



Political Parties' Petitions

with

ELECTION TRIBUNALS

OCTOBER 2013 2ND 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 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

Executive Summary

Only One-fourth (95 of 373) post-election petitions have been decided by the Election Tribunals by October 31, 2013 with Election Tribunals falling behind the legally stipulated time of 120 days for the disposal of a petition in at least 18 cases.

The election results were officially notified on May 22 after which the candidates had the time (45 days) until July 6 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 406 petitions in all.

This update, covering the proceedings till October 31, 2013, is based upon the observation of the 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 one-fourth (95 out of 373) of the cases were decided or disposed of by the Tribunals till October 31, 2013. Three petitions were decided in favour of the petitioners whereas all but one were dismissed on technical grounds making the petitions not maintainable. The current speed at which tribunals are working may delay the decisions on many petitions beyond the legally stipulated time of 120 days. FAFEN observers recorded 996 adjournments of more than seven days in the election tribunals whereas the election laws and ECP directions urge the tribunals to hear petitions on day to day basis and do not allow an adjournment for more than seven days¹.

ECP received a total of 406 petitions, out of which 16 were dismissed by the ECP itself during scrutiny of petitions. FAFEN's observation data suggests that ECP had referred as many as 373 petitions to Tribunals as of October 31, 2013. Most of the referred petitions were moved by the contesting candidates, while three petitions were filed by voters. One election petition was directly filed with the Tribunal in Lahore bypassing the legal mechanism resulting into its dismissal at the initial stage.

The Lahore Tribunal, being the busiest, received 49 (13% of all petitions) petitions highlighting the high prevalence of result related disputes in Lahore and suburban districts. Peshawar tribunal received 40 and Faisalabad 39 petitions. Lahore, Peshawar and Faisalabad tribunals are cumulatively bearing the burden of one third of total election result disputes. Although electoral disputes in Karachi echoed much in media on and after May 11 General Elections but fewer disputes were brought into the Tribunals with Karachi Tribunal receiving only 26 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. ECP started forwarding petitions to Tribunals in June 2013. Although a major chunk of submitted petitions have been forwarded to the respective tribunals, as many as 19 petitions were still pending with the ECP, as of October 31, 2013.

If analyzed with the date of receipt of petitions by the Tribunals, at least 18 petitions were still waiting for a decision despite the lapse of legally stipulated time for their disposal. Given the pace of Tribunals' 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 single or multiple grounds seeking single or multiple relief. Majority of the petitions are either a continuation of challenges to nomination or qualification of the returned candidates with the additional ground of use of corrupt practices by the returned candidates or

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".

others to sway the elections. There were 36 petitions that challenged the nomination process and another 89 that challenged the qualification of returned candidates. More than half (206 in total or 55%) of petitions, among other grounds, make allegations of corrupt practices by the returned candidates while almost three fourths (271 in total or 73%) of petitions claim malpractice from other personnel including the election staff.

Petitioners in 245 cases have sought declaration to the effect that the election of the winning candidates be declared void and they should be declared the returned candidates instead. Among other reliefs, 119 petitions seek disqualification of the returned candidates and re-polling in the constituency. Another 88 petitions seek recounting of ballots for entire or parts of the constituencies, 42 demand re-examination of excluded ballots as relief while 57 seek re-polling in certain polling stations.

Independent candidates filed the most petitions across the country (94) while party-wise the candidates of three leading parties in the National Assembly filed a major chunk of petitions. PML-N members filed 64 petitions, almost evenly distributed across the 14 tribunals. PTI members followed with 55 petitions; filing no petitions with the Dera Ismail Khan, Hub, Quetta and Sukkur tribunals. Members of PPPP, the second-largest party in the National Assembly, filed 47 of the 373 petitions, almost evenly distributed across the country. They filed the highest number of petitions in Bahawalpur and Hyderabad (eight each) and filed no petitions in Hub and Rawalpindi.

Similarly, a party-wise analysis of the petitions filed against winning candidates shows that the members of PML-N – the party with the most seats in the National Assembly (over 50%) – had the majority share of petitions filed against winning candidates. According to the data available with FAFEN, over a third (129, or 35%) of the 373 petitions filed against returned candidates belonged to the PML-N.

The largest share of the petitions was filed in Punjab (45%) with most being filed in Lahore (43), followed by Faisalabad (27), Multan (16) and Bahawalpur (15). No petitions were filed against PML-N candidates in Dera Ismail Khan, Hyderabad and Sukkur. PPPP returned candidates were nominated in 47 petitions, mostly in Sindh – 24 petitions in Sukkur and 21 in Hyderabad.

Introduction

The ECP constituted 14 tribunals (currently two Tribunals at Quetta have one Presiding Officer) 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 are retired eligible judges and not the serving high court judges. Earlier, existing workloads would eat into the schedules of the tribunals and some cases would go on for years. By appointing retired judges, the ECP removed the existing workload from the tribunals' schedules, making it much easier for them to resolve cases in the 120 days stipulated by Section 67(1A) of the Representation of the People Act 1976. The day count starts after the tribunals receive petitions from the ECP.

Section 52(2) of the Representation of the Peoples Act 1976 gives candidates 45 days to file their election petitions with the ECP after the publication of the official gazette of the name of the returned candidates. It states: "An election petition shall be presented to the Commissioner within [forty-five days] of the 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 Commissioner, 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, so the candidates had time until July 6 to submit petitions. The ECP received 406 petitions, of which, 19 were yet to be sent to the tribunals owing to various technical reasons, according to the data gathered by FAFEN. One petition was filed directly with the Election Tribunal Lahore.

FAFEN deployed 18 trained non-partisan lawyers to observe the proceedings in the tribunals set up by the ECP and this report is based on the observations made by them. According to the data gathered by the observers, the tribunals had received and heard at least 373 petitions (related to national and provincial assemblies) by the end of October 2013. This figure does not reflect some petitions that were heard and disposed of before FAFEN's observation began.

Tribunal Decisions made as of October 31, 2013

One-fourth (95 out of 373) of the cases were decided or disposed of by the Tribunals by October 31, 2013. Three petitions were decided in favour of the petitioners, seven were dismissed for non-prosecution, thirteen were withdrawn by the petitioners. Another sixty-one petitions were dismissed on ground as were not found maintainable due to non-compliance of mandatory provisions of the Representations of Peoples Act, 1976 whereas one petition was dismissed as allegations were not found correct after trial of the petition. Ten more petitions were also dismissed but reasons for dismissal are not known to FAFEN as it could not get the certified copies of judgments, despite the application. The current speed at which tribunals are working may result in delaying the decisions on many petitions beyond the legally stipulated time of 120 days with 18 petitions already falling behind this deadline. Following table shows tribunal-wise details of decided cases:

Sr. No.	Tribunal	Decided in Favour of Petitioner	Dismissed for Non - Prosecution	Dismissed as Withdrawn	Dismissed as not maintain able	Dismissed as not proved in trial	Dismissed but reason not known as copy not available	Total Decided
1	Lahore	-	2	2	11	-	1	16
2	Rawalpindi	-	-	1	-	-	-	1
3	Multan	-	-	-	-	-	6	6
4	Faisalabad	-	-	1	11	-	2	14
5	Bahawalpur	-	1	-	3	-	-	4
6	Peshawar	-	-	2	14	1	-	17
7	Abbotabad	3	-	3	6	-	-	12
8	Dera Ismail Khan	-	2	-	5	-	1	8
9	Karachi	-	-	3	-	-	-	3
10	Hyderabad	-	1	1	1	-	-	3
11	Sukkur	-	-	-	8	-	-	8
12	Loralai	-	1	-	2	-	-	3
13	Hub	-	-	-	-	-	-	-
14	Quetta	-	-	-	-	-	-	-
Total		3	7	13	61	1	10	95

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 the 996 adjournments against the ROPA provisions as well as the directions of the ECP that were for more than seven days by October 31, 2013.

Sr. No.	Tribunal	Total Adjournments (more than 7 days) until October 31, 2013
1	Peshawar	142
2	Dera Ismail Khan	12
3	Abbottabad	24
4	Rawalpindi	10
5	Lahore	144
6	Faisalabad	52
7	Multan	60
8	Bahawalpur	109
9	Karachi	40
10	Hyderabad	131

11	Sukkur	70
12	Loralai	120
13	Hub	82
Total		996

Petitions pending beyond Legally Stipulated Time of 120 Days

FAFEN Observers have reported that 18 petitions had already missed the legal deadline of 120 days in the Election Tribunals until October 31, 2013. According to Section 67 (1A) of the ROPA, 1976 “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 “Hand Book on Election Tribunal Petition Process” prepared and Published by the ECP after Elections 2013 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”.

Sr. No.	Election Tribunal	Cases pending more than 120 days and not decided till October 31, 2013.
1	Multan	2
2	Faisalabad	2
3	Bahawalpur	2
4	Peshawar	3
5	Abbottabad	1
6	Karachi	4
7	Hyderabad	3
8	Sukkur	1
Total		18

Analysis of Petitions

FAFEN has identified four types of grounds on which 373 petitions were filed. They are:

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

Generally, the petitioners have sought five types of reliefs in their petitions. They are listed below:

1. Declare the election of the winning candidate to be void and declare the petitioner as the return candidate
2. Disqualify the winning candidate and order a re-poll.
3. Recounting of ballot papers for 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 sought including the court directing NADRA to verify thumb impressions of voters of the entire constituency or some specific polling stations)

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

FAFEN does not have a complete breakdown of the 373 petitions due to accessibility issues. Of all, reasons on which 16 petitions were filed are unavailable while the nature of relief sought in 14 petitions was unknown.

According to the breakdown of details available with FAFEN, 36 challenged the nomination process, 89 challenged the qualification of the winning candidates, 206 levelled allegations of a corrupt or illegal practice by people other than the returned candidates and 271 directly accused the winning candidates of being involved in a corrupt or illegal practice to sway the election results.

Moreover, 245 petitions sought a declaration to the effect that election of the winning candidate be declared void and the petitioner be declared as the returned candidate, 119 sought disqualification of the winning candidates and order for re-polling while the counting of ballot papers for the entire or parts of a constituency were sought in 88 petitions. Forty-two petitions demanded a re-examination of the ballot papers declared invalid, 57 sought re-polling at certain polling stations while 70 sought reliefs other than the five categories identified.

The Lahore Tribunal has been the busiest; receiving 49 petitions in all, followed by Peshawar and Faisalabad. The Karachi Tribunal received the least number of petitions contrary to media reports pointing to a number of issues in the May 11 General Elections.

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

Tribunal	National Assembly	Provincial Assembly	Cases Received	Total Decided
Abbottabad	6	10	16	12
Bahawalpur	10	21	31	4
DI Khan	1	12	13	8
Faisalabad	15	24	39	14
Hub	2	5	7	-
Hyderabad	9	21	30	3
Karachi	9	17	26	3
Lahore	21	28	49	16
Loralai	5	24	29	3
Multan	12	13	25	6
Peshawar	19	21	40	17
Quetta	7	17	24	-
Rawalpindi	5	7	12	1
Sukkur	10	22	32	8
Total	131	242	373	95

Party-wise petitions

Independent candidates filed the most petitions across the country (94) and, party-wise, the members of three leading parties in the National Assembly filed the major bulk of the petitions. PML-N members filed a total of 64 petitions, almost evenly distributed across the 13 tribunals. PTI members followed with 55 petitions as they filed no petitions with the Dera Ismail Khan, Hub, Quetta and Sukkur tribunals.

Members of PPPP, the second-largest party in the National Assembly, filed 47 of the 373 petitions, almost evenly distributed across the country. They filed the highest number of petitions in Bahawalpur and Hyderabad (eight each) and filed no petitions in Hub and Rawalpindi.

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

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	QIA	RWP	SUK	TOTAL
ANP	1	-	2	-	1	-	-	-	-	-	3	-	-	-	7
BNP	-	-	-	-	2	-	-	-	4	-	-	1	-	-	7
Independent	6	6	4	23	1	3	1	14	3	8	8	9	2	6	94
JI	-	-	-	-	-	-	11	-	-	-	2	-	-	-	13
JUI(F)	1	-	1	-	-	-	-	-	9	-	10	3	-	3	27
JUI(N)	-	-	-	-	-	-	-	-	5	-	-	-	-	-	5
Other	2	2	-	2	3	1	1	4	4	-	1	4	-	3	27
PML(F)	-	1	-	-	-	8	1	-	-	-	-	-	-	8	18
PML(N)	3	9	3	5	-	9	2	5	2	7	7	3	5	5	65
PML(Q)	-	-	-	3	-	-	-	4		1	-	-	-	-	8
PPPP	1	8	3	1	0	8	4	3	1	3	4	4	0	7	47
PTI	2	5	-	5	-	1	6	19	1	6	5	-	5	-	55
Total	16	31	13	39	7	30	26	49	29	25	40	24	12	32	373

1.1 Details

PML-N

The Pakistan Muslim League-Nawaz (PML-N) filed 65 petitions across the country, of which, four challenged the nomination process while the qualifications of the winning candidates were challenged in 14 petitions. In 39 petitions, the party alleged that corrupt or illegal practices were employed by people in the General Election other than the winning candidates and the party directly accused the winning candidates of being involved in a corrupt or illegal practice to sway the election results in 45 petitions.

In 45 petitions, the party sought disqualification of the winning candidates and the declaration of petitioners as the winning candidates. Another 19 sought a re-poll in the constituency while the counting of ballot papers for the entire or parts of a constituency were demanded in 16 petitions. In 10 petitions, the party sought a re-examination of the votes declared invalid by the ECP and re-polling at certain polling stations was asked for in 11 petitions. In eight petitions, the party sought reliefs other than the categories identified above.

PTI

The Pakistan Tehreek-e-Insaf (PTI) filed 55 petitions, the second-most according to data available with FAFEN. In four petitions, the party challenged the nomination process while the qualifications of the winning candidates were challenged in nine petitions. In 33 petitions, the party alleged that corrupt or illegal practices were employed by people in the general election other than the winning candidates. In 47 petitions, the PTI directly accused the winning candidates of being involved in a corrupt or illegal practice to sway the election results.

In 38 petitions, the party sought disqualification of the winning candidate and the declaration of the petitioners as the winning candidate. Another 21 sought a re-poll in the constituency and the counting of ballot papers for the entire or parts of a constituency was demanded in 20 petitions. In three petitions, the PTI sought a re-examination of the votes declared invalid by the ECP and re-polling at certain polling stations was demanded in seven petitions. In 13 petitions, the party sought reliefs other than the categories identified above.

PPPP

The Pakistan Peoples' Party Parliamentarians (PPPP) filed 47 petitions with two challenging the nomination process. The PPPP challenged the qualifications of the winning candidates in 13 petitions and the party alleged that corrupt or illegal practices were employed by people in the General Election other than the winning candidates in 11 petitions. The winning candidates were directly accused of illegally attempting to sway election results in 29 petitions.

The PPPP sought disqualification of the winning candidates in 31 petitions and a re-poll in the constituency in another eight petitions. The counting of ballot papers for the entire or parts of a constituency was demanded in nine petitions while a re-examination of the votes declared invalid by the ECP was asked for in six petitions. The party sought re-polling at certain polling stations in six petitions and in another six the PPPP sought redresses other than the categories identified above.

JUI-F

The Jamiat Ulema-i-Islam-Fazl (JUI-F) filed the fourth-most petitions, but unlike the top three, most of their petitions were filed in Peshawar and Loralai.

The JUI-F challenged the nomination process in two petitions while the qualifications of the winning candidates in five other petitions. In 12 petitions, the party alleged that corrupt or illegal practices were employed by people in the general election, other than the winning candidates. The party directly accused the winning candidates of malpractices in the election process in 18 petitions.

The party sought disqualification of the winning candidates in 19 petitions and sought a re-poll in the constituency in another four petitions. The counting of ballot papers for the entire or parts of a constituency was demanded in five petitions while a re-examination of the votes declared invalid by the ECP was asked for

in five petitions. The JUI-F demanded re-polling at certain polling stations in seven petitions and sought relief other than the categories identified above in four petitions.

Others

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 returned candidate won the election by a corrupt or illegal practice	The returned candidate was involved a corrupt/illegal practice
ANP	1	4	5	5
BNP	-	-	3	4
Independent	18	32	61	66
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)	4	14	39	45
PML(Q)	-	2	7	6
PPPP	2	13	21	29
PTI	4	9	33	47
Total	36	89	206	271

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

Parties	Declare the election of the winning candidate to be 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	6	3	1	1	1	
BNP	6			1	1	1
Independent	56	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)	45	19	16	10	11	8
PML(Q)	5	2	2	-	2	3
PPPP	31	8	9	6	6	6
PTI	38	21	20	3	7	13
Total	245	119	88	42	57	70

Petitions filed against winning candidates (party-wise analysis)

Members of PML-N – the party with the most seats in the National Assembly (over 50%) – had the majority share of petitions filed against winning candidates. According to the data available with FAFEN, over a third (129, or 35%) of the 373 petitions filed against returned candidates that belonged to the PML-N.

The largest share of these petitions were filed in Punjab (45%) with the most being filed in Lahore (43), followed by Faisalabad (27), Multan (16) and Bahawalpur (15). No petitions were filed against PML-N candidates in Dera Ismail Khan, Hyderabad and Sukkur. PPPP returned candidates were nominated in 47 petitions, mostly in Sindh – 24 petitions in Sukkur and 21 petitions in Hyderabad.

The third-most nominated party was the PTI with 29 petitions making the party's winning candidates respondents, mostly in Khyber Pakhtunkhwa (Peshawar 13, Abbottabad five and Dera Ismail Khan three). JUI-F winners were nominated in 19 petitions (mostly in Loralai, Dera Ismail Khan and Peshawar). Independent candidates were nominated in 75 petitions.

Parties	ABTd	BHPP	DIK	FSD	HUB	HYD	KHI	LHR	LRL	MUL	PSH	QTA	RWP	SUK	TOTAL
ANP	-	-	-	-	-	-	-	-	2	-	3	-	-	-	5
Independent	6	12	4	11	-	5	-	4	1	7	10	14	1	-	75
JUI(F)	1	1	5	-	1	-	-	-	7	-	4	-	-	-	19
MQM	-	-	-	-	-	1	19	-	-	-	-	-	-	1	21
Other	-	2	-	-	4	1	1	-	1	-	4	4	1	3	21
PMAP	-	-	-	-	-	-	-	-	13	-	-	-	-	-	13
PML(F)	-	-	-	-	-	2	-	-	-	-	-	-	-	4	6
PML(N)	4	15	-	27	1	-	3	43	4	16	6	4	6	-	129
PML(Q)	-	1	-	1	1	-	-	2	1	-	-	2	-	-	8
PPPP	-	-	1	-	-	21	1	-	-	-	-	-	-	24	47
PTI	5	-	3	-	-	-	2	-	-	2	13	-	4	-	29
Total	16	31	13	39	7	30	26	49	29	25	40	24	12	32	373

Details

PML-N

Over a third of the 373 petitions (129) were filed in constituencies won by PML-N candidates. Sixteen petitions said the PML-N winners were nominated incorrectly while 44 petitions challenged the qualifications declared by the party's winning candidates. Moreover, 84 petitioners alleged that corrupt or illegal practices were employed by people in the General Election to help the PML-N candidates win. In 90 petitions, PML-N winners were directly accused of engaging in corrupt or illegal practices in an attempt to sway the election results.

There were 80 petitions that sought the disqualification of the winners and the declaration of petitioners as the returned candidates. Another 44 petitions asked for re-polls in constituencies while 33 petitioners demanded recounting of ballot papers for the entire or parts of the constituency. Nine petitions wanted a re-examination of the votes declared invalid, 15 requested re-polling at certain polling stations and 30 sought relief other than the categories identified above.

PPPP

A total of 47 petitions challenged the winning of PPPP candidates. Five petitions said the PPPP 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 in the General Election to help the PPPP candidates win. In 45 petitions, PPPP winners were directly accused of engaging in corrupt or illegal practices in an attempt to sway the election results.

There were 40 petitions that asked for the disqualification of the winners and the declaration of petitioners as the returned candidates. Another 20 petitions sought re-polls in constituencies while 12 demanded recounting of ballot papers for the entire or parts of the constituency. Five petitions wanted a re-examination of the votes declared invalid, eight requested re-polling at certain polling stations while 13 sought relief other than the categories identified above.

PTI

Twenty-nine petitions were filed against the PTI winning candidates. Three petitions said the PTI winner was nominated incorrectly and eight challenged the declared qualifications of the winning candidates. Moreover, 16 petitioners alleged that corrupt or illegal practices were employed by people in the general election to help the PTI candidates win. In 21 petitions, PTI winners were directly accused of engaging in corrupt or illegal practices in an attempt to sway the election results.

There were 19 petitions that sought the disqualification of the party winners and the declaration of petitioners as the returned candidates. Another 10 petitions demanded re-polls in constituencies and 10 requested recounting of ballot papers for the entire or parts of the constituency. Three petitioners wanted a re-examination of the votes declared invalid, nine asked for 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. Twenty-one petitions 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 the 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 wanted a re-examination of the votes declared invalid, another two sought re-polling at certain polling stations while three sought relief other than the categories identified above.

JUI-F

Eighteen petitions were filed against JUI-F winning candidates. One petition said the JUI-F winner was nominated incorrectly and seven challenged the qualifications declared by the party candidates. Moreover, 12 petitioners alleged corrupt or illegal practices were employed by people in the General Election to help the

JUI-F candidates win and 12 directly accused the JUI-F 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 the declaration of petitioners as the returned candidates. Another three petitions demanded re-polls in constituencies, 4 wanted a re-examination of the votes declared invalid, while two asked for re-polling at certain polling stations. Two petitions required relief other than the categories identified above.

Others

Detail of the grounds on which petitions was filed against the winning candidates (party-wise) is given in the following table:

Parties	Incorrect nomination process	Winning candidate not qualified to contest	The returned candidate won the election by a corrupt or illegal practice	The returned candidate was involved a corrupt/ 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)	16	44	84	90
PML(Q)	1	2	6	4
PPPP	5	8	19	45
PTI	3	8	16	21
Total	36	89	206	271

Detail of nature of reliefs sought against winning candidates (party-wise) is given in the following table:

Parties	Declare the election of the winning candidate to be 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)	80	44	33	9	15	30
PML(Q)	5	1	-	1	1	2
PPPP	40	20	12	5	8	13
PTI	19	10	10	3	9	2
Total	245	119	88	42	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* (Law of Witness) 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 it and obtain the copies on 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, 19 petitions (six National Assembly Constituencies and 13 Provincial Assemblies' Constituencies) 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 but 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. The tribunals should not adjourn any of the cases for more than seven days in accordance with ROPA provisions.
5. As the provisions of law emphasized that decision on an election petition shall be taken within four months from its receipt and after Election 2013 first time services of retired judges have been hired to head Election Tribunals to ensure timely resolution of election disputes, Election Petitions should be decided within legally stipulated time.