6	1	135
PML(Q)	-	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	29	53	29	22	40	22	12	27	379

PML-N

Over a third of the 379 petitions (135) were filed in constituencies won by PML-N candidates. Seventeen petitions said the PML-N winners were nominated incorrectly while 45 petitions challenged the qualifications declared by the party's winning candidates. Moreover, 86 petitioners alleged that corrupt or illegal practices were employed by people to help the PML-N candidates win. In 93 petitions, PML-N winners were directly accused of being involved in corrupt or illegal practices in an attempt to sway the election results.

There were 81 petitions seeking the disqualification of the winners and declaration of petitioners as the returned candidates. Another 45 petitions sought re-polls in constituencies, while 34 petitioners sought recounting of ballot papers for the entire or parts of the constituency. Ten petitions urged a re-examination of the votes declared invalid, while 15 sought re-polling at certain polling stations. Thirty petitions sought relief other than the categories identified above.

PPPP

A total of 49 petitions challenged the winning candidates of PPPP. Five petitions said the winners were nominated incorrectly, while eight petitions challenged the qualifications declared by the party's winning candidates. Moreover, 19 petitioners alleged that corrupt or illegal practices were employed by people to

help the candidates win, while PPPP winners were directly accused of engaging in corrupt or illegal practices in 45 petitions.

There were 40 petitions seeking disqualification of the winners and declaration of petitioners as the returned candidates. Another 20 petitions sought re-polls in constituencies, while 12 petitions sought recounting of ballot papers for the entire or parts of the constituency. Five petitions urged a re-examination of the votes declared invalid; eight sought re-polling at certain polling stations, while 13 sought some other forms of relief.

PTI

A total of 30 petitions were filed against PTI's winning candidates. Four petitions said the winners were nominated incorrectly, while eight challenged the declared qualifications of the winning candidates. Moreover, 17 petitioners alleged that corrupt or illegal practices were employed by people to help the candidates win. In 22 petitions, PTI winners were directly accused of engaging in corrupt or illegal practices in an attempt to sway the election results.

There were 20 petitions seeking disqualification of the winners and declaration of petitioners as the returned candidates. Another 10 petitions sought re-polls in constituencies, while 10 sought recounting of ballot papers for the entire or parts of the constituency. Three petitioners wanted a re-examination of the votes declared invalid, nine sought re-polling at certain polling stations and two sought relief other than the categories identified above.

MQM

Twenty-one petitions were filed against MQM candidates. All of them directly accused the MQM winning candidates of engaging in corrupt or illegal practices in an attempt to sway the election results, while one petition said the MQM winner was nominated incorrectly.

As many as three petitions sought the disqualification of the winners and declaration of petitioners as the returned candidates. Another 12 petitions sought re-polls in constituencies and four sought recounting of ballot papers for the entire or parts of the constituency. Two petitioners urged a re-examination of votes declared invalid by the ECP, while two petitions sought re-polling at certain polling stations. In addition, three petitions sought some other forms of relief 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 qualifications declared by the candidates. Moreover, 12 petitioners alleged that corrupt or illegal practices were employed by people to help the party's candidates win. Twelve petitions directly accused the winning candidates of engaging in corrupt or illegal practices in an attempt to sway the election results.

There were 12 petitions that sought the disqualification of the winners and declaration of petitioners as the returned candidates. Another three petitions sought re-polls in constituencies, four petitioners urged a re-examination of the votes declared invalid by the ECP, while two sought re-polling at certain polling stations. Two petitions sought relief other than the categories identified above.

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

Parties	Incorrect nomination process	Winning candidate not qualified to contest	Returned candidate winning the election by a corrupt or illegal practice	Returned candidate involved in a corrupt or illegal practice
ANP	-	-	3	5
Independent	10	17	50	47
JUI(F)	1	7	12	12
MQM	-	-	1	21
Other	-	2	9	14
PMAP	-	-	6	7
PML(F)	-	1	-	5
PML(N)	17	45	86	93
PML(Q)	1	2	6	4
PPPP	5	8	19	45
PTI	4	8	17	22
Total	38	90	209	275

The details of nature of prayers sought against winning candidates (party-wise) are given in the following table:

Parties	Declare the election of the winning candidate void and declare the petitioner as the return 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	Any other
ANP	3	1	3	1	-	3
Independent	53	22	20	8	14	13
JUI(F)	12	3	-	4	2	2
MQM	3	12	4	2	2	3
Other	13	4	3	4	5	2
PMAP	11	-	1	4	1	-
PML(F)	6	2	2	1	-	-
PML(N)	81	45	34	10	15	30
PML(Q)	5	1	-	1	1	2
PPPP	40	20	12	5	8	13
PTI	20	10	10	3	9	2
Total	247	120	89	43	57	70

Recommendations

The following recommendations are based on the observations made by FAFEN so far:

1. All tribunals formed by the Election Commission of Pakistan 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-Shahdat, 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 estimates, four petitions are still pending with the ECP due to these two issues. 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 Election Commission of Pakistan. The election tribunals in Sindh and Khyber-Pakhtunkhwa are working six days a week while the tribunals in Punjab and Balochistan are working five days a week. The working days of all tribunals should be made uniform.
4. According to provisions of ROPA, an appeal against the decision of the election tribunals 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.