



Fourth FAFEN Update on Election Tribunals

ONLY 17 PERCENT OF ELECTION PETITIONS DECIDED TO DATE

- TRIBUNALS IN REGIONS OTHER THAN BALOCHISTAN SLOW IN DECIDING RESULTS DISPUTES

Between October 10 and November 15, 2024, Election Tribunals across Pakistan decided another 20 petitions, bringing the total of decided petitions to 60, or 17 percent of the 350 election results disputes systematically tracked by FAFEN. However, seven of the 23 tribunals have yet to decide any petitions.

FAFEN has identified and tracked 350 out of 377 petitions filed with the 23 tribunals. While there is marginal improvement in the the pace of petition disposal over the past one month, tribunals in Punjab, Sindh and Khyber Pakhtunkhwa (KP) continue to lag varyingly behind those in Balochistan. The three tribunals in Balochistan have disposed of 30 out of 51 results disputes (60 percent). In contrast, the six KP tribunals have decided only eight out of 42 petitions (19 percent), while the five Sindh tribunals have disposed of a mere 12 out of 83 petitions (14 percent). Punjab tribunals, which faced delays in their establishment due to interpretational differences between the Lahore High Court (LHC) and the Election Commission of Pakistan (ECP), have resolved only 10 out of 155 petitions (six percent).

Despite the notification of their establishment, four out of eight tribunals in Punjab, comprising of retired judges, have yet to commence hearings. Similarly, three pending petitions in Islamabad Capital Territory (ICT) tribunal await ECP decisions on transfer applications filed by the defendants.

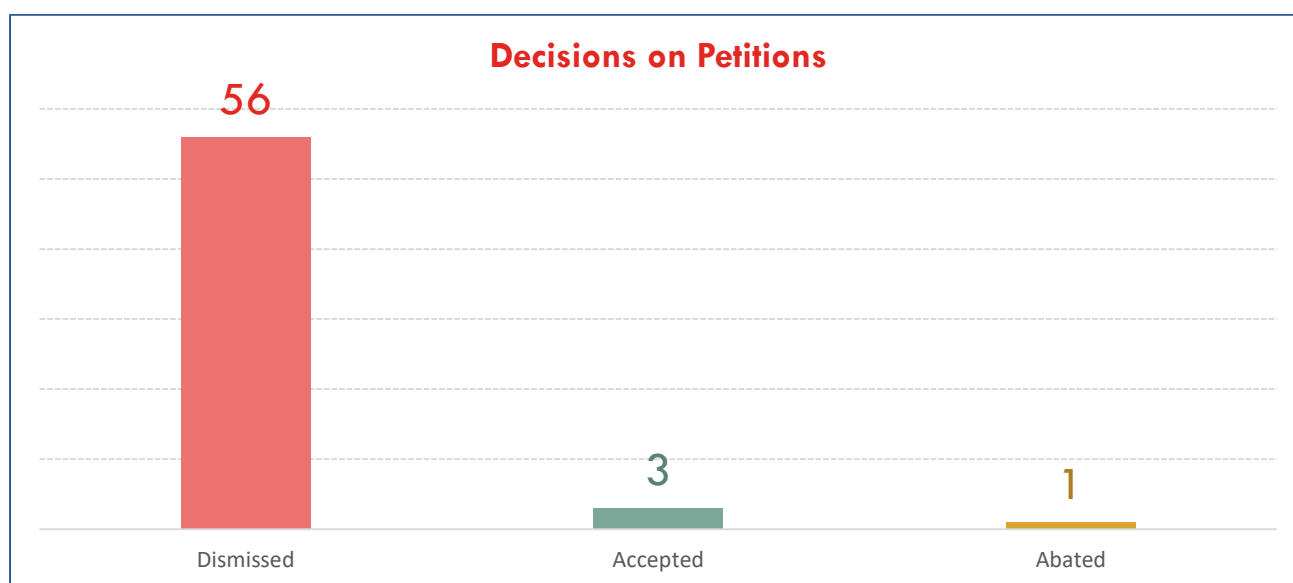
The majority of petitions decided thus far concern disputes over provincial assembly constituencies. Of the 51 disputes decided on provincial seats, 29 relate to the Balochistan Assembly, nine to the Sindh Assembly, seven to the Punjab Assembly and six to the KP Assembly. In comparison, only nine petitions on National Assembly (NA) constituencies have been decided, with three each in Punjab and Sindh, two in KP and one in Balochistan. Overall, 21 percent of 239 petitions on provincial constituencies have been decided so far. On the other hand, only nine percent of 111 petitions on NA constituencies have been decided.

BACKGROUND

ECP requested all High Courts to nominate judges for Election Tribunals on February 14, 2024. While most courts complied, the Chief Justice of LHC initially nominated only two judges instead of the nine requested. On April 4, 2024, the new LHC Chief Justice nominated six additional judges, but the ECP appointed only two for Lahore. On May 29, 2024, the LHC ruled that the Chief Justice's opinion should take precedence, directing the ECP to appoint the remaining judges. When the ECP failed to comply, the LHC itself constituted six additional tribunals on June 12, 2024. The ECP challenged this ruling in the Supreme Court (SC), and on July 4, 2024 suspended both the ECP's previous notification and the LHC's rulings. On September 30, 2024, the Supreme Court allowed the ECP's appeal, setting aside the LHC's judgments. Subsequently, on October 3, 2024, the ECP reconstituted eight Election Tribunals for Punjab, assigning four serving and four retired LHC judges and redefined their jurisdictions. However, more than a month later, the four tribunals consisting of retired judges have yet to begin work. Of the four tribunals with serving High Court judges, only two are actively hearing petitions in Lahore. One tribunal in Lahore and another in Multan are not hearing the cases as judges of these cases are posted at Rawalpindi bench.

Region	Number of NA constituencies decided so far	Number of provincial constituencies decided so far
Punjab	3	7
Sindh	3	9
KP	2	6
Balochistan	1	29
ICT	0	NA
Total	9	51

An overwhelming majority of petitions decided so far was dismissed by tribunals. Of the 60 decided petitions, 56 were dismissed, three were accepted, and one was abated due to death of the petitioner.



Of 56 dismissed petitions, as many as 22 were dismissed on the grounds of non-maintainability, eight were withdrawn by the petitioners, and five were dismissed due to non-prosecution. The tribunals rejected 16 petitions following a full trial. FAFEN has yet to ascertain the reasons for the dismissal of remaining five petitions due to unavailability of the copies of respective judgements.

All petitions decided on NA constituencies have been dismissed.

Sr. No.	List of NA constituencies decided	
1	NA-240 Karachi South-II	6 NA-133 Kasur-III
2	NA-219 Hyderabad-II	7 NA-75 Narowal-I
3	NA-262 Quetta-I	8 NA-178 Muzaffargarh-IV
4	NA-9 Malakand	9 NA-241 Karachi South-III
5	NA-1 Chitral Upper-cum-Chitral Lower	

The three petitions accepted by the tribunals pertain to Balochistan Assembly constituencies, where the tribunals ordered re-polling in parts of the constituencies. These constituencies include PB-44 Quetta-VII, PB-45 Quetta-VIII, and PB-36 Kalat. Two of these accepted petitions were filed by losing candidates of Jamiat Ulema-e-Islam Pakistan (JUIP) and one by a candidate from the National Party (NP) against two winners from Pakistan Peoples Party Parliamentary (PPPP), and one from the Balochistan Awami Party (BAP).

A petition on PS-97 Karachi East-I has been abated due to death of the petitioner. The abated petition was filed by the losing independent candidate, backed by Pakistan Tehreek-e-Insaf (PTI), against the returned candidate of Muttahida Qaumi Movement Pakistan (MQMP).

Among the dismissed petitions for NA and PA constituencies, 13 were filed by PPPP candidates, 10 by unaffiliated independent candidates, six by independents backed by PTI, five by JUIP, four by Pakistan Muslim League-Nawaz (PMLN), three each by NP and Awami National Party (ANP), two each by Jamaat-e-Islami Pakistan (JIP) and Pashtunkhwa Milli Awami Party (PKMAP), and one each by BAP, Balochistan National Party (BNP), Balochistan National Party Awami (BNPA), Grand Democratic Alliance (GDA), Hazara Democratic Party (HDP), Jamhoori Watan Party (JWP), Tehreek-e-Labbaik Pakistan (TLP), and Khadameen-e-Sindh (KS).

In terms of the respondents, 14 decided petitions were filed against PMLN winners, 13 against PTI-backed independent winners, 10 against PPPP winners, six against JUIP winners, five against MQMP winners, three against unaffiliated independent returned candidates, two against NP candidates, and one each against winners from BNPA, BNP, and BAP.

DISPOSAL BY TRIBUNAL

