



---

# **Truth behind PTI's Rigging** **Allegations**

**General Elections 2013**

**PML-N Election Cell**

September 18, 2014

## Contents

<b>Executive Summary.....</b>	<b>3</b>
<b>I. Main Features and Reasons for PTI Electoral Defeat.....</b>	<b>12</b>
<b>II. Polls and Reviews of National and International Organizations and Polling Agencies.....</b>	<b>16</b>
<b>III. PML-N's response to baseless allegations and charges made by IK .....</b>	<b>19</b>

# **TRUTH BEHIND PTI'S RIGGING ALLEGATIONS**

## **Executive Summary:**

General Elections (GE) 2013, the seventh since 1970, held after the completion of 5-year tenure of democratically elected five federal and provincial governments installed in 2008, were historically unique on many counts.

### **For the first time:**

- GE 2013 were organized and managed under a 5-member Election Commission composed of Judges selected through due process after consultation with all parliamentary forces in accordance with unanimously adopted 18<sup>th</sup> amendment;
- GE 2013 were held under neutral caretaker Prime Minister, Federal and Provincial governments, set up through due process devised unanimously by the Parliament through 18<sup>th</sup> and 20<sup>th</sup> Constitutional amendments. Moreover, at the time of GE 2013, the President of Pakistan elected in 2008, was co-Chairperson of PPPP;
- Pursuant to Supreme Court Order, the electoral rolls were prepared after removing around 37 million unverifiable

votes from the earlier electoral rolls used in GE 2002 and 2008;

- the computerized pictures of the voters were used from the Computerized National Identity Cards ('CNIC') record maintained with NADRA to facilitate their identification on the election day by the polling staff and polling agents of the candidates;
- registered voters were given a direct access at the preparation stage of electoral rolls to ascertain their votes;
- before the polling day, every voter could access the actual location of his / her polling station through SMS from the ECP record.

Earlier, the PML-N conceded to the PPP's nominees appointed in all caretaker governments including caretaker Prime Minister without insisting on a single nominee in any of the five caretaker governments including Punjab.

The 5 member Election Commission of Pakistan ('ECP') was constituted through due process as mandated by the Constitution. Justice (Rtd) Fakhruddin G. Ibrahim was proposed by Pakistan Tehreek-e-Insaf ('PTI') Chairman, Mr. Imran Khan, ('IK'), and was thereafter duly appointed as Chief Election Commissioner.

Justice Ibrahim is considered to be an outstanding jurist, well respected throughout Pakistan for his competence, integrity and independence. Justice Ibrahim was assisted by four Retired Judges of the Provincial High Courts, one from each Province.

PML-N was systematically fractured since 1999 coup by design to create PML-Q as King's party. The PML-N suffered heavily in GE 2002 due to excessive use of state's coercive instruments and were prevented from direct presence and guidance of their exiled leadership. Likewise, a splinter group carved out of PPPP after 2002 polls was used to create an artificial majority for PML-Q led government headed by three successive PM's during 2002-2007 National Assembly.

PML-N was once again marginalized in GE 2008. The return of PML-N Leader Mr. Muhammad Nawaz Sharif from exile was blocked right up until the eve of submission of nominations papers.

However, by GE 2013, most members of the PML-N had reverted back to join their mother party. Conscious of its ground support after consolidation of its vote bank, PML-N carefully processed its nominations for fielding candidates for the GE 2013. As predicted by national and international polls, PML-N achieved its decisive victory in GE 2013, and secured 129 seats, most of which were won with significant margins. Out of 272 NA constituencies, on May 11, 2013 election was held in 269 constituencies. After the GE 2013, another 19 independent candidates joined PML-N, together with reserved seats, PML-N position in National Assembly came to 189 seats, whereas 172 seats are required to form Federal Government:

### **PML-N position in National Assembly after GE 2013**

NA	KPK	Punjab	Sindh	Balochistan	FATA	Isl	Reserved Seats	Independents	Total
PML-N	5	119	1	1	2	1	Women+ Minority=35 +6	19	189

In sharp contrast, PTI won only 27 seats out of 272 NA seats, and after adding 7 reserved seats its total tally rose to 34:

### **PTI position in National Assembly after GE 2013**

NA	KPK	Punjab	Sindh	Isl	FATA	Reserved Seats	Total
PTI	17	7	1	1	1	Women+Minority=6+1	34

Out of the 272 seats in National Assembly, PTI won only 27 seats. Interestingly, only 30 of the PTI's losing candidates chose to file election petitions before the Election Tribunal, of which only 19 pertained to Punjab. Meaning thereby that, except for those constituencies where PTI candidates filed election petitions, all other PTI losing candidates accepted the people's verdict and their defeat. If PTI and its losing candidates thought that their election mandate had been stolen, then at least 4 to 5 times more losing PTI candidates would have filed election petitions before the election tribunals. But they did not! Additionally, it is interesting to note that in Punjab:

- In 55 NA constituencies, PTI candidates lost their security deposits
- in 10 NA constituencies PTI did not put any candidates

Overall, out of 148 Punjab Constituencies, in 65 constituencies representing 44% of the total NA constituencies in Punjab, PTI did not have any chance to challenge the winners. This indeed is a very high percentage for any party to justify a rationale for lodging a claim that its election mandate had been manipulated or stolen through means other than people's direct expression through ballot box.

Be that as it may, there is no denying that like all elections conducted across the globe, isolated irregularities in constituencies on stand alone basis were also noticed in GE 2013, but that does not in any way be termed as systematic rigging, or a conspiracy for or against any one particular party. To redress complaints of irregularities, legal recourse mechanisms remained available with Election Commission and Election Tribunals. These platforms were duly availed by aggrieved candidates of all political parties, including PTI. Even PML-N candidates who lost during GE 2013 filed the most number of complaints with Election Commission and Election Tribunals. But this does not imply that electoral irregularities observed at local levels be classified as systematic rigging.

In early June 2013, Election Tribunals were constituted by Election Commission of Pakistan in consultation with respective Chief

Justices of the High Courts, and PML-N had no role in their composition.

To curb these incidences of irregularities which were also witnessed in all previous elections, it is imperative to carry out an exhaustive review to reform existing regime of electoral laws governing elections, and to complete the mutually agreed reforms. For this purpose an Electoral Reform Committee with representation of all political parties in Parliament has already been constituted by the Speaker on the formal request of the Prime Minister of Pakistan, Mohammad Nawaz Sharif.

There are cogent reasons with evidence discussed in this report, based on which PML-N rejects and negates all baseless, malicious and false allegations/propaganda leveled by IK. It is nothing more than his failed attempt hoping to short cut the route to capture Prime Minister's office without going through the rigors of the normal electoral process after PTI miserably lost GE 2013-the same way in which PTI contested and lost previous elections.

There are many reasons why PML-N and all other parties disagree with PTI's misplaced claim of a stolen mandate. These include *interalia*:

- **PTI itself does not believe that their mandate was stolen:**
  - i) PTI's own internal Review Commission report held IK and his PTI party responsible for their defeat in GE

2013, and not even remotely indicate towards any systematic plan designed to ensure defeat of PTI and victory of PML-N. *See Section I for more detail.*

ii) PTI losing candidates filed a total of just 58 petitions with Election Tribunals. Of these, 30 election petitions pertain to National Assembly constituencies of which 19 are for NA constituencies in Punjab; another 28 PTI petitions relate to Provincial Assemblies constituencies. This means that even if PTI were to win all these 19 NA constituencies in Punjab, its total tally would have reached a meager 53, from PTI's current strength of 34 seats in NA. However, in order to attain a simple majority in National Assembly, total seats required are 172; leaving PTI still short of 119 NA seats to claim a mandate and form Federal Government.

iii) If IK and PTI losing candidates believed that a mandate was stolen systematically, the number of petitions filed by PTI losing candidates should have been multiple times more than 30 election petitions actually filed with election tribunals. *See Section III para 1 for more detail.*

- National and international organizations and polling agencies predicted an outright victory of PML-N way before GE 2013 and had placed PTI in third position. *See Section II for more detail.*

- National and international observers post GE 2013, by and large showed their satisfaction and expressed positive reviews. *See Section II for more detail.*
- IK's baseless allegation of 35 punctures, assumes and refers to constituencies where rejected votes were more than the difference in votes between the returned candidate and runner up. At best no more than 2 constituencies exists in Punjab where PML-N won and PTI was runner up. *See Section III para 2 for more detail.*
- All the allegations raised by IK, be it regarding non-verification of thumb impressions, printing of so called ballot papers in some imaginary *Urdu bazar*, maligning institutions or individuals have all been vehemently refuted by all concerned. *See Section III for more detail.*
- It is impossible to comprehend and believe IK's illogical and baseless claim of a massive and so called systematic plan to rig GE 2013 against PTI and in favor of PML-N. The allegation implies that every individual or organization that were directly or indirectly engaged with GE 2013 were involved in the alleged systematic plan- which of course is impossible and is strongly contradicted by facts:-
  - IK himself nominated Justice (Rtd) Fakhrudin G Ibrahim for Chief Election Commissioner;
  - Ex-CJP, Hon'ble Iftikhar Chaudhary had enjoyed unqualified confidence of IK before the GE 2013; who gave favorable decisions on IK petitions related to right to vote for Overseas Pakistanis, and correction of

electoral rolls to remove almost 37 million unverified votes etc;

- PPPP nominated caretaker governments and care taker Prime Minister;
- Caretaker Chief Minister Punjab, whose actions IK publicly praised;
- Election Commission;
- Some segments of Media;
- Ex COAS, General (Rtd) Ashfaq Kiyani (alleged by PTI Deputy Information Secretary and PMLQ President);
- Local and International polling agencies whose polls predicted PML-N victory much before GE 2013;
- International and local monitoring agencies who gave satisfactory reviews on GE 2013

Therefore, it can be concluded that IK and his PTI lost GE 2013 exactly as was predicted by polls conducted by various national and international poll agencies; for reasons given in detail in IK's own party internal Review Commission report identifying IK and PTI leadership responsible for the defeat in GE 2013; and as was believed by the losing candidates of PTI who post GE 2013, challenged only 30 NA constituencies. All other PTI losing candidates accepted their own and PTI defeat in GE 2013. Hence, in view of the aforementioned facts, allegations of IK are no more than a fake attempt to hoodwink the nation and spread malicious propaganda against PML-N.

# **I. Main Features and Reasons for PTI Electoral Defeat:**

After the GE 2013, IK appointed a 3-member Review Commission headed by Mr. Tasneem Noorani, to probe and determine the nature and causes of PTI's defeat. In sharp contrast to the allegations leveled by IK *inter alia* on the former Chief Justice, a retired Supreme Court judge, Chief Election Commissioner, Returning officers (ROs), Election Commission, some segments of media and caretaker set-ups, the PTI's three-member Review Commission Report ('Report') found ill-timed intra-party election/wrong selection of candidates motivated by favoritism and corruption, lack of preparation for the elections, IK's indifference towards workers and other issues as major factors behind the defeat. Many, including his close family members, held IK responsible for wrong decisions and selection of candidates. The findings of the Report are summarized below:

- **Intra-Party Elections:** The PTI Review Commission noted that the PTI intra-party elections held some 14 months before the GE 2013, were ill-conceived, both in terms of timing and management. These had created obvious and serious internal rifts following accusations and counter-accusations that cast serious aspersions to doubt the entire process of intra-party elections generally rejected by a vast majority of PTI's' candidates and old workers seeking party slots.

Explaining the trouble caused by the intra-party elections shortly before the national polls, the Report states that it caused rivalries, grouping and personal animosity that seriously affected the unity and subdued the enthusiasm of PTI during the general elections 2013. Members who were resourceful were able to manipulate electoral systems in their own favor, dejecting a large majority of committed and 'Nazriati' members.

This fact had also been duly covered by the entire media. For more than 14 months, PTI's internal dispute resolution system instituted to investigate the serious charges of intra-party rigging in the elections failed to resolve more than 10% of the complaints, leaving 90% unattended, and dejected purely from PTI's inability to settle intra-party polls.

- **Awarding of Party Tickets sans Merit:** The PTI Review Commission Report attributed corruption as the main reason for wrong distribution of tickets and that merit was not a primary consideration. This in turn affected the electoral performance in GE 2013. This Report further pointed out that financial irregularities were also reported in the award of tickets. In many instances tickets were distributed for non-transparent considerations. IK has been consistently promising to introduce merit in the country. However, in spite of several complaints of corruption, IK has failed to take any action on elements within his own party.

It is indeed surprising that PTI which champions the cause of eliminating corruption from the society in general, and electoral malpractices in particular, was found engaged in corrupt practices in its intra party electoral process, and even more surprising that no action was taken by IK on those involved in corruption within PTI. It is indeed anomalous that PTI does not practice what it preaches.

- **PTI ignored rural areas:** PTI campaign was not in line with ground reality as noted by the PTI Review Commission with the further observation that PTI campaign was poorly managed. PTI focused primarily in the urban areas whilst completely ignoring the majority voters in rural areas.
- **PTI ignored party workers:** The Report also highlights the grievances of party office-bearers and workers against IK who, they complained, did not give them time and due importance. They held IK and other top leaders responsible for the mess in ticket distribution as all the decisions were taken by them, the report points out.
- **PTI Secretary General Remained Dysfunctional:** The PTI Review Commission Report also reported that the nominated Secretary General was completely dysfunctional and did not play the role required of a Secretary General. Instead of focusing on coordination of the campaign, he primarily remained pre-occupied with his own constituency.

- **Summary Expulsion of PTI Elected President reflects the fact that no remedial action has been taken on the findings of PTI Review Commission Report:** After the public revelation by PTI President Javed Hashmi of the un-democratic malafide designs of the PTI to derail democracy through its current movement commonly known as Azadi March, followed by summary expulsion of PTI elected President Javed Hashmi from party alongside (03) MNAs speaks volumes about PTI rhetoric of merit in contrast with actual realities and gravity of its internal issues.

It is most unfortunate, that instead of taking any action on its internal party Report, IK decided to push the blame of his defeat in GE 2013 on PML-N door, blatantly involving every institution in his blame game, as a distraction tactic.

## **II. Polls and Reviews of National and International Organizations and Polling Agencies**

Professional pre-election surveys conducted by independent national & international polling agencies, including Gallup International and IRI and indicating voting trends had predicted clear and outright victory of PML-N. Results of surveys are as below:

PARTY	IRI	GALLUP
	NOV '12	FEB '13
PTI	18%	14%
PPP	14%	17%
PML-N	32%	41%

The electoral process was monitored by several leading local and international organizations such as the US-based National Democratic Institute, the European Union, UNDP, and FAFEN. Post election survey and research published by EU Observers' Mission, UNDP, PILDAT, FAFEN, Election Observer Mission of the Government of Japan, International Human Rights Commission expressed positive reviews on GE 2013 as compared to all previous General elections in the country. The election results also confirmed the voting trends predicted by pre-election surveys conducted by various institutes mentioned above.

According to FAFEN report GE 2013 were by and large free, fair and transparent, and stated that preliminary evidence from more than 41,000 FAFEN observers and robust media reports indicated that the election did reflect the free will of the electorate through a relatively fair process.

EU and NDI have been monitoring elections in Pakistan for the past few years. The 140-member European Union's Election Observer Mission, satisfied with GE 2013, in its final report said that the GE 2013 were much more free and fair than the previous elections with a high level of competition, a marked increase in voter participation and overall acceptance of the outcome. EU Election Observation Mission maintained that the legal framework has been improved through various amendments to the Constitution. These established a parliamentary process for the appointment of the Caretaker Prime Minister, Chief Ministers, and the Election Commission of Pakistan leadership, as well as collective decision-making by the ECP Members and Chief Election Commissioner. These improved mechanisms contributed to enhanced confidence in the institutions and reduced allegations of bias compared to previous elections.

NDI-ANFREL noted in their Preliminary report that the May 11th, 2013 elections illustrated the resolve of the people of Pakistan to build on the progress that they have made in developing their democratic institutions. PILDAT also concluded that GE 2013 were better than previous general elections held in Pakistan.

Election Observer Mission of the Government of Japan reported that as far as their mission's observation were concerned, not even a small act of rigging was detected and this could be evaluated as a great advance towards democracy.

The International Human Rights Commission also showed its satisfaction on the GE 2013 and pointed out that HRCP did not find any credible evidence of large-scale or systematic rigging in the country based on the findings of HRCP election observation teams on the ground across the country. These teams had the benefit of HRCP's record of monitoring each and every election in the country since 1988, HRCP maintained.

### **III. PML-N's response to baseless allegations and charges made by IK**

PML-N's response to baseless allegations and charges made by IK on the basis of which he repeatedly but naively concluded that elections were massively rigged and PTI was denied mandate by a systematic conspiracy, is as follows:

#### **1. IK Allegation:**

IK alleged that there was mass scale rigging in Punjab resulting in the mandate being stolen from his party.

#### **PML-N Response:**

This baseless allegation is refuted by the following hard facts:-

- In case of **272** constituencies of National Assembly in GE 2013, reportedly PTI fielded around 241 candidates, leaving 31 seats uncontested. It won **27** NA constituencies; however, only **30** PTI losing candidates filed election petitions, representing 11% of the total NA constituencies. Out of these, only **19** election petitions pertained to Punjab, 5 from Sindh and 6 from Khyber Pakhtunkhwa. It is strange that a party claiming *systematic mass scale rigging to steal a mandate to rule* did not file more than 30 election petitions. Therefore confirming that PTI losing candidates had no complaints in remaining 89% NA constituencies. PTI would not have been able to form Federal

government even if all PTI candidates would have won those constituencies where its losing candidates filed election petitions.

- From a total of **577** directly elected Provincial Assembly ('PA'), constituencies in the four Provinces, PTI won **55** PAs seats, and filed complaints in only **28** constituencies, representing less than **5 %** of the total PA constituencies. It is strange that a party claiming that there has been *systematic mass scale rigging to steal mandate to rule* did not file more than **28** election petitions. Therefore confirming that PTI candidates had no complaints in **95%** constituencies in PAs. Of these **28** PA constituencies, PTI filed **23** election petitions in Punjab. Even if all PTI candidates would have won their constituencies where its losing candidates filed election petitions, PTI would still not be able to form government in Punjab.
- Most PTI losing candidate's complaints against PML-N have already been disposed off by the Election Tribunals; only **8** each are pending in NA and PA constituencies.

## **2. IK Allegation:**

IK alleges that there was an institutional conspiracy as a result of which 35 NA constituencies were gifted to PML-N. In this respect, he refers to a phone conversation between Caretaker Chief Minister Punjab and Mr. Shahbaz Sharif, alleging that Caretaker Chief Minister confirmed having '*punctured*' 35 NA constituencies in favor of PML-N by securing rejection of a

certain number of votes. The difference of votes between the winner and runner up in these 35 constituencies was less than the rejected votes. It is therefore alleged by IK that if these votes had not been rejected, PTI would have gained and won these 35 constituencies.

### **PML-N Response:**

- Out of these 35 constituencies, only 15 relate to the Punjab; remaining 20 constituencies are in the other 3 provinces and FATA (KPK 5, Sindh 5, Baluchistan 7 and FATA 3). Punjab's caretaker Chief Minister could not have extended his reach beyond Punjab, much less to 'rig' the 20 constituencies outside of his territorial domain in other Provinces and FATA;
- Of these 35 constituencies, PML-N won only 12 constituencies, out of which PTI was runner up in only 2 constituencies. In the remaining 23 constituencies (where PML-N lost) PTI was runner up in 4 constituencies against non PML-N candidates.

Hence, there are only six constituencies in which PTI was runner up. The so called '*puncture*' story is therefore malicious and baseless. Even if all the rejected votes in these six constituencies are added to the PTI tally, it would, at best, add only six more seats to PTI and increase its total count in the National Assembly from 34 to 40 - still leaving IK 132 seats

short of 172 seats required for a majority in the National Assembly to form Federal Government.

As per facts narrated above, IK's narrative of the so-called "35 *punctures*" lacks any objective or empirical basis. These are nothing but a myth carved to hoodwink the public and to spin a story of some well planned systematic conspiracy to camouflage PTI's widely predicted defeat in GE 2013.

### **3. IK Allegation:**

IK has consistently maintained that he has not been satisfied by the Government with respect to the 4 NA constituencies which he has requested to be re-opened as test cases.

### **PML-N Response:**

With respect to these 4 constituencies, the PTI losing candidates have already filed election petitions with designated Election Tribunals, constituted pursuant to Article 225 of the Constitution to resolve such disputes according to the law. As stated earlier, these Election Tribunals and their processes have nothing whatsoever to do with PML-N Government.

In the first place, IK issue regarding the 4 constituencies is purely within the domain of Election Commission and the Election Tribunals. If their progress was not to his satisfaction,

IK or PTI losing candidates should have approached the superior judiciary for remedy. Not the Government!

It is purely IK's ignorance of the law that makes him continue to insist that the Government should interfere in the election dispute resolution process. IK should be asked to specify under what law and constitutional provisions the requested 4 constituencies can and should be re-opened by the Government? IK should also be asked if he considers it to be free and fair as well as constitutional to re-open his requested 4 constituencies whilst ignoring all other cases of losing candidates pending with election tribunals, despite Articles 4, 25, 175(2) and 225 of the Constitution?

IK's ignorance of the law prevents him from understanding that once the losing candidates have filed their election petitions with the election tribunals, these are deemed to have been 'open' for judicial scrutiny.

- Secondly, IK is deliberately creating a fallacious allegation that PML-N was opposed to recounting of votes in the 4 requested constituencies. The reality and facts of these 4 constituencies are in sharp contrast:-

**1) Mr. Jahangir Tareen's Case-(NA-154):** IK has been generating public perception that PML-N somehow *rigged the election*, including the allegation that Mr. Mohammad Nawaz Sharif's speech on the night of May 11th, 2013

prompted the Returning officer *to rig* the outcome in favor of PML-N candidate.

It is only IK's ignorance of GE 2013 election results that prevents him from understanding the basic fact that **PML-N DID NOT EVEN WIN THIS SEAT**. It was won by an independent candidate with PML-N coming a distant third!

The winner, an Independent candidate, Mr. Baloch got 86,177 votes against the runner up Mr. Jahangir Tareen who polled 75,955 votes, and PML-N stood at 3rd position with 45,634 votes. The combined total of votes of the first and third candidate was 131,811 against 75,955 votes of Mr. Jahangir Tareen.

2) **Khawaja Mohammad Asif's case- (NA 110):**

Khawaja Asif won the election by polling 92,848 votes. The PTI candidate filed a petition against election irregularities. Interestingly, there were zero irregularities observed in this constituency by independent observers.

IK is totally ignorant of the fact that the PTI's losing candidate filed a petition with the Election Tribunal but thereafter NEVER pursued his own case nor appeared before the Tribunal despite FOUR notices issued to him by the Tribunal. IK is also ignorant of the fact that the Tribunal penalized his losing candidate to the tune for Rs 30,000 for non-appearance and dismissed the petition.

NOTE: In sharp contrast to NA 110, around 55 irregularities were observed in NA 1 from where IK won in GE 2013 by securing 90,434 votes against 24,449 of Ghulam Ahmad Bilour. However, in the by-election PTI lost by 5,475 votes. PTI surprisingly only managed to secure 28,911 votes, while Ghulam Ahmad Bilour won by securing 34,386 votes.

**3) Khawaja Saad Rafique's case-(NA 125):**

Khawaja Saad Rafique won by polling 123,416 votes. PTI has been most vociferous in its demand for vote verification although the margin of defeat for PTI candidate is 38,921. Recounting was ordered in 7 polling stations. It is interesting to note that in polling stations where recounting was ordered, of these 6 out of 7 polling stations the Petitioner, Advocate Hamid Khan had won the election. In the entire election process where 217,762 votes were cast, not even a single vote was challenged by the polling agents of any contesting candidate. This was one of those constituencies where Army was also deployed. In the order passed by Lahore Election Tribunal, the Honorable Judge noted that the PTI Petitioner was trying to dictate the order and hence the matter had to be transferred from Lahore to Faisalabad Election Tribunal.

#### 4) Sardar Ayaz Sadiq's case-NA 122 Lahore:

After the elections, IK as the losing candidate filed an election petition with the Election Tribunal. In 8 months after the filing of the petition, IK was issued 11 notices but IK refused to appear. Finally when IK eventually appeared on May 7, 2014, PTI created mayhem and vandalism on the premises of the High court. The judge left the court for his own safety, refused to undertake the court proceedings and the case was adjourned.

Eventually, IK formally apologized for his conduct. On September 4, 2014, the High Court sat to take a decision but IK's lawyer requested for yet another adjournment.

On the next date of hearing on 17<sup>th</sup> September inspection of record of this seat was allowed.

Therefore, IK putting the blame on PML-N or its candidates, is fallacious and an attempt to mislead the entire nation.

#### 4. **IK Allegation:**

IK has repeatedly alleged that in **every** constituency up to 60,000 to 70,000 votes cast were found to be un-verified. In support of this allegation, IK keeps citing a statement said to have been made on the National Assembly floor by Chaudhry Nisar Ali Khan, Minister of Interior.

## **PML-N Response:**

IK is maliciously misquoting Chaudhry Nisar Ali Khan to deliberately misinform the entire nation. IK continues to make the allegation that 60,000 to 70,000 votes casts were unverifiable in **every** constituency of the Country, which is totally false and contradictory to the facts:

On the National Assembly, floor while speaking on the issue of thumb verification, Minister of Interior Chaudhry Nisar Ali Khan had explained the possible reason for why **some** thumb impressions taken on election day in **some** constituencies may not be readable, and hence may not be verifiable with NADRA database.

Thumb verification requires NADRA database cross-references to the thumb impressions taken during issuance of CNIC. Cross references require readable thumb impressions.

In GE 2013, ECP and NADRA decided to use magnetic ink for procuring thumb impressions, in addition to the requirement that proper thumb impressions of the voters are procured on the election day. ECP and NADRA, however have publicly admitted that in the absence of magnetic ink, even normal ink that has historically been used for taking thumb impressions, was also adequate, so long as the thumb impressions were properly taken and were readable. Magnetic ink was suggested only as an additional measure because it dries quicker than normal ink. Thus, in instances where magnetic ink could not be

used, the readable thumb impressions taken by using normal ink, are also valid for the purpose of cross-reference.

The issue arose in only those cases where thumb impressions were not properly taken by the staff on duty on the election day, irrespective of the type of ink used, and therefore were not possible to read. Thus, raising difficulty in establishing the cross-reference in two sets of different documents i.e. CNIC archives and voter's record procured on election day.

It is important to keep in mind that thumb verification with NADRA database is only possible when the thumb impression is readable. In any case thumb verification or its lack thereof, is not a legal requirement as to endorse whether or not a vote was legally cast as there are other prerequisites mandated by law. As a proof for the votes to be dubbed as *bogus*, it is not the only or primary piece of evidence under the law and universal practice. Particularly when the Polling agents at every polling station are expected to challenge on the ***prescribed ECP Form***, any attempt to cast a bogus vote, including challenging the voter's identity to constitute any significant quantum as such.

IK needs to understand the law to appreciate that every vote cast, if not challenged as per prescribed procedure, was legally valid regardless of whether or not thumb impression matched fully/were readable or not for the purpose of cross reference or authentication with NADRA database.

If thumb verification was to be the ultimate evidence to define the integrity of elections, how would IK classify the GE 1970 as the most independent elections in our history when no thumb verification was done?

What is more significant is that for GE 2013, for the first time, for proper identification of voters, Electoral Rolls carried voter's photographs with CNIC numbers inscribed as the primary and direct evidence so that the identity of the voters was not open to dispute except where these were in record on specified Form as '*Challenged votes*' for each polling station and so duly reflected eventually in Form XIV. Such votes are not used for computing final official results.

It needs to be noted that:

- there is no provision of law which states that an un-readable thumb impression will declare a vote bogus or fake;
- selection of ink or any other material was for the Election Commission to ensure during caretaker regime; it had nothing to do with the PML-N or any of its candidate or member to arrange, transport or supervise;
- PML-N did not benefit in any way from whatever quality of ink used, as all such votes polled in every constituency were polled in the presence of candidate's

polling agents, and must have been shared amongst all the candidates;

- The mandate of the people would only be stolen if such votes cannot be verified according to law of evidence for which onus is on those who dispute the public record; especially as the photograph of every voter was placed on the Electoral rolls and open to on spot cross verification;
- Thumb verification in constituencies won by PTI candidates are also subject to same tests. It would be unfair to claim that none of the PTI candidates including IK, won with such un-verified votes, as he consistently alleges.

Besides the thumb verification process, there were multiple steps before the vote is cast to ensure a voter's verification that include:

- Voters are able to cast their votes at specified polling stations according to their names listed in the electoral rolls. Once at the front of the queue, the voter is required to show his / her original CNIC to the polling officer who does a name check and photo match in the electoral roll and mark off the voter from the list;

- The picture and information about the identification mark present on the CNIC guides him/her to serve as a strong security/identity check;
- As this is done, the polling officer loudly calls out voter's name and serial number from the voter list. That facilitates all the polling agents of various candidates including the contesting political parties to verify the same from their respective electoral roll secured from ECP. The polling agents act likewise to score off the voter from their respective lists held for this purpose. This constitutes strong evidence of actual and valid voting;
- The officer then applies an indelible ink on the individual voter's thumb to show that voter has cast his/her vote to strike the name from the voter list so that the voter cannot cast multiple votes at that or any other polling station;
- At this point, the voter moves to the Presiding Officer who also notes down the details from the voter's CNIC and after satisfying himself/herself about the identity of the voter issues a ballot paper. After that, the Presiding Officer too marks off on his/her list at this point.

In conclusion, IK is maliciously misquoting Chaudhry Nisar Ali Khan to deliberately misinform the entire nation.

## **5. IK Allegation:**

IK repeatedly alleged that one of the contributors towards PTI's electoral defeat was the very high number of rejected votes. He claims the number of rejected votes in GE 2013 was significantly higher compared to previous elections.

### **PML-N Response:**

IK is misinterpreting historical data. His allegation is not substantiated by actual data and relevant facts. The percentage of total votes rejected in GE 2008 and GE 2013 were approximately 2.7% and 3.2% respectively of total cast votes. The total turn out in GE 2013 was more than the previous election, and a meager increase of approx 0.5% rejected votes is not capable of altering the overall results of GE 2013.

## **6. IK Allegation:**

IK repeatedly alleged that the reason for resorting to the Long March/Azadi March was that his party had been denied justice for 14 months.

### **PML-N Response:**

IK fails to understand the standard universal practice that courts determine disputes on the basis of evidence beyond shadow of doubt, produced before it according to law.

GE 2013 was held on nearly **840 National and Provincial constituencies**. PTI filed only **58** election petitions with the election tribunals (representing less than 7% of the contested seats). Out of these, **39 or 67%** have already been disposed off leaving just 19 for disposal. It is grossly misleading to suggest, never mind conclude, from these facts that PTI's petitions have not been heard and that justice has been denied. In almost all such cases, the Election Tribunals have disposed off the PTI complaints for various reasons such as lack of evidence or witnesses, want of evidence of material irregularities or non-pursuit by its losing candidates to substantiate rigging.

The Election Commission in consultation with four respective Honorable Chief Justices of the High Courts set up the Election Tribunals in early June 2013. Only retired judges of the High Courts were appointed so that the cases could be disposed of on priority basis. PML-N had no role in the composition of Election Tribunals.

PTI even challenged a former Chief Justice of the Supreme Court on whom PTI chief had earlier reposed unqualified confidence. However, on being summoned by the SCP in 2013, IK submitted an *unconditional apology*. But after retirement of that very Chief Justice he again more vociferously challenged to level more serious allegations of rigging on the same retired Chief Justice. Once again, when confronted with a notice for defamation proceedings, IK apologized in writing but within 24 hours withdrew his own response asserting that the counsel, Mr.

Hamid Khan, SASC was not authorized to respond to the CJP's legal notice.

Be that as it may, even if IK's grievances had any substance, it was entirely with the caretaker regimes, ECP or the Election Tribunals or Courts. If PTI considered that it was denied justice by the Election Tribunals, the Government cannot be blamed in any manner whatsoever.

However, IK should take note of the fact that compared to all previous elections, the Tribunals have disposed off the cases much faster. Till the end of August 2014, 78 % of the cases had been disposed off.

## **7. IK Allegation:**

IK alleged that Election Tribunals are totally biased against PTI.

## **PML-N Response:**

For GE 2013, Election Commission in consultation with respective 4 Chief Justices of the High Courts had set up Election Tribunals presided over by the retired judges of the High Courts so that the cases could be disposed off on priority basis; PML-N had no role in the composition of Election Tribunals.

By showing disregard to the functioning of the Election Tribunals, IK is actually showing lack of faith in the integrity of

judiciary and its memberships past and present. The decisions of Election tribunals have also affected PML-N candidates without any exceptions.

## **8. IK Allegation:**

IK has accused just about everyone for being part of a conspiracy to deprive PTI from its just electoral mandate. IK has targeted Justice (Rtd) Iftikhar Chaudhry, then Chief Justices of Supreme Court, the Provincial High Courts, the Chief Election Commissioner and the four Members of the Election Commission, and some segments in media. Reportedly, his party's Deputy Information Secretary also accused Gen. (Rtd) Ashfaq Kiyani former COAS of being part of that conspiracy. IK also alleged that a Brigadier of MI was part of the conspiracy. He promised to name the officer during a public meeting in Sialkot in June 2014, but has failed to do so. He has also accused several other dignitaries such as SCP Justice (Rtd) Khalil ur Rehman Ramday, Provincial Election Commissioner Punjab, Justice (Rtd) Riaz Kiyani, Ex- Finance and Home Secretaries of the caretaker regime and several others.

## **PML-N Response:**

PML-N can formally respond to the reprehensible and irresponsible allegations made against the party or any of its members. However, specific allegations about other individuals can only be comprehensively addressed by them in their official and personal capacity. Nevertheless, *prima facie*, the allegations

by IK are without any substance and all the persons accused by IK for being a part of his imagined conspiracy have strongly refuted IK's allegations. Yet, IK has a record trend of changing his opinions, even though they are at first alleged with a claim of absolute truth and with full authority but later change according to his needs. He has praised publicly in the past all those who are now on his accused list!

Recently, the Election Commission, which met under a sitting Judge of the SCP, also refuted IK's claim of being part of any rigging conspiracy. Also Justice (Rtd) Iftikhar Chaudhry issued Defamation notice to IK to apologize or be ready to face the judicial process. IK apologized but then withdrew his written apology within 24 hours asserting that the apology was filed unauthorized. Justice (Rtd) Khalil ur Rehman Ramday likewise has also announced that he will sue IK.

Regarding Geo, PLM-N had filed a complaint to Election Commission on promotion given to IK during their election transmission after expiry of the official campaigning period. EU report section covering media also negates the allegation of IK.

## **9. IK Allegation:**

IK has consistently alleged that PML-N was actively involved in the conspiracy to rig the electoral process at all stages – pre election, Election Day *rigging* and post election manipulations.

## **PML-N Response:**

The PML-N was not engaged in the organization or management of GE 2013. PML-N only fielded its candidates after strict scrutiny, and campaigned on the basis of its manifesto. As explained above, none of the PML-N nominees were appointed in the neutral caretaker set ups at the federal or provincial levels.

Mr. Najam Sethi, who was not a PML-N member or nominee for caretaker regime, was proposed by PPPP as Caretaker CM Punjab. After assuming power as caretaker Chief Minister, he transferred all provincial secretaries (except 4) including the Chief Secretary, Additional Chief Secretary and IG Police who had held key appointments in outgoing PMLN government of Mr. Shahbaz Sharif. On the other hand, Mr. Najam Sethi appointed a number of officials who were seen to be closely associated with ex-CM Punjab Ch. Pervez Elahi and PPPP.

As per media reports, in his rejoinder caretaker CM Mr. Najam Sethi claimed that he has filed a suit of defamation against IK. Besides, as caretaker Chief Minister Punjab he changed all secretaries except 4, which he justified:-

- The Education Secretary on the request of the UK High Commissioner to Pakistan who did not want to disrupt the *UK Education Aid program worth US \$500m* earmarked for the Punjab province.

- The Home Secretary as Home Minister Mr. Tariq Pervez wanted to retain him for being an upright and efficient officer.
- The Health Secretary despite objections from the PML-N that his real sister was contesting on a PTI ticket against PML-N Leader Mr. Mohammad Nawaz Sharif from a Lahore constituency, only to ward off potential disruption in the on-going campaign against measles epidemic.
- The Finance Secretary because the caretaker Chief Secretary Mr. Javed Iqbal, from KPK wanted to retain him for his known honesty and efficiency.

PTI members took oath as members of the National & Provincial Assemblies and accepted Mr. Muhammad Nawaz Sharif as a constitutionally elected Prime Minister. During Honorable Prime Minister's visit to IK's Bani Gala residence made on IK's request, IK commended the work of the PML-N government and did not raise any rigging related issues.

## **10. IK Allegation:**

IK alleged that everything was going PTI's way till 11.23 pm address of Mr. Muhammad Nawaz Sharif to the PML-N workers gathered at PML-N Central Office on May 11, 2013, which was widely covered by all networks. At that stage, according to IK, election results of only 15 % constituencies were known. According to IK, this address was a part of a conspiracy intended

to influence the election results by the ROs with a clear message to manipulate results and was done at the behest of Justice (Rtd) Khalil ur Rehman Ramday.

### **PML-N Response:**

By the time Mr. Muhammad Nawaz Sharif made this address around 11.30 pm on Election Day eve, all media networks, analyst and independent observers had already announced simple majority of PML-N, and had already opined that the PML-N was likely to win GE 2013. It is part of record that much before Mr. Muhammad Nawaz Sharif's speech, panelist on all major media networks, began predicting PML-N's clear victory.

The outcome of the overall results started becoming clear as early as 8 pm based on the announcements of incoming results from various constituencies reported by polling agents of the PMLN candidates. As the counting progressed, the partial results were also communicated by all networks and based on the lead it was fairly easy to predict that PML-N would be the eventual winner.

This is a common reporting practice not just in Pakistan but also in advanced democracies such as United States where various networks report results based on the margin of votes in each constituency. Covering the GE 2013, and no different from the practice from previous elections, most news channels were showing per constituency results based on the percentage of polling station results as these came in. These were not

projections but actual real-time results that channel correspondents were providing to their channels who were getting polling station results directly from their sources in field as were the candidates receiving from their respective polling agents.

Around the same time as Mr. Muhammad Nawaz Sharif speech, PTI senior leader Mr. Asad Umar also shared his view about PML-N victory. In an interview on electronic media, Mr. Asad Umar not only conceded national defeat but also claimed that his party was winning elections in KPK. How did Mr. Asad Umar know of the eventual election results at that time? He was PTI's campaign manager and in absence of IK who was confined in the hospital, was in the best position to understand the overall results as they arrived in real-time.

There was no visible change in the assessment of the election results before and after the speech of Mr. Muhammad Nawaz Sharif. Most interestingly, when Mr. Muhammad Nawaz Sharif's speech was aired, all the channels were showing the same trend in the election result with PML-N winning with triple the ratio of constituencies compared to PTI and PPPP. The final results of GE 2013 were also in line with the assessment and proportion televised on various TV channels in the Country.

From PML-N's perspective, whilst not speaking for and on behalf of Justice (Rtd) Khalil ur Rehman Ramday, it is categorically stated that Justice (Rtd) Khalil ur Rehman Ramday was never even remotely engaged with the PML-N election cell.

Any reference towards him being part of the PML-N election cell is nothing more than yet another blatant lie and a figment of IK's imagination and hence vehemently refuted.

## **11. IK Allegation:**

IK alleged that a significant number of ballot papers were printed at Urdu bazaar, Lahore.

### **PML-N Response:**

The Election Commission in a formal meeting, chaired by a sitting Judge of the SCP, rejected this outrageous charge by IK. According to the Election Commission, all ballot papers were printed at Printing Corporation of Pakistan under Army's supervision and later transported to ROs under their guard in a secured manner through a detailed action plan. The sanctity of the ballot paper was ensured as per SoP's of Election Commission of Pakistan. Notwithstanding, PML-N had no nexus with this entire process.

It is now well known that a frustrated ex-ECP official, who joined PTI, and apparently source of this unsubstantiated and concocted report, openly admitted on one media channel of having no proof to support his baseless allegation. Nonetheless, the Provincial Election Commissioner has vehemently rejected this allegation of IK leveled against him as totally baseless, frivolous and without any substance, and categorically stated

that not even a single ballot paper was printed from any private printing press by him , as was alleged by IK.

## **12. IK Allegation:**

IK has alleged that UNDP workers in various constituencies were told to close their operations after Mr. Muhammad Nawaz Sharif's address. This according to IK was done to ensure that Returning Officers could manipulate results, which would not be possible in the presence of UNDP workers.

## **PML-N Response:**

UNDP is an independent Inter-governmental UN organ and entity with no functional relationship or links with PML-N. This is yet again a totally baseless allegation denied by the UNDP Country Director. The truth, however, as maintained by UNDP Country Director was that no UNDP staff was ejected from the offices of the Returning Officers after the speech of Mr. Muhammad Nawaz Sharif. UNDP also stated that none of its computers were shut down after the speech of Mr. Muhammad Nawaz Sharif on May 11, as alleged by IK. Earlier, the Election Commission of Pakistan had also denied IK's claim that a UNDP election result gathering project was halted after Mr. Muhammad Nawaz Sharif's speech.

## **13. IK Allegation:**

IK has alleged that election results were manipulated, resulting in the defeat of PTI candidates.

## **PML-N Response:**

Election results were compiled and communicated to the Returning Officers by a large number of the Presiding Officers in every constituency. In each constituency, there were several scores of polling stations managed by Presiding Officers. Once the votes had been counted, the Presiding Officers were to complete **Form XIV** reflecting full account of the entire day including the number of votes obtained by each candidate. Representative of every candidate are responsible for confirming the accuracy and integrity of the vote count and signing the Form XIV. The same Form XIV was then submitted to the Returning Officer to consolidate the overall constituency result for eventual submission to the Election Commission.

If the vote count was not authentic, PTI polling agents should have abstained from verification and complained at that point to the Presiding Officer or to the Election Commission of Pakistan without unreasonable delay.

Further, National and International teams of Election Observers were deputed to monitor the election. FAFEN had a team of more than 41,000 deputed to monitor May 11, 2013 election. Apart from other activities, they had also established what was known as alternate election result tabulation, called Parallel Vote Tabulation. FAFEN representatives tabulated and compiled their own results completely independent of what was available with the Election Commission. Out of 269 contested National Assembly constituencies, the results of 264 constituencies were

compiled by FAFEN. In 246 of these constituencies, FAFEN and Election Commission had the same winner. According to FAFEN, the remaining 18 constituency results as announced by ECP were also within the margin.

It is most unfortunate that everyday IK targets constituencies, persons and institutions with false, baseless and frivolous allegations without substantiating any of his claims with evidence.

---