

Citizens' Group on Electoral Process

POSITION PAPER

Fresh Electoral Rolls in Pakistan

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Fresh Electoral Rolls in Pakistan

Preface

In a democracy, holding of free and fair elections depends on the up-to-date and error-free voters list. According to the Constitution of Pakistan, the Election Commission of Pakistan is charged with the crucial responsibility of preparing and making available a correct and complete enrolment of all eligible voters. In Pakistan, the Election Commission, for the first time in the history of the country, announced to prepare computerised electoral rolls for the upcoming General Election. The process of preparing of fresh electoral rolls that began in April 2006 raised many questions about the manner in which the exercise was undertaken. The issue has especially come to a head in June 2007 when the ECP displayed the draft electoral rolls across the country.

PILDAT believes that the upcoming General Election is critical for the future of the country not only because of the peculiar nature of military-led government in Pakistan but also given Pakistan's history of elections that are generally perceived to be rigged or flawed. Failure to hold free, fair and credible elections may lead to political instability and conflict in the country.

In a bid to improve the transparency of the process leading up to General Election, PILDAT facilitated the formation of a Group of around 25 Eminent Pakistanis to monitor the electoral process as early as December 2006. The Group, formally known as the **Citizens' Group on Electoral Process - CGEP** was formed in December 2006 and comprises a mix of well-reputed former members of the judiciary, lawyers, academicians, media persons and members of civil society. Emphasis has been placed on neutrality and non-partisanship of the members of the group. The CGEP meets on a monthly basis to evaluate various actions and processes that are likely to have an impact on the elections.

Given the serious nature of the exercise of preparing fresh electoral rolls and its impact on fair elections, PILDAT focussed on the issue as early as January 2007 and prepared a working paper for the consideration of the CGEP after holding a series of discussions with the ECP, the NADRA as well as various other stakeholders. Based on the working paper, the CGEP addressed a letter to the Chief Election Commissioner Justice (Retd.) Qazi Muhammad Farooq back in February 2007 raising serious concerns about the process adopted by the ECP for making electoral rolls. The PILDAT Working Paper for CGEP and the CGEP Letter to the CEC make the basis for this Position Paper alongside some of the PILDAT research carried out after the display of draft electoral rolls across Pakistan in June 2007. The ECP not only did not respond to various concerns expressed in the letter, it did not even officially acknowledge the letter.

The paper provides a background to the issue of fresh electoral rolls as well as identifies some key questions that need to be addressed in order to restore people's faith in the electoral process and the capacity of the ECP to hold free fair and credible elections in the country. PILDAT Wishes to acknowledge the support provided by the UNDP under SDEPP-II in producing this paper.

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Executive Summary

The Position Paper examines various key questions regarding the process of preparation and availability of fresh computerised electoral rolls for the coming General Election.

The Election Commission of Pakistan displayed the new draft computerised electoral rolls at 45,403 display centres across Pakistan in June 2007 for “public information, inviting claims, objections and applications for corrections for a period of 21 days from the June 13 to the July 3, 2007.” According to the ECP, there are about 52,102,428 voters recorded in the Draft Electoral Rolls Database, 2007. Compared to this, there were 71.86 Million voters as per the Electoral Rolls used in 2002 General Election. Combined with the historical rate of growth of 2.7 % per annum, the number of registered voters in 2007 should have grown to around 82 Million. Consequently, there is a gap of around 27 Million or around 33 % of voters who have gone unregistered in the new voters list.

This paper examines some of the key questions that have been raised about the authenticity and the acceptability of the new electoral rolls by the political parties, the media and the citizens. These include the inexplicable huge drop in the number of voters; the lack of use of NADRA database for preparing computerised electoral rolls; the ECP's insistence upon not sharing draft electoral rolls with political parties or to provide those online at its website citing “legal” restrictions; the ECP's disagreement with the demand to extend the display period from notified 21 days and the cumbersome and complicated process of registration of new voters or the correction/objection process to those already registered, etc.

The paper concludes that the Election Commission should not only provide complete draft electoral lists to any Pakistani citizen, political party or institution that wishes to examine the draft electoral rolls, but also make them available online in a spirit of transparency. The ECP's role should be to encourage public scrutiny of the draft Electoral Rolls and not to obstruct it. In addition, the ECP should increase the display period of draft electoral rolls and simplify the registration process. If there are any legal bars standing in the way of ECP's role to make credible, inclusive and error-free voters list, the ECP, being a constitutionally empowered body, should direct the Government to bring about the necessary legislative changes.

The paper also demands that now the draft electoral rolls were displayed, the procedure to add new names to the electoral rolls be made simple. Any person with a valid CNIC should be able to register as a voter on the spot upon production of the original CNIC and upon its verification that it is a genuine/valid CNIC. For the future, votes should be registered at the same time by when CNICs are generated to make it a one-window operation for the ease of citizens.

The ECP needs to explain the huge decline in number of voters in the draft voters list. The huge gap of over 20 million voters does not appear explainable on the basis of 'bogus' voters enrolled in the discarded list. The ECP has been citing the necessity of Computerised National Identity Card as the reason behind such enormous drop out, but even that reason is not tenable as the ECP had itself allowed both the old NICs and the CNICs for voter registration process last year.

Fresh Electoral Rolls in Pakistan

It is also important that the ECP finds a way to incorporate the NADRA database into its fresh electoral rolls to give credence and acceptability of the fresh electoral rolls. Even at this stage, the ECP should coordinate the electoral rolls generated with NADRA database at least to verify the CNICs mentioned in the registration forms by the voters, add “missing voters” and to add pictures of voters in the electoral rolls. If there is a legal restriction, the ECP should direct the government.

Despite spending 1 billion rupees on the work of preparing fresh new electoral rolls, the process has witnessed a delay of about half a year. Initially, the Electoral Rolls were to be published and displayed for inviting public comments by January 20, 2007. The delay actually spanned over 6 months and the draft electoral rolls were displayed on June 12, 2007. The paper urges the ECP that since the schedule of electoral rolls was made public by the ECP, the ECP should, in the interest of transparency, make public the reasons for the delay and publicize these on the ECP website as well. Even at the time of display of draft electoral rolls in June 2007, the ECP maintains that the date for final publication of electoral rolls is to be fixed later. This delay is critical as it may make the process of review and improvement in the draft electoral rolls impossible to complete before the next General Election.

The challenge facing the ECP is not just to show to the people of Pakistan its legal limitations, but to build trust and faith of the public in its capacity to hold free, fair and credible elections. In this struggle, the ECP has to take political parties and the people along.

Fresh Electoral Rolls in Pakistan

Introduction

Under Article 219 of the Constitution of Pakistan, the Election Commission of Pakistan (ECP) holds the high responsibility of preparing the Electoral Rolls for election to the National and Provincial Assemblies. Correct and complete enrolment of all eligible voters throughout Pakistan is the sine qua non for the holding of free, fair and transparent elections.

The Election Commission of Pakistan displayed the new draft computerised electoral rolls at reportedly 45,403¹ display centres across Pakistan starting from June 12, 2007. According to the ECP, the objective behind the publication of draft rolls at display centres has been “public information, inviting claims, objections and applications for corrections for a period of 21 days from June 12 to the July 3, 2007.”

According to the ECP, there are 52,102,428 voters recorded in the Draft Electoral Rolls Database, 2007. Compared to this, there were 71,863,280 voters as per the Electoral Rolls used in 2002 General Election. Combined with the historical rate of growth of 2.7 % per annum, the number of registered voters in 2007 should have grown to around 82 Million. Consequently, there is a gap of around 30 Million or around 36 % of voters who have gone unregistered in the new voters list.

Many questions have been raised about the authenticity and the acceptability of the new electoral rolls by the political parties, the media and the citizens. Some of the key questions in this regard include the inexplicable huge drop in the number of voters; the lack of use of NADRA database for preparing computerised electoral rolls; the ECP's insistence upon not sharing draft electoral rolls with political parties or to provide those online at its website citing “legal” restrictions; the ECP's disagreement with the demand to extend the display period from notified 21 days and the cumbersome and complicated process of registration of new voters or the correction/objection process to those already registered, etc. PILDAT examines some of these questions in detail in this position paper and offers its analysis and possible remedies to address the crucial issue.

Where the number of overall voters has taken a hit of around 30 million, women, already a somewhat disenfranchised section of the society has taken a larger hit through these fresh computerised electoral rolls as compared to men voters. The number of women voters has dropped by 39 % overall in the new voters list compared to male voters whose registered votes have witnessed a drop by 18 %. This has led to shrinking of the share of women voters in the total number of voters. The women voters, which constituted 40 % of the total voters in 2002, have shrunk to 30 % of the total voters in 2007.

Comparing the new registration figures released by the ECP to the 2002 electoral rolls figures, PILDAT expressed grave concern at the drastic reduction in female voters in the NWFP which has seen the number of registered female voters decreasing by 45 per cent from 3.92 million in 2002 to 2.17 million in 2007. In contrast to this significant reduction in women voters, the male voters in the province have registered a nominal reduction of less than 6 % despite an overall reduction of voters in the country by about 28 %. The number of women voters has registered a drastic decrease of 96 % in FATAs, 41 % in Sindh, 37 % in Punjab and 19 % in Islamabad Capital Territory.

In contrast to the other three provinces and the Islamabad Capital Territory, Balochistan has registered an increase in women voters but the increase appears too good to be real. The number of registered women voters has increased by 144 % from about 470,000 in 2002 to 1.14 million in 2007 in Balochistan. The male voters in Balochistan have also registered an extra-ordinary increase by 104 %.

The ECP's reported public position on these crucial issues so far has been to blame the drop in voters to the lack of NICs. It maintains that the 2002 Electoral Rolls, although contained over 72 million voters, a large number of those registered voters did not have identity cards.

1. The ECP Press Release June 05, 2007 <http://www.ecp.gov.pk/content/press/june2007/5.htm>

Fresh Electoral Rolls in Pakistan

Background

Article 219 of the Constitution of Pakistan stipulates that the Chief Election Commissioner shall be charged with the duty of preparing Electoral Rolls for election to the National Assembly and the Provincial Assemblies and revising such rolls annually. The preparation and revision of electoral rolls is governed by the Electoral Rolls Act, 1974 (Act No. XXI of 1974) as amended by the Electoral Rolls (Amendment) Ordinance' (No. LI of 2000) dated 27th September 2000 and the Electoral Roll Rules, 1974.

Old Electoral Rolls

The National Database and Registration Authority (NADRA) had prepared the Electoral Rolls for the Local Government Election 2000-2001 and General election 2002 with the help of its database. The 2002 rolls showed an addition of 5.5 million new voters due to the age of voting being reduced from 21 years to 18 years. The Election Commission of Pakistan (ECP) was reportedly not satisfied with the quality of electoral rolls prepared by the NADRA and also felt that a huge amount was charged by the NADRA for the service. The NADRA admits to shortcomings in the Electoral Rolls prepared in 2000-2001 and in 2002 but adds that the work was done in a very short time and some saving was also affected in the agreed amount which was returned to the ECP.

Fresh Electoral Rolls

The Chief Election Commissioner (CEC) initiated the process of preparing fresh electoral rolls on April 15, 2006 and decided to opt for door-to-door enumeration of voters instead of using the NADRA database as a baseline. The preparation of Electoral Rolls was to cost around Rs. 1 Billion out of which a contract worth Rs. 560 Million (around US \$ 9.5 Million) has already been awarded to Kalsoft which is a Joint Venture of three Pakistani companies including TCS. The project is funded by USAID and managed by a US non-governmental organization IFES on behalf of USAID.

The NADRA Database

Many experts believe that NADRA could have done a much better job in much less amount of money and time. NADRA and its capability to process and manage huge amount of data has won wide international acclaim and it is intriguing why its database collected and compiled over the past many years could not be used for preparing fresh electoral rolls. Election Commission officials cite some electoral

laws which do not permit use of NADRA facility. If it is so, how this facility was used back in 2002 in contravention of the law? And why can't law be amended to facilitate a project of such vital public interest?

Verification of CNICs

As of January 2007, NADRA had issued around 54 Million CNICs which shows that its database is more comprehensive than the latest draft electoral rolls. It is issuing around 20, 000 CNICs per day against a capacity of around 75, 000 CNICs per day. Although it is essential that the CNIC numbers filled in by the Voters in their Voters Registration Form should be verified to check against any mis-statement, the ECP does not seem to have any plans to ask NADRA to verify the CNIC numbers in the new Electoral Rolls. This exercise was not undertaken until the display of draft electoral rolls in June 2007.

The ECP had reportedly asked NADRA to share their database with ECP so that they (ECP) could use it for preparing fresh Electoral Rolls but NADRA, again reportedly, refused to do that. NADRA cites security of data as the reason for not sharing the data but says they had offered to the ECP and the Government to use the NADRA data and services for preparing fresh Electoral Rolls. This could have been done by assigning the work of Electoral Rolls to NADRA. The ECP maintains that their rules (Rule 5 of the 'The Electoral Rolls Rules, 1974) bind them to hold house-to-house enumeration.

Door-to-Door Enumeration

Enumeration commenced on July 14, 2006 and was to conclude on Sep 11, 2006 but the last date of collection of Forms by enumerators was extended to September 30, 2006. Initially, Computerised National Identification Card (CNIC) was declared to be a pre-requisite for registration as a voter but later the ECP announced that the old NICs (Which were declared to be without legal value by the Government of Pakistan) will also be acceptable for the purpose of registration as a voter. The NADRA claims that the issuance of CNICs picked up pace (Around 900,000 CNICs per month) soon after the ECP declared CNICs to be a prerequisite for registration as a voter but the volume dropped down to around 500, 000 CNICs per month after the condition was withdrawn. The NADRA charges R. 75 fee for issuance of a CNIC. As the issuance of CNICs to women is lagging behind, the NADRA felt that if an incentive of issuing CNICs free of cost to women for a period of three

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months or so was done, it could have help to increase the number of CNICs issued. The NADRA would be willing to support such an incentive if the cost of the CNICs is covered by the government. The Government should seriously examine the possibility of enhancing the capacity of NADRA four times to issue more CNICs so that all voters have CNICs before the next general election.

The publication of the draft electoral rolls for inviting claims and objections was originally set for January 20, 2007 by the ECP but the process was delayed till June 2007 a delay of around 6 months. This means that the Final Electoral Rolls, which were to be ready by May 30, 2007, will not be ready before the end of October 2007. This means that if the Government decides for an early election, the fresh electoral rolls will not be available in time.

Photo Electoral Rolls

The proposed Electoral Rolls will not contain pictures of voters although it would have increased the utility of the rolls and would have provided an additional and sometime the only ready means of identification of voters. India is keen to update its electoral rolls to include photographs and various other countries already have Electoral Rolls with Voters pictures. The NADRA thinks that it can provide the service by linking the Electoral Rolls to its database. The NADRA has a high tech facial recognition and thumb print system in place for catching attempts for duplicate CNICs and has blocked issuance of around 40, 000 duplicate CNICs so far. In fact, a broader consultative process with the citizens would have helped the ECP in setting better terms of reference for the Electoral Rolls contractors.

Decline in Number of Voters

The latest draft electoral rolls indicate that around 52 million voters have sought to be registered as voters through the enumeration process to prepare fresh Electoral Rolls. This low number has sent shock waves among political parties and serious observers of electoral process. There were 71.86 Million voters as per the Electoral Rolls used in 2002 General Election. This number should have grown to around 82 Million in 2007 as per the historical rate of growth of 2.7 % per annum. This gap between the number of voters registered through the latest exercise of enumeration and the number to which it should have grown using the number of voters in 2002 as a base is around 30 Million or around 36 %. This difference is informally explained by ECP as due to duplications and/or Bogus Votes in the electoral rolls as

these rolls were not computerized and there was no reliable system to check duplications. If this is the extent of duplication or bogus votes that over one third of the electoral rolls were fictitious, then it is a very sad commentary on the competence of all concerned institutions including, above all, the Election Commission of Pakistan. This makes the results of all past elections a greater suspect than they have always been considered by a sizable number of citizens.

According to informal NADRA estimates, there were 3.4 million duplicate voters on the 2002 electoral rolls. If this is true then the duplicates / bogus votes should have grown to 3.88 M at the rate of 2.7 % per annum and not to 30 M. This gap, therefore, remains unexplained and is a source of concern. Many political parties have complained that votes in their traditional supporters' areas were deliberately left out. It is anticipated that there will be many questions by the public and political parties about such a wide gap between the old rolls and the new ones. One may justify this gap also on the basis that the fresh electoral rolls are not yet finalized and that there may be a possibility that many of those who were left out in the door to door enumeration may choose to get registered as voters now. It seems rather difficult that such a large percentage (36 %) will get itself registered on its own initiative by visiting the ECP-established offices while they could not avail the facility of getting registered sitting at home.

The Data Entry of the voters data from the collected forms has been undertaken in the Data Centre of the contractors located in Lahore. The data entry operations were not open to public or to Political Parties. If the system is open to public observation, it is likely to enhance public trust in the system. Some of the few fortunate persons who could undertake a conducted tour of the Data Centre while voters' data was being processed were the former US Ambassador Ryan Crocker and some US Embassy staff.

Complicated Process of Registration

The process to file an objection or claim to enter a new voter's name is rather complicated and unless it is simplified, a significant numbers of voters may not be able to register or review the draft rolls. It makes a lot of sense that anyone with a CNIC should be able to register as a voter on the spot.

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Voter Registration: A One-Window Operation

For error-free Voters Lists, it is also necessary that these are updated regularly to delete the dead, update the re-located voters and enrol new eligible voters. The ECP is also charged with the responsibility to annually update the electoral rolls.

However, in keeping with the advantages that information technology offers and the valuable work that has been carried out through the system of NADRA databases in the country, it seems superfluous and bureaucratic that the voter registration should be a separate process from that of registration for a CNIC. The Government should declare that a citizen's vote will be registered at the same time when his/her CNIC is made by NADRA. This may necessitate a new legislation which should be initiated by the Government.

Electoral Rolls Online

The Election Commission insists that the draft rolls can be viewed only at the 45, 403 designated display centres throughout the country. Given the fact that only 21 days are available to public and political parties to review the draft rolls and file objections and/or applications for additions, it would have made a lot more sense if these lists were provided to anyone on CDs who wants these on a nominal payment. The ECP should, in fact, have placed the rolls on its website so that it could be accessed by any party or individual and reviewed at their leisure. The Election Commission should initiate amendment to law if any law hinders the wider circulation and review of the electoral rolls.

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Conclusion

The paper concludes that the Election Commission should not only provide complete draft electoral lists to any Pakistani citizen, political party or institution that wishes to examine the draft electoral rolls, but also make them available online in a spirit of transparency. The ECP's role should be to encourage public scrutiny of the draft Electoral Rolls and not to obstruct it. In addition, the ECP should increase the display period of draft electoral rolls and simplify the registration process. If there are any legal bars standing in the way of ECP's role to make credible, inclusive and error-free voters list, the ECP, being a constitutionally empowered body, should direct the Government to bring about the necessary legislative changes.

The paper also demands that now the draft electoral rolls were displayed, the procedure to add new names to the electoral rolls be made simple. Any person with a valid CNIC should be able to register as a voter on the spot upon production of the original CNIC and upon its verification that it is a genuine/valid CNIC. For the future, votes should be registered at the same time by NADRA when CNICs are generated to make it a one-window operation for the ease of citizens.

The ECP also needs to explain the huge decline in number of voters in the draft voters list. The huge gap of about 30 million voters does not appear explainable on the basis of 'bogus' voters enrolled in the discarded list. The ECP has been citing the necessity of Computerised National Identity Card as the reason behind such enormous drop out, but even that reason is not tenable as the ECP had itself allowed both the old NICs and the CNICs for voter registration process last year.

It is also important that the ECP finds a way to incorporate the NADRA database into its fresh electoral rolls to give credence and acceptability of the fresh electoral rolls. Even at this stage, the ECP should coordinate the electoral rolls generated with NADRA database at least to verify the CNICs mentioned in the registration forms by the voters and to add pictures of voters in the electoral rolls. In relation to the advantages of having picture in the electoral rolls, the ECP should direct the government if an amendment is required in the Electoral Rolls Act of 1984 as amended by an ordinance in 2000.

Initially, at the time of making fresh electoral rolls, the ECP had chosen not to ask NADRA, which had prepared the Electoral Rolls for the Local Government Election 2000-2001 and General election 2002. A good starting point for the preparation of electoral rolls, both from a technical and an economical point of view, should have been the NADRA database which could then be expanded to include all eligible voters, further verified and cross-checked to conform to the specific needs of Electoral Rolls. Later the ECP had asked NADRA to share its database for the preparation of the new electoral rolls but that NADRA had refused to do so on the basis of data security considerations. It is both a matter of concern and amazement that the ECP chose not to exercise its constitutional authority to secure the necessary data from NADRA or take other appropriate steps to ensure the verification of CNICs numbers in the fresh electoral rolls. A close coordination between NADRA and the ECP was essential for accurate and reliable Electoral Rolls.

Initially ECP had declared it mandatory to hold a CNIC for registering as a voter but this condition was later changed by the ECP to the effect that even the old NIC, which is no longer a legal tender, was also acceptable to register as a voter. Sticking to the original condition would have further motivated the eligible voters to get their CNICs made and this would have accelerated the process of making of CNICs in the country. This was all the more important because CNICs will be mandatory for casting vote in the next general election and also because NADRA claims to have an un-utilized capacity to process around 75,000 CNICs per month against the current rate of issuing around 20,000 CNICs per month. In order to issue CNICs to all eligible Pakistani citizens before the next general election, the Government of Pakistan should seriously consider ways to enhance the capacity of NADRA four times the current available capacity and at the same time provide incentive and encouragement to citizens to get the CNICs made.

Despite spending 1 billion rupees on the work of preparing fresh new electoral rolls, the process has witnessed a delay of about half a year. Initially, the Electoral Rolls were to be published and displayed for inviting public comments by January 20, 2007. The delay actually spanned over 6 months and the draft electoral rolls were displayed on June

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12, 2007. The paper urges the ECP that since the schedule of electoral rolls was made public by the ECP, the ECP should, in the interest of transparency, make public the reasons for the delay and publicize these on the ECP website as well. Even at the time of display of draft electoral rolls in June 2007, the ECP maintains that the date for final publication of electoral rolls is to be fixed later.

The CGEP had urged the ECP in a letter written to the CEC back in February 2007 that not only should it make public the preliminary statistics of the forms received, but also open its data processing facility to public to see for themselves the process through conducted tours. The paper regrets that the ECP not only did not wish to follow the principles of transparency and engaging public but reportedly the only fortunate person who reportedly visited the facility was the former Ambassador of US to Pakistan and not Pakistani citizens or leading political parties.

The challenge facing the ECP is not just to show to the people of Pakistan its legal limitations, but to build trust and faith of the public in its capacity to hold free, fair and credible elections. In this struggle, the ECP has to take political parties and the people along.



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