



PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

No.PA/Khyber Pakhtunkhwa/Legis-I(R)/2024/953-54

Dated Peshawar, the 19 / 07/2024.

MOST IMMEDIATE
ASSEMBLY BUSINESS

To,

The Secretary to Government of Khyber Pakhtunkhwa,
Local Government, Election and Rural Development Department

Subject: - **JOINT RESOLUTION No. 37 ADOPTED BY THE PROVINCIAL**
ASSEMBLY OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to say that the Provincial Assembly of Khyber Pakhtunkhwa in its sitting held on **19-07-2024** passed unanimously the following Resolution No. **37** moved by Mr. Aftab Alam, Minister for Law, Mr. Amjad Ali, Special Assistant for Housing Mr. Akhtar Khan, Mr. Hamid ur Rehman, Mr. Anwar Zeb Khan, Mr. Iftikhar Ali Mashwani, Mr. Hamid ur Rehman and Mr. Fazal Elahi, Members Provincial Assembly Khyber Pakhtunkhwa as follows:-

This august house is strongly urged to adopt the resolution against ECP in blatant violation of Article-218 of the Constitution thereby attracting Article-6 and we also demand that Election Commissioner and its all four members must resign immediately but not later than 20 July. Contrary a reference against them shall be filed before august Supreme Judicial Council of Pakistan empowered under the Article-209 of the Constitution to proceed under such cases

1. The Article-218(3) defines the role of ECP as it shall be the duty of the Election Commission to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against". The incriminating evidence put forward herewith clearly establishes that ECP with malafide intentions and by design rigged the Elections-2024 by meandering its results. Following lapses, failures, criminal breach of trust, intentional oversights and incidents bear testimony to support the position we have taken:-

(1) Overstepping of Constitutional limits of 90 Days. Punjab and Khyber Pakhtunkhwa Assemblies were dissolved on 14th and 18th January 2023 respectively and under Article-224 of the Constitution ECP failed to conduct the election within the stipulated timeframe of 90 days.

(2) Illegal Extended Tenure of Caretaker Setups, ECP intentionally allowed caretaker setup to continue beyond the constitutional limits till 8 February, 2024, thus violated Article-224 of the Constitution.

(3) Partial and Biased Caretaker Setups planted on behest of ECP, Caretaker Cabinet were allowed by ECP to have members like Fawad Hassan Fawad (served as PS to two former PMs of PMLN, Mr.Nawaz Sharif and Mr.Shahid Khakan Abbasi), Umar Saif (served under Mr.Shahbaz Sharif as Minister in Punjab), Mr.Sarfaraz (Senator PPP) and likewise provincial assemblies all have similar natured biased and unfair structures.

(4) Sealing of PTI Election Offices. The ECP allowed caretaker setups to continue inflicting atrocities to PTI leaders and workers and failed to provide level playing. Field for election which included sealing of PTI offices across Pakistan. June 2023 PTI Karachi and in December 2023 Punjab offices were illegally closed without due legal process on behest of ECP.

(5) Electoral Rolls and Polling Schemes Rigging, Free and Fair Election Network (FEFEN) in its report has made the observations of pre-poll rigging by ECP whereby 180 constituencies across national and provincial assemblies fail to meet the legal requirement of 10% variation in population. This violated the principle of equal suffrage endorsed by amendments to Elections Act 2017. In violation of Section 27 and

Section 37 of Election Act of 2017, votes were haphazardly split between. Constituencies and amongst polling stations.

(6) Media Censorship and Harassment of Journalists, In August 2022 PEMRA imposed ban on broadcasting live speeches of PM Imran Khan and on 5th June 2023 ban was imposed on even taking name or showing picture of PM Imran Khan. Arshad Sharif was brutally murdered in Kenya on Oct 23 2022 as he exposed the elite and establishment corruption and corrupt practices. ECP being constitutional regulatory body of political parties/system, failed to ensure the fair play, meritocracy and justice in its aforementioned role.

(7) Snatching of Nomination Papers, Out of many incidents across Pakistan 37 incidents were reported in Punjab, Mrs. Pervaiz Elahi was mistreated while submitting nomination papers and 74 years old mother of Mr. Usman Dar was physical abused and harassed during raid to keep her out of election race.

(8) Targeting Women Political Leaders/Workers, Seventy four women were illegally detained in Kotluhput Jail Lahore alongside popular leader like Dr. Yasmin and Ms. Alia Hamza. The few other names who remained jailed upto six months and more are Ms. Tayyaba Ambreen, Ms. Fahmida, Ms. Robina Jamil Ms. Afsha Bibi, Ms. Somaya Asad, Ms. Arena Nacem, Ms. Sadia Naz, Ms. Tasneem, Ms. Farkhanda and Ms. Ayesha. The democratic fiber of the nation was eroded under the constitutional jurisdictions of ECP whereas it miserably failed to fulfill its legal and statutory obligations.

(9) Creating Deterrence for Proposers/Seconders, Proposers and seconders were arrested/abducted to deny verification of nomination papers of PTI candidates who succeeded in getting their paper filed.

(10) Rejection of Nomination Papers, The Human Rights Commission of Pakistan gave the report that PTI being dismembered in systematic manner and election process is being engineered as 90% of their nomination papers have been rejected. The 90% of ROs decisions pertaining to rejection of papers were reversed by the Court, speaks the malafide and biased conduct of ECP with blatant abuse to merit and fair play.

(11) Blockade of Access to Internet during Virtual Gatherings, PTI political activities started getting blocked on internet from May 2022 during rallies/jelsas and reached to its peak in 2024 when on 7 Jan PTI virtual funding was completely blocked. PTI virtual rallies of 17 December 2023 and 20 January 2024 were disrupted by PTA According to Alp Toker, Director of Net Block, targeting political activities on such a large scale through social media across is highly uncommon. According to live metrics. Provided by internet tracking agencies these disruptions raised concern about freedom of expression.

(12) Appointment of Executive Officers as ROs, Executive officers who were instrumental in inflicting atrocities on PTI were intentionally appointed with consent of ECP as ROs who later were found involved in fudging Form-45 and Form-47 in getting manipulated results. PTI requested to appoint judicial officers to bring greater transparency in election process which was stones walled by ECP.

(13) Denial of Bat Symbol, Women/Minority Seats to PTI, The decision of Supreme Court on Civil Appeals No.333, 334 of 2021 and **Misc** Application 2920 of 2024 has clearly established the following allegations against ECP:-

(a) The denial of Bat Symbol interpretation on Supreme Court decision by the ECP was blatantly and obviously obnoxious and abinitio void tantamount to mischief dishonestly and defective with considered intents. It overstepped rights of public in the realm of Article-17.

(b) Reserves seats distribution in the light of Article-51 read with Article-106 was. Declared void making it amply clear that ECP decision was against the laid down dictates of Constitution of Pakistan.

(14) Denial of Election Campaigning to PTI, The imposition of Section 144 from 25th January to 12th February denied PTI to conduct election rallies. Amnesty International expressed grave concerns on widespread restrictions on peaceful assemblies of PTI and PTM (Pashtun Tahafuz. Movement).

(15) Communication Blockade on Election Day, Communication blockade was made on 8th February which denied information required to be provided on 8300 by NADRA to the voters across the Country. The HRCP issued the stern call for restoration of communication and to take stern action against PTA.

(16) Denial of Polling Agent Entry, In several constituencies PTI polling agents were not allowed to enter the polling stations. FEFA reported that in 135 constituencies across Pakistan their observers were not allowed to visit the polling stations.

(17) Refusal of issuance of Form-45, The PTI polling agents were not allowed to sit and also denied to have Form-45 on completion of polling process. The mainstream media at 03:00 AM reported as per Form-45 PTI independents had attained 154 seats. These numbers were given by Geo and Hum TV. The update was then stopped. The ROs as per law were required to compile results by 02:00 AM but the exercise went over to next two days. This was violation of Election Rules-2017.

(18) Consolidation Process. In almost all snatched constituencies of around eighty in numbers of National Assembly PTI candidates were not allowed to enter ROs offices for consolidation in absolute violation of Election Laws.

(19) Confessional Statement of Commissioner Rawalpindi Liaquat Ali Chatta (reportedly is still missing). On 17th February Commissioner admitted the mass scale rigging of constituencies under his area of jurisdiction. This was followed by testimonial of about 14 prominent political figures like Lushkre Raisani, Mehmood Khan Achekzai, Hafiz Naeem, Shahid Khakan Abbasi and others regarding manipulation and clear majority winning of NA and Punjab Provincial Assembly by PTL

(20) International Watch Dogs, United States Institute of Peace and report of Common Wealth observers Group clearly declared meandering and casted shadow over conduct of Elections-2024.

(21) FAFEN Report, F AFE N reported that its observers were denied in 135 constituencies out of 260 by the ROs. All the provisions of Election Laws 2017 like consolidation of Form-47 provision of Form-48 were not adhered to.

(22) PILDAT Report, Highlights are:-

(a) Delay in election process. (b) Suspension of communication. (c) Delay in announcement of results. (d) Discrepancies in Form-45 and Form-47.

(e) Failure to publish various Form on ECP Website within 14 days.

(1) Delayed allocation of reserved seats.

(g) PILDAT demanded Election Inquiry Commission to probe into election malpractices.

(23) By-Election 21" April, 2024,

(a) Restricted freedom to campaigning by PTI.

(b) PP-36 candidate house was raided and PS-80 candidate withdrew under coercion.

(c) NA-8 Bajaur RO reported through letter ransacking his office and beating of his assistant DEO Mr. Hazratullah by naming ISI officers who were involved in these unlawful activities.

(d) Signature on Form-45 of ROs were taken in advance.

(e) NA-196 and 207 (against Zardari) nomination paper were rejected.

(24) PATTAN reported massive rigging and their survey shows that PTI popularity of 8 February did not decline yet it could get single seat out of 12 seats of Punjab. Survey showed 40% voters coming out were that of P'TI.

Demand and position taken by PTI

(i) The rigging of Election-2024 has resulted into a political instability which is adversely effecting economic and internal security of the Country and its primary and basic reason is violation of Constitution of Pakistan and Election Laws, 2017 by ECP.

(ii) We hence demand immediate resignations of ECP all members including Commissioner but not later than 20 July, otherwise, we shall move reference to Supreme Judicial Council based on above stated findings and facts pertaining to Election-2024.

I am further directed to say that under sub-rule (3) of rule 135 of the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 1988 the Department concerned of the Government shall report to the Assembly Secretariat about the action taken on the resolution within a period of two months from the date of its communication.

Your faithfully,



Assistant Secretary,
Provincial Assembly of Khyber Pakhtunkhwa