



## Press Release

### **47 election petitions still await decisions**

Election Tribunals decide only six cases in January 2015

ISLAMABAD, March 02, 2015: The election tribunals decided only six cases in January 2015, bringing the total number of decided cases to 364 out of 411 (338 out of 385 by the tribunals and 26 by the ECP). On the other hand, 47 petitions are still awaiting decisions, says Free and Fair Election Network on Monday.

Of the 364 cases, 154 (128 by the tribunals and 26 by the ECP) have been dismissed on grounds of technical deficiencies, implying that the merits of the petitions were not adjudicated on. Forty-three petitions have been accepted; 25 dismissed due to non-prosecution; 30 dismissed as withdrawn and 110 dismissed after complete trial. The reasons for dismissal of two petitions are not known to FAFEN due to non-availability of their copies of orders despite continuous efforts to obtain them.

With regards to the 43 petitions accepted, 10 were filed by independent candidates and nine each by PPPP and PML-N candidates. Meanwhile, none of the petitions filed by PTI have been accepted so far.

Of the accepted petitions, 15 are against the returned candidates of PML-N, 12 petitions cite independent candidates as respondents, while three nominate returned candidates of PTI.

Given the backlog, the ECP seems to have failed to ensure compliance with the mandatory legal provision of disposing of election petitions within 120 days of receipt by the tribunals. Section 67(1)A of the Representation of Peoples Act (ROPA) 1976 states, "where a petition is not decided within four months, further adjournment sought by any party shall be given only on payment of special cost of Rs10,000 per adjournment and adjournment shall not be given for more than three days."

Even though all the pending cases have crossed the limit of 120 days, the compliance with the mandatory provision of imposing the fine has been very rare. It is important to mention that the Supreme Court of Pakistan has already emphasized that the tribunals should follow the above-mentioned provision strictly. Furthermore, FAFEN has recorded 2,645 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 days.

Moreover, there is no provision in law that deals with writ petitions against interim orders of election tribunals or the timeframe for their disposal, if filed. As a result, stay orders passed by high courts against writ petitions have lingered on for several months, delaying the disposal of petitions within the legally-stipulated dead line.

The Election Commission of Pakistan (ECP) constituted 14 tribunals across the country to redress election-related complaints following the 2013 General Elections. The three tribunals in Balochistan decided all the petitions to become the first and only province whose tribunals have finished their tasks. The Tribunal at Dera Ismail Khan has also finished its work. Sukkur Tribunal has also ceased working as its remaining cases have been transferred to Karachi Tribunal after refusal of its Presiding Officer to accept further extension in his contract after June 30, 2014. The ECP has extended the term of contract of presiding officers of Peshawar & Abbottabad (Khyber Pakhtunkhwa), Rawalpindi, Lahore, Faisalabad, Multan & Bahawalpur (Punjab) and Hyderabad & Karachi (Sindh) for the third time till February 28, 2015 after expiry of their term on December 31, 2014.

FAFEN is governed by the Trust for Democratic Education and Accountability (TDEA).