



Political Parties' Petitions

with

ELECTION TRIBUNALS

JUNE 2014 UPDATE

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Executive Summary

The election tribunals established by the Election Commission of Pakistan (ECP) have failed to redress post-election disputes within the legally-stipulated deadline.

A year after the 2013 elections, nearly 27% (109 out of 410) petitions are still awaiting decisions. Meanwhile, 73% (301 out of 410) cases have been decided by the tribunals and the ECP (276 out of 385 by tribunals and 25 by ECP).

The ECP constituted 14 tribunals across the country following the 2013 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 the 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 is based on the direct observation of tribunals' proceedings till May 31, 2014 as part of FAFEN's legal study being commissioned with the assistance of 18 trained lawyers.

According to FAFEN's observation, a total of 276 out of 385 petitions have so far been decided or disposed of by the tribunals. Twenty-two petitions were accepted; 21 dismissed due to non-prosecution; 28 dismissed as withdrawn; 48 dismissed after complete trial whereas 122 were dismissed on technical grounds making the petitions not-maintainable. The reasons for dismissal of 35 petitions are not known to FAFEN due to non-availability of their copies of orders.

Of the 22 petitions accepted, seven were filed by independent candidates, while six were filed by PPP members. Meanwhile, none of the petitions filed by PTI have so far been accepted by the tribunals. On the other hand, nine petitions accepted by the tribunals are against PML-N - the party with the highest number of seats in the National Assembly. Seven petitions cite independent candidates as respondents, while two cite returned candidates of PTI as defendants.

Region-wise, the tribunals in Khyber Pakhtunkhwa are far ahead of other provinces in the disposal of cases. As of May 31, 2014, the tribunals in Khyber Pakhtunkhwa disposed of 88% (61 out of 69) of the cases referred by the ECP, followed by Balochistan (78%, or 47 out of 60), Sindh (77%, or 70 out of 91), and Punjab (59%, or 98 out of 165).

However, the current pace at which the tribunals are operating has delayed the decisions of 109 petitions. Meanwhile, FAFEN observers have recorded 2,329 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.

It is, however, important to note that 20 petitions are pending due to stay orders issued by high courts, whereas seven are awaiting verification reports from the National Database and Registration Authority (NADRA).

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

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".

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 contesting candidates, while three petitions were filed by voters.

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 50 petitions.

The Lahore tribunal, being the busiest, received 56 petitions, of which three were later transferred to the Faisalabad tribunal. The Peshawar tribunal received 40 petitions, out of which seven were later transferred to the Abbottabad tribunal while four were transferred to the tribunal in Dera Ismail Khan. The Faisalabad tribunal received 39 petitions originally. However, three more petitions were handed over to the tribunal by way of transfer from the Lahore tribunal.

The tribunals are legally bound to decide a case within 120 days of its receipt. The ECP can accept petitions within 45 days of the gazette notification of 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 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.

The petitions 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.

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 in 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 till May 31, 2014.

Tribunals' Decisions

According to FAFEN observers, nearly 72% (276 out of 385) of the cases were decided or disposed of by the tribunals by May 31, 2014. Twenty-two petitions were accepted; 21 dismissed due to non-prosecution; 28 dismissed as withdrawn; 48 dismissed after complete trial as the petitioners failed to prove their cases whereas 122 petitions were dismissed on technical grounds which made them not maintainable. Another 35 petitions were also dismissed but their reasons are not known to FAFEN due to non-availability of the certified copies of judgments.

The current pace at which the tribunals are progressing has delayed the decisions of 109 petitions beyond the legally-stipulated time of 120 days. The following table gives the details of petitions filed and decided by the ECP and tribunals:

Number of Petitions Filed with ECP	409
Number of Petitions Filed with Tribunals	1
Total Number of Petitions Filed	410
Number of Petitions dismissed by ECP	25
Number of Petitions disposed of by Tribunals	276
Total Number of Petitions dismissed/disposed of	301
Number of Pending Petitions	109

The following table gives the details of cases decided by each tribunal:

No.	Tribunal	Petitions Accepted	Dismissed for Non - Prosecution	Dismissed as Withdrawn	Dismissed as Non-maintainable	Dismissed as not proved in trial	Dismissed but reason unknown	Total
1	Abbottabad	7		3	6	1	2	19
2	Bahawalpur	1	5	1	6	7	1	21
3	Dera Ismail Khan	4	2		5	5		16
4	Faisalabad	4		4	12	3	1	24
5	Hub		1		2	3		6
6	Hyderabad		4	3	15		1	23
7	Karachi		1	3	17	1	4	26
8	Lahore	3	4	3	15	10	6	41
9	Loralai		2	2	4	6	7	21
10	Multan		1		4		2	7
11	Peshawar	1		4	16	1	4	26
12	Quetta		1	1	6	5	7	20
13	Rawalpindi			1	4			5
14	Sukkur	2		3	10	6		21
Total		22	21	28	122	48	35	276

Tribunals' Decisions: Party-wise Analysis

Of the 22 petitions accepted, seven were filed by independent candidates, while six were filed by PPPP members. Four petitions that were accepted were filed by PML-N candidates, two each by ANP and JUI-F while one petition was filed by Muttahida Deeni Mahaz (MDM). Meanwhile, none of the petitions filed by PTI have so far been accepted by the tribunals.

On the other hand, nine petitions accepted by the tribunals are against PML-N - the party with the highest number of seats in the National Assembly. Seven petitions cite independent candidates as respondents, while two cite returned candidates of PTI as defendants. The following table gives the party-wise details of petitions decided or dismissed by the tribunals as of May 31, 2014:

No.	Petitioner	Petitions Accepted	Dismissed for Non - Prosecution	Dismissed as Withdrawn	Dismissed as Non-maintainable	Dismissed as not proved in trial	Dismissed but reason unknown	Total
1	IND	7	6	11	30	11	12	77
2	PML-N	4	1	5	19	7	2	38
3	PPPP	6	2	4	14	7	4	37
4	PTI		4	1	22	4	6	37
5	JUI-F	2	1	1	7	6	5	22
6	PML-F		3	3	4	2	2	14
7	JI				12			12
8	BNP		2		3	1	1	7
9	PML		1		4	1		6
10	ANP	2		1	1	1		5
11	JUI-N					2	2	4
12	Others	1	1	2	6	6	1	17
Total		22	21	28	122	48	35	276

The following table gives the number of petitions and their respondents which have been decided or disposed of by the tribunals:

No.	Respondent	Petitions Accepted	Dismissed for Non - Prosecution	Dismissed as Withdrawn	Dismissed as Non-maintainable	Dismissed as not proved in trial	Dismissed but reason unknown	Total
1	PML-N	9	10	9	36	18	10	92
2	IND	7	1	8	17	10	8	51
3	PPPP	1	4	3	17	5	3	33
4	PTI	2		3	13	3	3	24
5	MQM		1	2	16	1	2	22
6	JUI-F	1	2	2	6	3	3	17
7	PMAP		3		2	3	3	11
8	PML-F				6			6
9	PML				4	1	1	6
10	ANP			1	2			3
11	BNP					1		1
12	Others	2			3	3	2	10
Total		22	21	28	122	48	35	276

Petitions Pending Beyond the Legally-Stipulated Time Period

According to FAFEN observers, the tribunals have failed to dispose of 109 petitions within the legally-stipulated deadline of 120 days. 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 following table gives the details of these cases.

No.	Election Tribunal	Cases Pending for over 120 days
1	Abbottabad	4
2	Bahawalpur	15
3	Dera Ismail Khan	1
4	Faisalabad	18
5	Hub	5
6	Hyderabad	11
7	Karachi	4
8	Lahore	12
9	Loralai	4
10	Multan	15
11	Peshawar	3
12	Quetta	4
13	Rawalpindi	7
14	Sukkur	6
Total		109

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 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”.

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 have witnessed 2,329 adjournments of more than seven days till May 31, 2014, in violation of the provisions as well as the ECPs directions. The following table gives the details of such adjournments for each tribunal.

No.	Tribunal	Adjournments
1	Abbottabad	44
2	Bahawalpur	290
3	Dera Ismail Khan	40
4	Faisalabad	257
5	Hub	15
6	Hyderabad	369
7	Karachi	86
8	Lahore	380
9	Loralai	249
10	Multan	130
11	Peshawar	205
12	Quetta	59
13	Rawalpindi	37
14	Sukkur	168
Total		2,329

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 considerable 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 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	Disposal Rate
Abbottabad	23	8	15	19	83%
Bahawalpur	36	13	23	21	58%
Dera Ismail Khan	17	5	12	16	94%
Faisalabad	42	16	26	24	57%
Hub	11	5	6	6	55%
Hyderabad	34	9	25	23	68%
Karachi	30	10	20	26	87%
Lahore	53	22	31	41	77%
Loralai	25	2	23	21	84%
Multan	22	10	12	7	32%
Peshawar	29	13	16	26	90%
Quetta	24	7	17	20	83%
Rawalpindi	12	5	7	5	42%
Sukkur	27	9	18	21	78%
Total	385	134	251	276	72%

The Lahore tribunal has been the busiest - receiving 56 petitions out of which three were later transferred to the Faisalabad tribunal. The Peshawar tribunal received 40 petitions, out of which seven were transferred to the Abbottabad tribunal while four were handed over to the tribunal in Dera Ismail Khan. The Faisalabad tribunal received 39 petitions originally. However, three more petitions were transferred to the tribunal by way of transfer from the Lahore tribunal. The Karachi tribunal received a comparatively less number of petitions, contrary to media reports pointing out several electoral violations in the area.

Party-wise Analysis of Petitions

Most of the petitions (99) were filed by independent candidates. Party-wise, PML-N members filed a 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 Hub, Quetta and Sukkur.

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

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

Tribunal	IND	PML-N	PTI	PPPP	JUI-F	PML-F	JI	PML	ANP	BNP	JUI-N	PMAP	Others	Total
Abbottabad	6	3	2	5	4				1				2	23
Bahawalpur	6	10	8	9		1							2	36
Dera Ismail Khan	7	3	1	3	1				2					17
Faisalabad	23	5	8	1				3					2	42
Hub	1			1	2				1	3		1	2	11
Hyderabad	4	9	1	8	1	10							1	34
Karachi	1	4	7	4		2	11						1	30
Lahore	16	6	17	4				6					4	53
Loralai	3	2	1		7					3	5	2	2	25
Multan	8	6	4	3				1						22
Peshawar	5	7	4		7		2		3				1	29
Quetta	11	3		4	3					1		1	1	24
Rawalpindi	2	5	5											12
Sukkur	6	3		8	2	5							3	27
Total	99	66	58	50	27	18	13	10	7	7	5	4	21	385

The following table gives a province-wise breakdown of petitions filed by the candidates of political parties for National and Provincial Assemblies:

Petitioner Party	Punjab			Sindh			Khyber Pakhtunkhwa			Balochistan			Total		
	NA	PA	Total	NA	PA	Total	NA	PA	Total	NA	PA	Total	NA	PA	Total
IND	18	37	55	3	8	11	11	7	18	3	12	15	35	64	99
PML-N	10	22	32	6	10	16	3	10	13	1	4	5	20	46	66
PTI	19	23	42	5	3	8	6	1	7		1	1	30	28	58
PPPP	8	9	17	9	11	20	2	6	8	2	3	5	21	29	50
JUI-F					3	3	2	10	12	1	11	12	3	24	27
PML-F	1		1	3	14	17							4	14	18
JI				2	9	11	2		2				4	9	13
PML	6	4	10										6	4	10
ANP								6	6		1	1		7	7
BNP										2	5	7	2	5	7
JUI-N										1	4	5	1	4	5
PMAP										2	2	4	2	2	4
Others	4	4	8		5	5		3	3	2	3	5	6	15	21
Total	66	99	165	28	63	91	26	43	69	14	46	60	134	251	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 Peoples 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 being 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 a re-poll in the constituency in nine petitions. Recounting of ballot papers for the entire or parts of a constituency was sought in nine petitions, while a 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:

Petitioner	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
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
Others	3	6	14	17
Total	38	91	212	277

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

Petitioner	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 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				-
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
Others	18	8	5	3	3	5
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 - 46 in Lahore, 30 in Faisalabad, 19 in Bahawalpur and 14 in Multan. No petitions were filed against PML-N candidates in Hyderabad.

PPPP's returned candidates were nominated in 50 petitions – mostly in Sindh (25 in Hyderabad, 18 in Sukkur and five in Karachi).

PTI's candidates were nominated in 30 petitions, most of which were filed in Khyber Pakhtunkhwa (10 in Peshawar, eight 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:

Tribunal	PML-N	IND	PPPP	PTI	MQM	JUI-F	PMAP	PML	PML-F	ANP	NP	NPP	JI	Others	Total
Abbottabad	4	8		8		1							1	1	23
Bahawalpur	19	13	1			1		1						1	36
DIK	1	7	1	3		5									17
Faisalabad	30	11						1							42
Hub	3					2	2	1			1			2	11
Hyderabad		6	25		1				2						34
Karachi	3		5	2	20										30
Lahore	46	4		1				2							53
Loralai	2	1				6	11	1		2	1			1	25
Multan	14	6		2											22
Peshawar	5	5		10		4				3			1	1	29
Quetta	4	16						2			1			1	24
Rawalpindi	6	1		4										1	12
Sukkur	1		18		1				4			3			27
Total	138	78	50	30	22	19	13	8	6	5	3	3	2	8	385

The following table gives a province-wise breakdown of petitions filed against the candidates of political parties for both National and Provincial Assemblies:

Respondent Party	Punjab			Sindh			KPK			Balochistan			Grand		
	NA	PA	Total	NA	PA	Total	NA	PA	Total	NA	PA	Total	NA	PA	Total
PML-N	54	61	115	1	3	4	4	6	10	2	7	9	61	77	138
IND	7	28	35	1	5	6	13	7	20	5	12	17	26	52	78
PPPP	1		1	12	36	48		1	1				13	37	50
PTI	2	5	7		2	2	2	19	21				4	26	30
MQM				8	14	22							8	14	22
JUI-F		1	1				4	6	10	4	4	8	8	11	19
PMAP										2	11	13	2	11	13
PML	1	3	4								4	4	1	7	8
PML-F				4	2	6							4	2	6
ANP							2	1	3		2	2	2	3	5
NP											3	3	0	3	3
NPP				2	1	3							2	1	3
JI							1	1	2				1	1	2
Others	1	1	2	0	0	0	0	2	2	1	3	4	2	6	8
Total	66	99	165	28	63	91	26	43	69	14	46	60	134	251	385

PML-N

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 50 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. Seventeen 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 are given in the following table:

Respondent	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
PMAP			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
Others		2	9	14
Total	38	91	212	277

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

Respondent	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	Other reliefs
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
PMAP	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
Others	13	4	3	4	5	2
Total	248	122	89	43	57	70

Recommendations

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

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 at least 17 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. At least eight petitions are still pending as they are awaiting reports by NADRA regarding thumb verification. As disposal of petitions is mandatory in stipulated time, there should be some provision or mechanism which also binds 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.

Annexure: List of Pending Cases

No.	Tribunal	Petition No.	Petitioner's Party	Respondent's Party	Assembly	Constituency
1	Lahore	155/2013	PTI	PML-N	Punjab Assembly	PP-160 Lahore-XXIV
2	Lahore	153/2013	PTI	PML-N	National Assembly	NA-128 Lahore-XI
3	Faisalabad	129/2013	PTI	PML-N	Punjab Assembly	PP-155 Lahore-XIX
4	Faisalabad	127/2013	PTI	PML-N	Punjab Assembly	PP-156 Lahore-XX
5	Lahore	253/2013	IND	PML-N	Punjab Assembly	PP-175 Kasur-I
6	Lahore	238/2013	PTI	PML-N	Punjab Assembly	PP-147 Lahore-XI
7	Lahore	226/2013	PML	PML-N	Punjab Assembly	PP-97 Gujranwala-VII
8	Lahore	316/2013	PTI	PML-N	National Assembly	NA-124 Lahore-VII
9	Faisalabad	194/2013	PTI	PML-N	National Assembly	NA-125 Lahore-VIII
10	Lahore	269/2013	PPPP	PML-N	National Assembly	NA-98 Gujranwala-IV
11	Lahore	239/2013	PTI	PML-N	National Assembly	NA-118 Lahore-I
12	Lahore	315/2013	PTI	PML-N	National Assembly	NA-122 Lahore-V
13	Lahore	345/2013	PML-N	PTI	Punjab Assembly	PP-152 Lahore-XVI
14	Lahore	317/2013	PML	PML-N	Punjab Assembly	PP-109 Gujrat-II
15	Lahore	150/2013	PML	PML-N	National Assembly	NA-104 Gujrat-I
16	Rawalpindi	144/2013	PTI	PML-N	Punjab Assembly	PP-4 Rawalpindi-IV
17	Rawalpindi	186/2013	PTI	PML-N	Punjab Assembly	PP-10 Rawalpindi-X
18	Rawalpindi	188/2013	PML-N	PTI	Punjab Assembly	PP-9 Rawalpindi-IX
19	Rawalpindi	189/2013	PML-N	PTI	Punjab Assembly	PP-11 Rawalpindi-XI
20	Rawalpindi	215/2013	IND	PML-N	National Assembly	NA-61 Chakwal-II
21	Rawalpindi	224/2013	PML-N	IND	National Assembly	NA-59 Attock-III
22	Rawalpindi	242/2013	PML-N	AML	National Assembly	NA-55 Rawalpindi-VI
23	Multan	31/2013	IND	PML-N	Punjab Assembly	PP-235 Vehari-IV
24	Multan	117/2013	PML-N	IND	National Assembly	NA-156 Khanewal-I
25	Multan	152/2013	PTI	PML-N	National Assembly	NA-170 Vehari-IV
26	Multan	171/2013	PPPP	PML-N	Punjab Assembly	PP-205 Multan-XII
27	Multan	247/2013	PML-N	IND	Punjab Assembly	PP-212 Khanewal-I
28	Multan	355/2013	PTI	IND	National Assembly	NA-154 Lodhran-I
29	Multan	352/2013	IND	PML-N	National Assembly	NA-144 Okara-II
30	Multan	44/2013	IND	PTI	National Assembly	NA-162 Sahiwal-III
31	Multan	100/2013	PTI	PML-N	Punjab Assembly	PP-196 Multan-III
32	Multan	179/2013	PML-N	IND	Punjab Assembly	PP-232 Vehari-I
33	Multan	198/2013	PML-N	PTI	National Assembly	NA-149 Multan-II
34	Multan	307/2013	PPPP	PML-N	National Assembly	NA-144 Okara-II
35	Multan	351/2013	IND	PML-N	Punjab Assembly	PP-226 Sahiwal-VII
36	Multan	402/2013	PML-N	IND	Punjab Assembly	PP-218 Khanewal-VII
37	Multan	346/2013	PPPP	PML-N	Punjab Assembly	PP-191 Okara-VII
38	Faisalabad	119/2013	MDM	IND	Punjab Assembly	PP-78 Jhang-VI
39	Faisalabad	208/2013	IND	IND	Punjab Assembly	PP-78 Jhang-VI
40	Faisalabad	221/2013	IND	PML-N	National Assembly	NA-94 Toba Tek Singh-III
41	Faisalabad	236/2013	IND	PML-N	National Assembly	NA-73 Bhakkar-I
42	Faisalabad	94/2013	PPPP	PML-N	Punjab Assembly	PP-63 Faisalabad-XIII
43	Faisalabad	124/2013	PML-N	IND	Punjab Assembly	PP-83 Jhang-XI
44	Faisalabad	102/2013	IND	PML-N	Punjab Assembly	PP-42 Khushab-IV

No.	Tribunal	Petition No.	Petitioner's Party	Respondent's Party	Assembly	Constituency
45	Faisalabad	105/2013	IND	IND	Punjab Assembly	PP-48 Bhakkar-II
46	Faisalabad	32/2013	IND	IND	Punjab Assembly	PP-78 Jhang-VI
47	Faisalabad	192/2013	IND	PML-N	National Assembly	NA-87 Chiniot-II-cum-Jhang (Old NA-88 Jhang-III)
48	Faisalabad	181/2013	PTI	PML-N	Punjab Assembly	PP-90 Toba Tek Singh-VII
49	Faisalabad	284/2013	PTI	PML-N	National Assembly	NA-66 Sargodha-III
50	Faisalabad	Feb-13	IND	PML-N	Punjab Assembly	PP-76 Jhang-IV
51	Faisalabad	391/2013	IND	IND	Punjab Assembly	PP-78 Jhang-VI
52	Faisalabad	392/2013	PML	PML-N	National Assembly	NA-80 Faisalabad-VI
53	Bahawalpur	111/2013	PML-N	IND	Punjab Assembly	PP-253 Muzaffargarh-III
54	Bahawalpur	163/2013	PML-N	IND	Punjab Assembly	PP-260 Muzaffargarh-X
55	Bahawalpur	235/2013	PPPP	PML-N	Punjab Assembly	PP-265 Layyah-IV
56	Bahawalpur	272/2013	PML-N	IND	National Assembly	NA-188 Bahawalnagar-I
57	Bahawalpur	365/2013	PPPP	IND	Punjab Assembly	PP-253 Muzaffargarh-III
58	Bahawalpur	216/2013	PML-N	PML	National Assembly	NA-187 Bahawalpur-V
59	Bahawalpur	254/2013	PML-N	BWP Awami Ittehad	Punjab Assembly	PP-267 Bahawalpur-I
60	Bahawalpur	13/2013	PML-F	PML-N	National Assembly	NA-176 Muzaffargarh-I
61	Bahawalpur	196/2013	PML-N	IND	National Assembly	NA-180 Muzaffargarh-V
62	Bahawalpur	320/2013	PML-N	IND	Punjab Assembly	PP-261 Muzaffargarh-XI
63	Bahawalpur	308/2013	PML-N	PPPP	National Assembly	NA-192 Rahimyar Khan-I
64	Bahawalpur	128/2013	PTI	PML-N	National Assembly	NA-152 Multan-V
65	Bahawalpur	222/2013	PPPP	PML-N	National Assembly	NA-153 Multan-VI
66	Bahawalpur	167/2013	PTI	PML-N	Punjab Assembly	PP-225 Sahiwal-VI
67	Bahawalpur	154/2013	PML-N	IND	Punjab Assembly	PP-213 Khanewal-II
68	Abbottabad	45/2013	ANP	IND	Khyber Pakhtunkhwa Assembly	PK-58 Mansehra-VI
69	Abbottabad	207/2013	PTI	PML-N	National Assembly	NA-20 Mansehra-I
70	Abbottabad	106/2013	PPPP	JI	Khyber Pakhtunkhwa Assembly	PK-93 Upper Dir-III
71	Abbottabad	112/2013	JUI-F	IND	National Assembly	NA-40 Tribal Area-V, North Waziristan Agency
72	Peshawar	170/2013	PTI	ANP	National Assembly	NA-9 Mardan-I
73	Peshawar	258/2013	JUI-F	PML-N	Khyber Pakhtunkhwa Assembly	PK-8 Peshawar-VIII
74	Peshawar	294/2013	PTI	JI	National Assembly	NA-34 Lower Dir
75	DIK	354/2013	IND	PML-N	National Assembly	NA-41 Tribal Area-VI, South Waziristan Agency
76	Karachi	29/2013	MQM	PML-N	Sindh Assembly	PS-114 Karachi-XXXVI
77	Karachi	91/2013	JI	PTI	Sindh Assembly	PS-93 Karachi-V
78	Karachi	148/2013	PML-N	PPPP	National Assembly	NA-215 Khairpur-I
79	Karachi	149/2013	PML-N	PPPP	Sindh Assembly	PS-29 Khairpur-I
80	Hyderabad	139/2013	PML-F	PPPP	Sindh Assembly	PS-69 Umerkot-cum-Sanghar
81	Hyderabad	202/2013	PML-N	PPPP	Sindh Assembly	PS-76 Dadu-III
82	Hyderabad	364/2013	PML-N	PPPP	National Assembly	NA-233 Dadu-II(Old Dadu-III)
83	Hyderabad	341/2013	PML-N	PPPP	Sindh Assembly	PS-59 Badin-Cum-Tando Muhammad Khan-III

No.	Tribunal	Petition No.	Petitioner's Party	Respondent's Party	Assembly	Constituency
84	Hyderabad	157/2013	PPPP	IND	Sindh Assembly	PS-85 Thatta-II
85	Hyderabad	363/2013	PML-N	PPPP	National Assembly	NA-232 Dadu-I (Old Dadu-II)
86	Hyderabad	329/2013	PPPP	IND	Sindh Assembly	PS-84 Thatta-I
87	Hyderabad	212/2013	PML-F	PPPP	Sindh Assembly	PS-43 Matiari
88	Hyderabad	213/2013	PML-F	PPPP	National Assembly	NA-218 Matiari-cum-Hyderabad (Old Hyderabad-I)
89	Hyderabad	397/2013	IND	PPPP	National Assembly	NA-229 Tharparkar-I
90	Hyderabad	401/2013	IND	PPPP	Sindh Assembly	PS-62 Tharparkar-III
91	Sukkur	25/2013	IND	PPPP	National Assembly	NA-200 Ghotki-I
92	Sukkur	358/2013	PPPP	NPP	National Assembly	NA-211 Naushero Feroze-I
93	Sukkur	228/2013	PML-N	PPPP	Sindh Assembly	PS-14 Jacobabad-II
94	Sukkur	86/2013	SUP	PPPP	Sindh Assembly	PS-27 Nawabshah-IV
95	Sukkur	390/2013	NPP	PPPP	Sindh Assembly	PS-22 Naushero Feroze-IV
96	Sukkur	404/2013	IND	PPPP	Sindh Assembly	PS-14 Jacobabad-II
97	Loralai	65/2013	JUI-F	PMAP	Balochistan Assembly	PB-13 Killa Abdullah-III
98	Loralai	Jun-13	JUI-N	JUI-F	Balochistan Assembly	PB-20 Killa Saifullah
99	Loralai	362/2013	PMAP	ANP	Balochistan Assembly	PB-12 Killa Abdullah-II
100	Loralai	318/2013	PMAP	JUI-F	National Assembly	NA-261 Pishin-cum-Ziarat
101	Hub	305/2013	ANP	PML-N	Balochistan Assembly	PB-50 Kech-III
102	Hub	219/2013	IND	PML	Balochistan Assembly	PB-41 Awaran
103	Hub	367/2013	JUI-F	PMAP	National Assembly	NA-260 Quetta-cum-Chagai-cum-Nushki-cum-Mastung
104	Hub	82/2013	JUI-F	PML-N	Balochistan Assembly	PB-14 Loralai-I
105	Hub	141/2013	PMAP	PML-N	Balochistan Assembly	PB-14 Loralai-I
106	Quetta	84/2013	PML-N	IND	Balochistan Assembly	PB-47 Washuk
107	Quetta	28/2013	PPPP	IND	Balochistan Assembly	PB-39 Chagai
108	Quetta	178/2013	IND	IND	National Assembly	NA-267 Kech-cum-Jhal Magsi
109	Quetta	77/2013	PMAP	IND	National Assembly	NA-265 Sibi-cum-Kohlu-cum-Dera Bugti-cum-Harnai