



FAFEN UPDATE ON ELECTION TRIBUNALS

17 OF 23 ELECTION TRIBUNALS FUNCTIONAL

- Data available so far indicates 46% petitioners are PTI-independents**

At least 377 election petitions challenging the outcomes of as many National and Provincial Assembly constituencies have been submitted for consideration of 23 election tribunals appointed by the Election Commission of Pakistan (ECP), according to the post-election observation by the Free and Fair Election Network (FAFEN).

According to Section 140 of the Elections Act, 2017, the ECP appointed 17 tribunals – two in Punjab, six in Khyber Pakhtunkhwa (KP), five in Sindh, three in Balochistan and one in Islamabad Capital Territory (ICT). However, six tribunals in Punjab were appointed by the Lahore High Court (LHC) and notified by its Chief Justice on June 12, 2024, following a single-member bench ruling that the ECP was legally bound to notify the tribunals in consultation with the Chief Justice. Moreover, the Islamabad High Court also stayed the notification of two tribunals, appointed by the ECP to be headed the retired judges as per a Presidential Ordinance promulgated on May 27, 2024 amending Elections Act, 2017 to provide for the appointment of retired judges as the heads of tribunals. The ECP has challenged the appointment of tribunals by LHC in the Supreme Court, which has referred the matter to a larger bench.

FAFEN is observing the post-election election dispute processes including the election tribunals. Although the ECP adopted transparency measures during delimitation and other electoral processes, the ECP and tribunals have not yet disclosed the number and the ancillary details of the petitions. FAFEN largely relied on information available through the cause lists on the websites of high courts to gather the number of the petitions submitted, and subsequently obtained their certified copies. FAFEN could gather information about a total of 377 petitions filed with the 23 election tribunals, but could only obtain certified copies of 171. As mentioned earlier, these figures are not exhaustive, as the number of petitions may increase. The following table provides a snapshot of the petitions filed with the tribunals and the number of certified copies obtained in response to formal requests.

Table 1: Petitions status

Sr. No.	Tribunal Station	Number of petitions tracked so far	Number of petitions the copies of which are available	Status
1	Lahore 1	143	1	Nominated by LHC as of June 12, 2024
2	Lahore 2			Nominated by LHC as of June 12, 2024
3	Lahore 3			Nominated by LHC as of June 12, 2024
4	Lahore 4			Functional
5	Rawalpindi			Nominated by LHC as of June 12, 2024 One notified by ECP on June 7, 2024 but notification stayed by IHC on June 11, 2024
6	Multan 1	46	40	Functional

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7	Multan 2			Nominated by LHC as of June 12, 2024
8	Bahawalpur	16	2	One notified by ECP on June 7, 2024 refrained from working by IHC on June 11, 2024 Another nominated by LHC as of June 12, 2024. Case files have been delivered to this tribunal
9	Karachi 1	57	27	Functional
10	Karachi 2			
11	Larkana	7	7	
12	Sukkur	8	8	
13	Hyderabad	11	11	
14	Quetta 1	46	32	
15	Quetta 2			
16	Quetta 3			
17	Peshawar 1	7	7	
18	Peshawar 2	6	6	
19	Mingora	9	9	
20	Bannu	8	8	
21	Abbottabad	5	5	
22	Dera Ismail Khan	5	5	
23	Islamabad	3	3	
Total		377	171	17 functional, six recently nominated

ANALYSIS OF PETITIONS COPIES OF WHICH ARE AVAILABLE WITH FAFEN

As previously stated, FAFEN has obtained the copies of 171 petitions – 43 from Punjab tribunals, 58 from Sindh, 40 from KP, 32 from Balochistan and three from the ICT tribunal. Among these, 50 petitions have challenge the election outcome of National Assembly constituencies – 13 in Punjab, 18 in Sindh, nine in KP, seven in Balochistan and three in ICT. Additionally, 121 petitions challenge the results of Provincial Assembly constituencies – 30 in Punjab, 35 in Sindh, 31 in KP and 25 in Balochistan. Table 2 shows the breakdown of petitions, copies of which are available, according to the nature of the constituency.

Table 2: Number of petitions copies of which are available with FAFEN

	Punjab	Sindh	KP	Balochistan	ICT	Total
NA Constituencies	13	18	9	7	3	50
PA Constituencies	30	35	31	25	-	121
Total	43	53	40	32	3	171

PETITIONS COPIES OF WHICH ARE AVAILABLE BY PARTY AFFILIATION OF PETITIONER

Although the available data of petition copies obtained by FAFEN is not exhaustive, it highlights that a majority of these 171 petitions filed with the tribunals are from petitioner candidates belonging to Pakistan Tehreek-e-Insaf (PTI), who ran as independents during general elections. PTI-backed independent candidates are petitioners in 46 percent of these 171 petitions, followed by Jamiat Ulema-e-Islam Pakistan (JUIP) 13 percent, Pakistan Peoples Party Parliamentarians (PPPP) nine percent, Pakistan Muslim League – Nawaz (PML-N) eight percent, independents seven percent and Grand Democratic Alliance (GDA) in four percent of the petitions. Candidates from Jamat-e-Islami

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(JI), Awami National Party (ANP) and National Party (NP) each represent two percent of the constituencies where these petitions were filed. Candidates belonging to Hazara Democratic Party (HDP) and National Democratic Movement (NDM) have filed petitions in two constituencies each. The table below shows party-affiliation of petitioner candidates:

Table 3: Petitions by party affiliation of petitioner

Sr. No.	Party	No. of NA Petitions filed for NA constituencies	No. of NA Petitions filed for PA constituencies	Total Petitions	Percentage Share
1	Pakistan Tehreek-e-Insaf-(PTI) Backed Independents	31	48	79	46%
2	Jamiat Ulema-e-Islam Pakistan	4	19	23	13%
3	Pakistan Peoples Party Parliamentarians	1	15	16	9%
4	Pakistan Muslim League – Nawaz	5	7	12	8%
5	Independents	3	10	13	7%
7	Grand Democratic Alliance	1	5	6	4%
8	Jamaat-e-Islami Pakistan		4	4	2%
9	Awami National Party		4	4	2%
10	National Party	1	2	3	2%
11	Hazara Democratic Party		2	2	1%
12	National Democratic Movement	1	1	2	1%
13	Balochistan Awami Party		1	1	1%
14	Balochistan National Party		1	1	1%
15	Balochistan National Party (Awami)		1	1	1%
16	Haq Do Tehreek Balochistan	1		1	1%
17	Khadmeen-e-Sindh		1	1	1%
18	Pakistan Peoples Party	1		1	1%
19	Pashtoonkhwa National Awami Party Pakistan	1		1	1%
	Total	50	121	171	

A region-wise analysis shows that PTI-backed independent candidates have more share in challenges to constituencies, with all challenges to ICT constituencies originating from them. Similarly, 74 percent such petitions in Punjab, 49 percent in KP, 42 percent in Sindh, and six percent in Balochistan have been filed by PTI-backed independent candidates. JUIP accounts for 25 percent challenges in Balochistan, 17 percent in Sindh and 16 percent in KP. PPPP candidates are petitioners in 17 percent of challenges in Sindh, 13 percent in Balochistan, seven percent in KP and two percent in Punjab. PMLN candidates have filed 19 percent of challenges in Punjab, six percent in Balochistan and four percent in KP. Nearly all political parties in Balochistan have challenged one or more National and Provincial Assembly constituencies in the province. The share of JI and GDA challenges to constituencies in Sindh stands at 12 percent and seven percent, respectively.

Table 4: Petitioners by region and party

Party	Punjab	Sindh	KP	Balochistan	Islamabad
Pakistan Tehreek-e-Insaf-(PTI)Backed Independents	74%	42%	49%	6%	100%
Jamiat Ulema-e-Islam Pakistan		17%	16%	25%	
Pakistan Peoples Party Parliamentarians	2%	17%	7%	13%	
Pakistan Muslim League – Nawaz	19%		4%	6%	
Independents	5%	4%	9%	16%	

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Grand Democratic Alliance		13%			
Jamaat-e-Islami Pakistan		6%	2%		
National Party				9%	
Awami National Party			7%	3%	
National Democratic Movement			4%		
Hazara Democratic Party				6%	
Haq Do Tehreek Balochistan				3%	
Pakistan Peoples Party					
Balochistan Awami Party				3%	
Pashtoonkhwa National Awami Party Pakistan				3%	
Balochistan National Party				3%	
Balochistan National Party (Awami)				3%	
Khadmeen-e-Sindh		2%			