

ELECTION COMMISSION OF PAKISTAN

PRESENT:

MR. SIKANDAR SULTAN RAJA	CHAIRMAN
MR. NISAR AHMED DURRANI	MEMBER
MR. SHAH MUHAMMAD JATOI	MEMBER
MR. BABAR HASSAN BHARWANA	MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN	MEMBER

Case No. 6(6)/2023-LGE-S)

COMPLAINT FILED BY RAJA ARIF SULTAN MINHAS, NAIB AMEER/CHAIRMAN ELECTION CELL, JAMAT-E-ISLAMI, KARACHI FOR POST POLL RIGGING DUE TO CERTAIN IRREGULARITIES AND ILLEGALITIES AND RECOUNTING ETC. AND ACTION AGAINST DISTRICT RETURNING OFFICERS AND RETURNING OFFICERS

Arif Sultan Raja Minhas, Naib Ameer/ Chairman Election Cell, Jamat-e-Islami Karachi & others

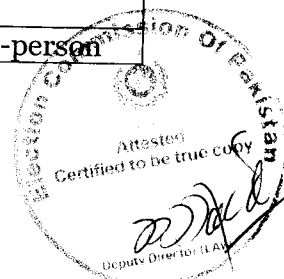
...Complainants

.....

For the Complainant (S)	:	In- Person Mr. Hassan Javed, Advocate a/w Saifuddin, Advocate, & Mr. Saifullah Gondal, Advocate
For the contesting candidates Other than candidate of JI	:	Malik Naeem Iqbal & Ibrar, Advocates on behalf of Ejaz Awan Amanullah Khan Adv. On behalf of Gulli Khan & others Raja Shakeel Abbasi on behalf of Hilal Saeed Mr. Maqbool, in-person Atique ur Rehman for Syed Ashraf Ali
For the ECP	:	Mr. Zafar Iqbal Hussain, Special Secretary & Mr. Sharifullah, DG LGE Mr. Naeem Ahmed, Director LGE

ON COMMISSION'S NOTICE: **PRESENT**

1	Ghulam Qadir Khan Talpur, DRO, District Karachi West	In-Person
2	Raja Tariq Hussain, DRO, District Karachi, East	In-Person
Returning Officers		
3	Sher Muhammad Jatoi, RO-UC-08, Orangi	In Person
4	Abdul Sattar Hakro, RO, UC-1, Gulshan	In Person
5	Abdul Fateh Panhwar, RO, UC-12, Manghopir	In Person
6	Miss Sadaf Azam RO, UC-3, Mominabad	In Person
7	Zulfiqar Ali Ro UC-03 Orangi	In-person
Presiding Officers		
8	Khush Muhammad Junejo, PO-6, UC-3 (Mominabad)	In-person



9	Naveed Ahmed Khan, PO-15, UC -3 (Mominabado	In-person
10	Rashid, PO-UC-8, Orangi	In-person
11	Ishtiaq Ahmed, PO-8, UC-12 Gulshan	In-person
12	Jahanagir, PS-3, UC-12, Manghopir	In-person
13	Rashid Qureshi, PS-2, UC-12	In-person
14	Syed Naqi Muhammad, PS-41, UC-8	In-person
15	Muhammad Khalid, PS-44, UC-8	In-person
16	Muhammad Mustaqeem, PC-16, UC-7	In-person
17	Riaz Ali, PS-9, UC-1	In-person
18	Ghulam Mustafa, PS-26, UC-7	In-person
19	Fazal Wahab, PS-7, UC-8	In-person
20	Muhammad Arman, PS-18, UC-3	In-person

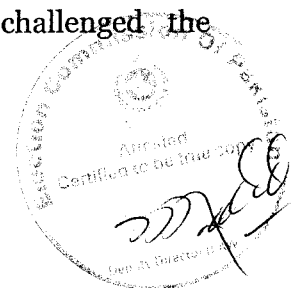
Date of Hearing : 22.02.2023

ORDER

Sikandar Sultan Raja, Chairman– Brief facts of the case are that the complainant Mr. Raja Arif Sultan Minhas (Naib Ameer Jamat-i-Islamai) filed the instant complaint alleging multiple illegalities and irregularities in pre and post-election activities in 2nd phase local government elections 2023, held in Sindh on 15-01-2023. Particularly, he pointed out the discrepancies/difference in Forms-XI of six Union Councils (UCs) i.e. UC-3 Orangi, UC-7 Orangi, UC-8 Orangi, UC-3 Mominabad, UC-12 Manghopir and UC-1 Gulshan Karachi-East, wherein he alleged that the provisional results provided to the respective Agents were not in accordance with Forms-XI which were in the custody of concerned Returning Officer(s). He further alleged that concerned Returning Officers delayed the results of the subject constituencies. He also alleged that the ruling party in the Province of Sindh through their candidates had submitted multiple applications before the concerned Returning Officers for recounting of the polled votes which is nothing less than a conversion of success of Jamat-i-Islami's into its defeat. In view of the above allegations, the Petitioner had prayed to direct the concerned ROs for re-counting in presence of representatives of the Election Commission and to prepare the results in accordance with law and had further prayed that action may be taken against the Returning Officers who allegedly changed Forms-XI of the subject 6 UCs.

2. After receipt of the subject complaint, notices were issued to all the concerned parties i.e. Returning Officers, winning candidates and runner-up candidates for 25-01-2023 to appear before the Commission and the process of consolidation was also stopped/stayed by the Commission in the subject six UCs.

3. On 25-01.2023, counsel for the applicant runner-up candidates and winner candidates appeared before the Commission and submitted their respective stance. The counsels for the winner candidates at the very outset challenged the



maintainability of the complaint on legal grounds and prayed for dismissal of the same and they further prayed to referral of the matter to the respective Election Tribunals which have already been constituted for the purpose.

4. After preliminary hearing, the matter was adjourned to 01.02.2023 for regular hearing and directions were issued to the complainant, ROs and DROs to submit their reports. On 01.02.2023 reports were submitted by the ROs and DROs and matter was adjourned to 07.02.2023, on which date, matter was argued by the parties at length. During hearing, Commission observed discrepancies in Forms-XI of six UCs pertaining to 17 polling stations. The detail is as under:

UC NO.1, GULSHAN KARACHI (EAST)

NO. Of Polling Station	Name of Polling Station
9	St Michaels Grammar school
15	Al Farooq School
16	Al Fraoq School

UC NO.3 (ORANGI) KARACHI WEST

NO. Of Polling Station	Name of Polling Station
17	Ideal Montessori Schooling system
18	Ideal Montessori Schooling system
19	Ideal Montessori Schooling system

UC NO.7 (ORANGI) KARACHI WEST

NO.Of Polling Station	Name of Polling Station
16	Liaqat Memorial School
23	Allies school
26	Allies school

UC NO.8 (ORANGI) KARACHI WEST

NO.Of Polling Station	Name of Polling Station
7	GBSS NO.9
41	Ideal Education Complex
44	Dehli Grammar School

UC NO.12 (MANGOPIR) KARACHI WEST

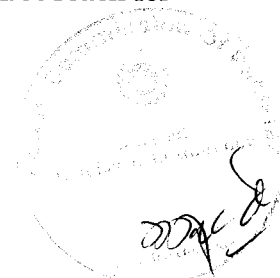
NO.Of Polling Station	Name of Polling Station
2	Fox valley School
3	Fox valley School
8	Sir Syed School

UC NO.3 (MOMINABAD) KARACHI WEST

NO.Of Polling Station	Name of Polling Station
6	GBPS Hanifa Haryana Colony
15	GBPS J/M Abaidabad

6. In order to resolve the controversy, the Returning Officers, Presiding officers and complainant were directed to submit original record/Forms of the subject polling stations on 22.02.2023 before the Commission.

7. on 22.02.2023, the Returning Officers of subject six UCs were present along with 14 Presiding Officers of different polling stations of said UCs, detail whereof is fully provided in our last order dated 07.02.2023. Three Presiding Officers were absent out of which presiding officer of one Polling station i.e. PS-23 of UC- 7, was reportedly proceeded for *Umrah*. We were informed that two other Presiding Officers of PS 15 & 16 of UC-1, Gulshan were on their way to Islamabad but could not reach for hearing.



8. Arguments were heard ^{at length} ~~in depth~~ from the parties concerned and documents were taken on record on the hearing date.

9. After perusal of record and in order to resolve the controversies and to reach the correct conclusion, Fact Finding Inquiry Committees for each UC were constituted by the Commission to analyze and compare difference in Forms-XI submitted by the Returning Officers, Presiding Officers and the complainant and the committees were directed to submit their reports within 7 days. Following documents were handed over to the Committees for the purpose of analyzing and comparing difference in Forms-XI and preparation of their reports which were provided by the concerned ROs, POs and the complainant.

FORM-XI, SUBMITTED BY JAMAT-E-ISLAMI

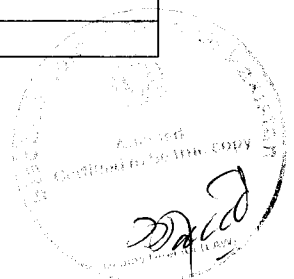
Sr. No.	UC No.	Polling Station No.	Original/Copy
1.	UC - 1 Gulshan Town	09	Original
2.	UC - 1 Essa Nagri	09	Original
3.	UC - 12 Maghopir	02	Original
4.	UC - 12 TMC Maghopir	03	Original
5.	UC - 12	08	Original
6.	UC - 3 Mominabad	06	Original
7.	TMC Mominabad	15	Copy
8.	UC - 7 Orangi Town	16	Copy
9.	UC - 7	23	Original
10.	UC - 7 TMC Orangi	26	Original
11.	UC o8 - Orangi Town	07	Original
12.	UC o8 TMC Orangi	41	copy
13.	UC - o8	44	Original

DOCUMENTS SUBMITTED BY PRESIDING OFFICER

Sr. No.	Polling Station No.	Original / Copy
UC - 03 TMC Mominabad		
1.	06	Original Submitted
2.	15	Copy Submitted

Sr. No.	Polling Station No.	Original / Copy
UC - 12 Manghopir		
3.	02	Original Submitted
4.	03	Original Submitted
5.	08	Original Submitted

Sr No.	Polling Station No.	Original / Copy
UC - o8 Orangi Karachi		
6.	07	Copy Submitted



7.	41	Copy Submitted
8.	44	Copy Submitted

Sr. No.	Polling Station No.	Original / Copy
UC - 07 Orangi Karachi		
9.	16	Copy Submitted
10.	23	Presiding Officer is performing Umrah
11.	26	Copy Submitted

Sr. No.	Polling Station No.	Original / Copy
UC 03 Orangi Karachi West		
12.	17	Copy Submitted
13.	18	Presiding Officer did not appear as it is not a disputed polling station
14.	19	Presiding Officer did not appear as it is not a disputed polling station

Sr. No.	Polling Station No.	Original / Copy
UC 01 Gulshan Karachi East		
15.	09	He did not keep the copy as Polling Station was attacked by the supporters and political parties
16.	15	Presiding Officer did not appear
17.	16	Presiding Officer did not appear

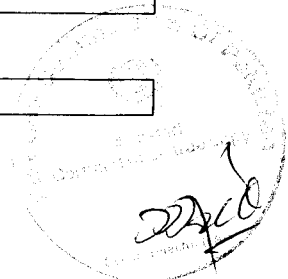
DOCUMENTS SUBMITTED BY RETURNING OFFICER

Sr. No.	Polling Station No.	Original / Copy
UC - 03 TMC Mominabad		
1.	06	Original Submitted
2.	15	Original Submitted

Sr. No.	Polling Station No.	Original / Copy
UC - 12 Manghopir		
3.	02	Original Submitted
4.	03	Original Submitted
5.	08	Original Submitted

Sr. No.	Polling Station No.	Original / Copy
UC - 08 Orangi Karachi		
6.	07	Original Submitted
7.	41	Original Submitted
8.	44	Original Submitted

Sr.	Polling Station No.	Original / Copy
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No.		
UC - 07 Orangi Karachi		
9.	16	Original Submitted
10.	23	Original Submitted
11.	26	Original Submitted

Sr. No.	Polling Station No.	Original / Copy
UC 03 Orangi Karachi West		
12.	17	Original Submitted
13.	18	Original Submitted
14.	19	Original Submitted

Sr. No.	Polling Station No.	Original / Copy
UC 01 Gulshan Karachi East		
15.	09	Original Submitted
16.	15	Original Submitted
17.	16	Original Submitted

11. In compliance with the order dated 22.02.2023, the Committees after analyzing all the material provided to them, submitted their reports, highlighting therein, *inter alia*, the following:

“FACT FINDING INQUIRY REPORT FOR UC-3 ORANGI, KARACHI WEST, IN RESPECT OF POLLING STATIONS No. 17, 18 AND 19

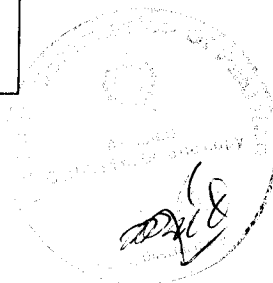
OBSERVATIONS

1) PS-17

The form provided by the Presiding Officer is the same photocopy of the Form-XI as provided by the RO in original. However, JI (complainant) did not provide its copy of Form XI. Therefore, the forms provided by the RO (original) were compared with copy of Form-XI furnished by PRO as per following observations

(Presiding Officer)

No.	Form -XI provided by RO	Copy of Form-XI provided by Pro
1	Handwritings of both forms is the same	
2	Cutting found in the total of column 4 of Form XI (Number of votes polled by each contesting candidate) is observed.	do
3	Total number of doubtful votes excluded from the count (including the	do



	doubtful challenge votes in para ii of Form XI are mentioned as "611" which is incorrect.	
4	Aggregate of para i & ii of Form XI is "616" which is subject to verification of relevant record.	do
5	Category of seat not marked	do
6	Pro unnecessarily affixed Official Code Mark Stamp on Form XI	
7	Name of Pro is missing	do
8	No signatures of any polling agents.	do

(ii) PS-18:

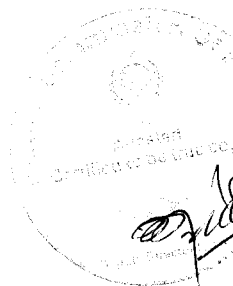
Copy of Form-XI of the Presiding Officer is not available. Therefore, the Form XI provided by the RO (original) could not be compared with any other copy of the same. However, observations in respect of the original copy of Form-XI are as follows:

No	Form-XI provided by the RO
1	Cutting is found in para (ii) of all two pages of Form XI.
2	Aggregate of para (i) and (ii) of Form XI is given as "792" which is incorrect i.e, as per available record (Form-XI), it should be as "815"
3	In second page of Form XI, Male & Female votes polled not mentioned.
4	Name of Presiding Officer is missing.
5	No signatures of any polling agents
6	Place not mentioned
7	Symbol name "Balance" is incorrectly written instead of "Scale"

iii) PS-19:

Copy of Form-XI of the Presiding Officer is not available. Therefore, the Form-XI provided by the RO (original) could not be compared with any other copy of the same. However, observation of the original copy of Form XI is as follows:

No	Form-XI provided by RO
1	Aggregate of para i & ii of Form-XI is "1343", which is



	subject to verification of relevant record.
2	No signatures of any polling agents.
3	Name of Polling Station is not completely written

**COMMITTEE'S REPORT OF UC-8 ORANGI KARACHI WEST IN
RESPECT OF POLLING STATION NO. 4, 7 AND 44**

All three (03) forms were compared minutely and the findings are as under:-

Polling Station No. 7

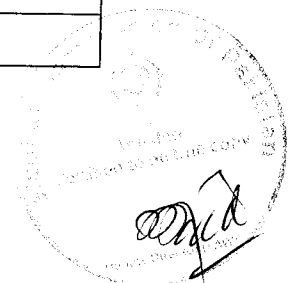
- Signature of Presiding Officer is same on the Form-XI furnished by the RO (in Original) and Photocopy of same provided by Presiding Officer. However signature on the said Form submitted by the Jamat-e-Islami is different.
- Handwriting of the Forms provided by the Presiding Officer and RO does not match with the signature on the Form provided by the Jamat-e-Islami.
- Comparison of the result of the candidates of three (3) major political Parties is given below; -

Name of Party	Form furnished PRO	XI by	Form furnished RO	XI by	Form furnished by JI	XI
J.I	29		29		29	
PPP	89		58		0	
PTI	0		0		37	

Polling Station No. 41.

- Signature of Presiding Officer is same on the Form-XI furnished by the RO (in Original) and Photocopy of same provided by Presiding Officer. However signature on the said Form submitted by the Jamat-e-Islami is different.
- Hand writing of the Forms provided by the Presiding Officer and RO does not match with the signature on the Form provided by the Jamat- e-Islami.
- Comparison of the result of the candidates of three (3) major political parties is given below;

Name of Party	Form furnished PRO	XI by	Form furnished RO	XI by	Form XI furnished by JI
J.I	01		01		53
PPP	53		53		01



PTI	53	53	53
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Polling Station No. 44,

- i. Signature of Presiding Officer is same on the Form-XI furnished by the RO (in Original) and Photocopy of same provided by Presiding Officer. However signature on the said Form submitted by the Jamat-e-Islami is different
- ii. Handwriting of the Forms provided by the Presiding Officer and RO does not match with the signature on the Form provided by the Jamat-e-Islami.
- iii. Comparison of the result of the candidates of three (3) major political parties is given below;

Name of Party	Form XI furnished by PRO	Form XI furnished by RO	Form XI furnished by JI
J.I	42	42	42
PPP	89	89	04
PTI	09	09	89

Conclusion

- i. No. of votes obtained by candidates of above three (3) political parties are same in the statement of the count furnished by the Presiding Officer & Returning Officer. However figures contained in the Form-XI furnished by Jamat-e-Islami are different from the figures given by the Presiding Officer & Returning Officer.
- ii. Presiding Officers of all three (3) polling stations have provided photocopy of the statement of the count and it is exactly the same as provided by the RO in original.
- iii. Form-XI furnished by the Jamat-e-Islami in respect of polling station No. 7 is Carbon copy, that of polling station No. 41 is photocopy & the said Form in respect of Polling station No. 44 is in original.
- iv. Handwriting of the Form-XI provided by Jamat-e-Islami does not match with the handwriting of Form-XI provided by Presiding Officer & RO.

COMMITTEE'S REPORT OF UC-12 IN RESPECT OF POLLING STATIONS NO. 02, 03 & 8

Proceedings of the Committee:

The Record consisting of forms XI of UC-12 of Selective Polling stations was handed over by the Deputy Director (LGE-S) on 02.03.2023 at 10:00 A.M. to this Committee. However, it was not clear which form has been produced by RO and PRO. However, on one form -XI, JI was written, This committee then carried out the proceedings, as directed.

(Presiding
Officer)

Difference has been occurred in Record Forms XI:

The following difference has been found in Forms XI of RO or PRO and JI concerned Polling stations.

RO/PRO Record	Complaint Record
UC-12 P/S No.02 1. The Contesting candidate Hilal Saeed (PPP) obtained 420 Votes	UC-12 P/S No.02 1. Whereas, in Complainant Record, the contesting candidate Hilal Saeed (PPP) obtained 20 Votes
2. Number of Votes polled Male = 494, Female 244 and total = 738 and aggregate of votes counted as 740	2. Whereas, in Complainant Record, Total Number of Votes polled by Male = 194, Female 144 and total = 338 and aggregate 340
3. The Signatures were also different on the Forms submitted by RO/PRO and those of Complainant.	
UC-12 P/S No.03 1. The Contesting candidate Hilal Saeed (PPP) obtained 427 Votes	UC-12 P/S No.03 1. Whereas, in Complainant Record, the Contesting candidate Hilal Saeed (PPP) obtained 27 Votes
2. Votes polled Male 602, Female = 379 and total = 981 and aggregate of votes counted as 988	2. Whereas, in Complainant Record, Votes polled Male 352, Female - 229 and total 581 and aggregate of votes counted as 588
3. The Signatures were also different on the Forms submitted by RO/PRO and those of complainant	
UC-12 P/S No.08 1. The Contesting candidate Hilal Saeed (PPP) obtained 654 Votes	UC-12 P/S No.08 1. Whereas, in Complainant Record, The Contesting candidate Hilal Saeed (PPP) obtained 04 Votes
2. Votes polled Male 789, Female = 00 and total = 789 and aggregate of votes counted as 00	2. Votes polled Male 139, Female 00 and total 139 and aggregate of votes counted as 00
3. The Signatures were also different on the Forms submitted by RO/PRO and those of Complainant.	

FACT FINDING INQUIRY REPORT FOR UC-7 ORANGI, KARACHI WEST, IN RESPECT OF POLLING STATIONS 16, 23 AND 26

OBSERVATIONS

i) PS-16

The stamp is circular and contains the text 'ELECTION COMMISSION' at the top and 'Karachi' at the bottom. In the center, there is a signature and the date '02.03.2023'.

The Form-XI provided by the PRO is exact photocopy of the Form-XI provided by the RO. Therefore, the Forms-XI provided by JI (photocopy with original signature and stamp) and the RO (original) were compared with each other as per the following table:

No	Form-XI provide by RO	Form XI provided by JI
1	Handwritings of both forms are apparently different.	
2	Polling station number and name is written as PS 16 Liaquat Memorial School	Polling Station number and name is written as "PS:16 Liaquat Memorial School".
3	Category of seat is written as "Chairman/Vice chairman	Category of seat is written as "Chairman.
4	Number of registered voters is mentioned 864 male, 639 female, 1503 total)	Number of registered voters is not mentioned
5	o precedes serial numbers of contesting Candidates (e,g 01,02 etc)	o does not precede serial numbers of contesting Candidates (e,g 01,02 etc)
6	Votes for Syed Imran Shah (Arrow)are written as 81	Votes for Syed Imran Shah (Arrow) are written as 09
7	Votes for Syed Niaz Ahmed (Dolphin) are written as 00	Votes for Syed Niaz Ahmed (Dolphin) are written as __
8	Votes for Farrukh (Bat) are shown as 61 in both forms.	
9	Votes for Muhammad Rehan Kareem (Goat) are written as 01 in both forms.	
10	Votes for Muhammad Mehboob (Crane) are written as 09.	Votes for Muhammad Mehboob (Crane) are written as 81.
11	Votes for Muhammad Manzoor Alam (Kite) are written as 00.	Votes for Muhammad Manzoor Alam (Kite) are written as __.
12	Votes for Muhammad Mudassir Hussain (Scale) are written as 00	Votes for Muhammad Mudassir Hussain (Scale) are written as 244
13	Number of polled votes is 99	Number of polled votes is 272

	male, 53 female and total 152.	male, 124 female and total 396.
14	Total number of doubtful votes is same in both forms	
15	Aggregate of votes is written as 152	Aggregate of votes is written as 396.
16	Date on both forms is incorrectly written as 15-3-23	
17	Signatures of Pro seem different on both forms	
18	Thumb impression of Pro is present	Thumb impression of Pro is missing
19	Apparently, signatures of four polling agents are present.	No signatures of any polling agents.
20	Apparently the name of Pro (Mustaqeem-Khan) is handwritten under his signature.	Name of PRO is missing.
21	Official code mark (stamp) is missing.	Official code mark (stamp) is present.

ii) PS-23:

No Form-XI of the Pro is available. Therefore, the forms provided by JI (original) and the RO (original) were compared with each other as per the following table

No.	Form XI provided by RO	Form XI provided by JI
1.	In both forms, black ink has been used for candidate names and other basic data of the polling station, however the votes, place, date and signatures are written in blue ink.	
2.	Votes for Syed Imran Shah (Arrow) are shown Votes for Syed Imran Shah (Arrow) as 350, and the alignment of the 3 does not are shown as 50. match with the alignment of the first digits of all subsequent entries for other candidates	Votes for Syed Imran Shah (Arrow) SHOWN AS 50
3.	Votes for Syed Nizam Ahmed (Dolphin), Farrukh (Bat), M. Rehan (Goat), M. Mehboob (Crane), and Manzoor Alam (Kite) are same in both forms.	
4.	Votes for Mudassir Hussain (Scale) are shown Votes for Mudassir Hussain (Scale) as 50 written as "050" apparently after are written as 350.	Votes for Mudassir Hussain (Scale) are shown AS 350

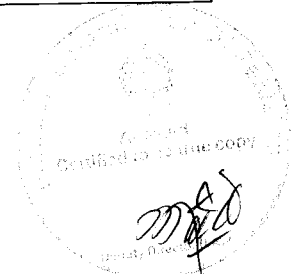
Official stamp and signature of the Election Officer, PS-23, District of Faisalabad.

	cutting/tampering	
5.	Number of doubtful votes excluded from count is 14 (in black ink)	Number of doubtful votes excluded from count blank
6.	Aggregate of votes is written as 531	Aggregate of votes is blank
7.	Thumb impression of Pro is present.	Thumb impression of Pro is missing
8.	Placement of Pro's signatures and name is different on both forms.	
9.	Official code mark (stamp) is present on both forms.	

iii) PS-26:

The form provided by the PRO is exact photocopy of the form provided by the RO. Also, page 01 of Form-XI provided by JI is missing. Therefore, only page 02 of JI's Form-XI (original) was compared with page 02 of RO's Form-XI (original) as per the following table:

No.	Form XI provided by RO	Form XI provided by JI
1.	Handwritings of both forms are apparently different	
2.	Votes for M. Mehboob (Crane) and M. Manzoor Alam (Kite) are same in both forms	
3.	Votes for Mudassir Hussain (Scale) are written as 00	Votes for Mudassir Hussain (Scale) are written as 140
4.	Number of polled votes is 123 male, 99 female and 222 total	Number of polled votes is 238 male, 124 female and 362 total
5.	Doubtful votes excluded from the count are written as 140	Doubtful votes excluded from the count are written as -
6.	Aggregate of votes is written as 362 in both forms	
7.	Signatures of PrOs on both forms appear to be different	
8.	Name of Pro is missing	Apparently the name of Pro (Ghulam Mustafa) is handwritten under his signature.
9.	Signatures of polling agents are apparently different on both forms.	



FACT FINDING INQUIRY REPORT FOR UC-1 GULSHAN, KARACHI EAST IN RESPECT OF POLLING STATIONS NO. 9, 15 AND 16

After analyses of Form-XI of polling station No.09 submitted by RO and Jamat-e-Islami, the Committee found the following differences between both forms:-

- i. At serial No.9, as per JI Form XI, contesting candidate Mr. Wajid Khan with symbol scale (JI) has obtained 153 votes, whereas the Returning Officer has not mentioned any vote in Form-XI for the JI candidate at serial No.9.
- ii. The Form XI submitted by JI bears official code mark on first page of Form-XI while the same is available on second page of the RO Form-XI, not on first page.
- iii. Form-XI submitted by JI, serial number of contesting candidates strats and goes like 1,2,3,4,5,6....., whereas the serial number of Form XI submitted by RO starts and goes like 01,02,03,04,05,06.....
- iv. Serial No.i, ii and iii in form XI submitted by JI has been duly filled at both pages, whereas the same crucial information of the above stated serial numbers are missing on second page of Form-XI submitted by RO.
- v. Similarly, the place and date has been mentioned on both pages of Form-XI submitted by JI, whereas the same has been mentioned only at first page of Form-XI submitted by RO.

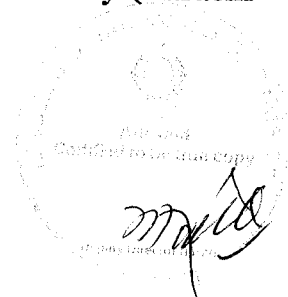
CONCLUSION:

This Fact Finding Inquiry Committee minutely observed both forms submitted by JI and RO. Among the five differences noticed as stated above, the most crucial variation is at serial No.01, where in JI submitted Form-XI the votes obtained by the JI contesting candidate is 153, whereas, in the form-XI submitted by RO, the JI candidate has obtained no votes and the very column of obtained votes has been left empty without mentioning any vote obtained.

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COMMITTEE'S REPORT OF UC-3- MOMINABAD, KARACHI WEST IN RESPECT OF POLLING STATIONS NO.6 & 15

P.S no. 6, Govt. Boys Primary School Hanfia Haryana Colony (Karachi-West)



Form-XI provided by Presiding Officer			Form-XI provided by Returning Officer			Form-XI Provided by Jamat-e-Islami		
i) Version – Original and the names of candidates on the Form and the No. of votes obtained by each candidate have impression in blue ink			i) Version – Original and the names of candidates on the Form and the No. of votes obtained by each candidate have impression in blue ink			i) Version – Original and the name of candidates appearing on the Form have carbonated impression in black whereas the No. of votes obtained by each contesting candidate have blue impression		
ii) No. of Assigned Votes to the P.S			ii) No. of Assigned Votes to the P.S			ii) No. of Assigned Votes to the P.S		
M	Female	Total	Male	Female	Total	Male	Female	Total
750	750	1500	750	750	1500	Not mentioned		

iii) Status of No. of Polled Votes			iii) Status of No. of Polled Votes			iii) Status of No. of Polled Votes		
Male	female	Total	Male	Female	Total	Male	Female	Total
405	126	531	405	126	531	255	76	331
No. of Doubtful Challenge Voters = 8			No. of Doubtful Challenge Voters = 8			No. of Doubtful Challenge Voters = Nil		

During Scrutiny it has also been observed that:		
iv) Votes obtained by the contesting candidate at Sr. No.2 with "Kite" as Election Symbol are 12	iv) Votes obtained by the contesting candidate at Sr. No.2 with "Kite" as Election Symbol are 12	iv) Vote obtained by the contesting candidate at Sr. No.2 with "Kite" as Election Symbol is 1
v) Votes obtained by the contesting candidate at Sr. No.6 with "Arrow" as Election Symbol are 214	v) Votes obtained by the contesting candidate at Sr. No.6 with "Arrow" as Election Symbol are 214	v) Votes obtained by the contesting candidate at Sr. No.6 with "Arrow" as Election Symbol are 14

PS No. 15, Govt. Boys Primary School Abaidabad (Mominabad Karachi West)

Form-XI provided by Presiding Officer			Form-XI provided by Returning Officer			Form-XI Provided by Jamat-e-Islami		
i) Version – Photocopy			i) Version – Original			i) Version – Photocopy		
ii) No. of Assigned Votes to the P.S			ii) No. of Assigned Votes to the P.S			ii) No. of Assigned Votes to the P.S		
Male	Female	Total	Male	Female	Total	Male	Female	Total

Handwritten signature and stamp of the Returning Officer.

615	494	1109	615	494	1109	Not mentioned		
iii) Status of No. of Polled Votes			iii) Status of No. of Polled Votes			iii) Status of No. of Polled Votes		
Male	Female	Total	Male	Female	Total	Male	Female	Total
685	195	880	985	195	880	187	95	282

iv) Candidate at Sr. No. 1 has been spell as S. A. Haq	iv) Candidate at Sr. No. 1 has been spell as S. A. Haq	iv) Candidate at Sr. No. 1 has been spell as Syed AliHaq
v) Candidate at Sr. No. 2 has been spell as S. Shafiq	v) Candidate at Sr. No. 2 has been spell as S. Shafiq	v) Candidate at Sr. No. 2 has been spell as Syed Shafiq
vi) Candidate at Sr. No. 4 has been spell as MumtazTanoli	vi) Candidate at Sr. No. 4 has been spell as MumtazTanoli	vi) Candidate at Sr. No. 4 has been spell as MumtazKhan Tanoli
vii) Candidate at Sr. No. 6 has been spell as Nadir Ali	vii) Candidate at Sr. No. 6 has been spell as Nadir Ali	vii) Candidate at Sr. No. 6 has been spell as Nadir Ali Khan
viii) Candidate at Sr. No. 7 has been spell as S. Javeed Akhtar	viii) Candidate at Sr. No. 7 has been spell as S. Javeed Akhtar	viii) Candidate at Sr. No. 7 has been spell as SyedJaveed Akhtar

During Scrutiny it has also been observed that:

ix) Votes obtained by the contesting candidate namely Malik Ijaz at Sr. No.3 with "Arrow" as Election Symbol are 382	ix) Votes obtained by the contesting candidate namely Malik Ijaz at Sr. No.3 with "Arrow" as Election Symbol are 382	ix) Votes obtained by the contesting candidate namely Malik Ijaz at Sr. No.3 with "Arrow" as Election Symbol are 82
x) Votes obtained by the contesting candidate namely MumtazTanoli at Sr. No.4 with "Lion" as Election Symbol are 340 votes	x) Votes obtained by the contesting candidate namely MumtazTanoli at Sr. No.4 with "Lion" as Election Symbol are 340 votes	x) Votes obtained by the contesting candidate namely MumtazTanoli at Sr. No.4 with "Lion" as Election Symbol are 64 votes

Findings

After comparison of the Form-XI of the Polling Station No.6 (Govt. Boys Primary School Hanfia Haryana Colony) and Polling Station No. 15 (Govt. Boys Primary Scholl Abaidabad of UC No. 3 - Mominabad, Karachi West as provided by the Presiding Officers, Returning Officer and Jamat-e-Islami, following findings are made:-

For Polling Station NO. 6

1. Detail of No. of registered voters assigned to both the polling stations have not been mentioned in Form-Xi furnished by Jamat-e-Islami
2. Votes obtained by the candidate at Sr. No. 2 with "Kite as Election Symbol are 12 in the Forms provided by Presiding Officer and RO as compared to 01 per the Form provided by Jamat-e-Islami
3. Votes obtained by the candidate at Sr. No. 6 with "Arrow" as Election Symbol are 214 in the Forms provided by Presiding Officer and RO as compared 14 per the Form provided by Jamat-e-Islami
4. Rest of the votes Bagged by each remaining candidate are identical in all the three Forms
5. The tally of votes polled comes out to be 320 as against 331 reflected in the Form provided by Jamat-e-Islami
6. Forms provided by Presiding Officer and RO indicate 08 votes as doubtful compared to nil provided by Jamat-e-Islami

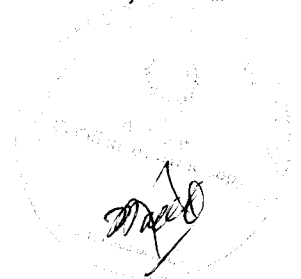
For Polling Station No. 15

1. Votes obtained by the candidate at Sr. No. 3 "Arrow" as Election Symbol are 382 in the Forms provided by Presiding Officer and RO as compared to 82 per the Form provided by Jamat-e-Islami
2. Votes obtained by the Candidate at Sr. No. 4 with "Lion" as Election Symbol are 340 in the Forms provided by Presiding Officer and RO as compared to 64 per the Form provided by Jamat-e-Islami
3. Rest of the votes Bagged by each remaining candidate are identical in all the three Forms
4. The tally of votes polled comes out to be 304 as against 282 reflected in the Form provided by Jamat-e-Islami
5. No. of Polled male votes i.e 685 exceeds the number of actual assigned males votes which are 615 in the Forms provided by Presiding Officer and RO

12. The Inquiry Committee concluded that the record supplied by the Presiding Officer and Returning Officer are almost identical and is in sharp contrast to the record provided by Jamat-e-Islami.

13. Arguments advanced by the parties have been heard and the reports submitted by the Inquiry Committees have been perused.





14. The Commission is constituted under Article 218(2) of the Constitution of Islamic Republic of Pakistan and under Article 218(3), it is mandated to hold elections and to make such arrangements as a necessary to ensure that elections are conducted honestly justly fairly and in accordance with law and corrupt practices are guarded against. The Election Commission is charged with the duty of conducting elections to the office of President, Senate, National Assembly, Provincial Assemblies, Local Governments and Cantonments Boards.



15. The complainant's grievances are confined to the alleged discrepancies in Forms-XI of the subject six UCs and had also prayed to the Commission for recount of votes of the subject constituencies. Rule 40(4) of the Sindh Local Councils (Election) Rules, 2015, provide the powers of the Returning Officer and the Commission to order recount in certain circumstances. Section 95(5) of the Elections Act, 2017, also empowers the Commission to order recount but prior to the commencement of consolidation proceedings. It is worth mentioning that in the subject matter, consolidation proceedings were held in abeyance by the Commission which order is still intact.

16. In view of the above, after perusing all the record and reports submitted by the Inquiry Committees, concerned ROs and DROs and other concerned parties, we have reached to the conclusion that the instant complaint has substance warranting action by the Commission in terms of Article 218(3) of the Constitution, section 95(5) of the Elections Act, 2017 and rule 40(4) of the Sindh Local Councils (Election) Rules, 2015. Therefore, recount of votes of the polling stations mentioned in paragraph 9 of this order, shall be carried out by the respective Returning officers in the presence of respective District Election Commissioners who are directed to issue notices to all the concerned parties and the Presiding Officers to their offices and conduct recounting of the votes and submit the reports to the office within three days. Since Mr. Zulfiqar Ali, Returning Officer, UC-3, Orangi, was suspended by the Commission due to his behavior therefore, the District Returning Officer concerned shall conduct recount in his place, if required pursuant to the instant order.

17. Order accordingly.

 Nisar Ahmed Durrani Member	 Shah Muhammad Jatoi Member
 Babar Hassan Bharwana Member	 Justice (R) Ikram Ullah Khan Member

Announced on 22-03-2023.

