

**Citizens' Group on Electoral Process
Ascertaining the Prospects of Free and Fair Election**

REPORT

**FACT FINDING MISSION TO
THATTA & BADIN**

PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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No. 7, 9th Avenue, F-8/1, Islamabad, Pakistan

Tel: (+92-51) 111-123-345; Fax: (+92-51) 226-3078

E-mail: info@pildat.org; Web: www.pildat.org

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Preface

To assess the pre-electoral environment in the province of Sindh, the **Citizens Group on Electoral Process – CGEP** undertook an Electoral Fact Finding Mission to the Districts of **Thatta** and **Badin** on February 12, 2008. At both cities, the CGEP Fact Finding Mission interacted with the contesting candidates from different political parties, the District Administration, the District Returning Officers and the local news media to gauge the pre-electoral environment. This report presents CGEP's findings and analysis based on these interactions.

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Islamabad
February 2008

Executive Summary

In an Electoral Fact Finding Mission to Thatta and Badin in Sindh, the Citizens Group on Electoral Process, headed by Justice (Retd.) Saeed uz Zaman Siddiqui, has warned of Election Day violence if the Army is not deployed on the Polling Station level near and on the Polling Day. Generally, the voters express fear of intimidation and harassment, both for their lives and livelihoods if they dare to speak out or vote independently.

In an attempt to assess the pre-electoral environment in District Thatta and Badin, the CGEP undertook the Fact Finding Mission comprising Justice (Retd.) Saeed uz Zaman Siddiqui, Chairman CGEP and Former Chief Justice of Pakistan; Lt. Gen. (Retd.) Asad Durrani, Member CGEP and Former Director General Inter-Services Intelligence and Military Intelligence; Mr. Ghazi Salahuddin, Member CGEP and Columnist, The News; Mr. Ahmed Bilal Mehboob, Executive Director and Ms. Aasiya Riaz, Joint Director of PILDAT.

Large pictures of Sindh Caretaker Minister for Food and Agriculture Ijaz Shah Shirazi and Nazim Thatta appear alongside the NA and PS candidates of the Shirazi family - three sons and two sons-in-law of the caretaker Minister and a son of District Nazim (nephew of caretaker minister) are contesting elections from the same district - across Thatta while Government buildings and property are also used to place banners and hoist the Shirazi flags across the city, the CGEP observed. The District Returning Officer and the Returning Officer, however, seemed to be unable to notice this apparent and blatant violation of the Electoral Laws and the ECP Code of Conduct, as they responded, when pointed out, that they have not had a chance to tour the city due to unavailability of adequate resources. However, they “pledged” to ensure free and fair contest in the District.

A serious cause of concern are the large scale irregularities and multi-entries in the Voters List. The multi-entries in Voters List, at the level of a Union Council run in thousands. The irregularities and multi-entries in the Computerised Electoral Rolls (that repeat both the key name, the CNIC numbers as well as Fathers Name), despite being officially communicated by candidates to the ECP during the time of display of draft electoral rolls. These multiple entries and irregularities have contributed to an unusual increase in the number of voters at certain polling stations. This increase would also make the voter turnout estimation incorrect as voters’ lists are used as the basis to determine voter turnout across the country. The CGEP noted with regret the inability of the ECP to provide the basis of a free and fair poll - an error-free voting list, despite CGEP’s efforts, early warnings and taking up of this issue many times with the ECP from January 2007 onwards. This would essentially affect the fairness of the upcoming

Election which is already called into question in some fundamental ways, the CGEP observed.

In the aftermath of Mohtarma Benazir Bhutto's assassination, 257 FIRs have been registered against the PPP Candidates and workers in Badin while 268 FIRs have been registered in Thatta district. At both the districts, the PPP candidates complained that while candidates and their workers were also directly nominated, nearly 100,000 persons were un-nominated in each district in these "politically motivated" FIRs which were now being used to politically victimise them at the behest of the district government. Police harassment was also experienced by the opposition candidates as the Police snatched their vehicles to perform election duty, a fact that the district government official agreed to.

The Group also noticed that scheme of polling stations and the list of polling staff was also a bone of contention between the candidates as the non-PML-Q candidates alleged that locations of the polling stations have been changed to their disadvantage and voters will need to travel to up to 60 to 70 kilometres to cast their votes.

In Thatta, the opposition candidates alleged that the Police was commandeering their vehicles at a large scale to cripple their campaign and to render them ineffective in days leading up to election and on election day. When the Citizens Group checked with the District Government, it was confirmed that 309 vehicles are required by the district government for the management of elections before and during the election day and indeed, as a general practice, only the opposition's vehicles were being commandeered. The District Government sources complained that a meagre amount of money, Rs. 2000 per vehicle was paid by the ECP to the District to arrange for vehicles. The district government officials also informed that about 50-60 vehicles were also required for the Army and Rangers. It is unclear why the Army and Rangers require vehicle when they have their own resources alongside which their aid is sought at the district level, the CGEP questioned. In addition, the Group viewed this practice with alarm and termed it to be an unfair and unjustified manner in which to arrange for vehicles for election management. Left to the choice of police to commandeer whatever vehicles it needs off the road, not only it adversely affects the campaign of the candidates but also causes huge disruption in the lives of ordinary citizens due to lack of public transport on the roads. The Election Commission and the Government need to seriously look into this aspect of managing elections to the disadvantage of candidates and disruption of citizens' lives. It is the job of the ECP and the Government to ensure facilitation and management of elections which should not be at the cost of private citizens discomfort and the crippling of campaign of candidates, the CGEP held.

The CGEP Mission noted with concern that the District Police Officer (DPO) Thatta has been posted to the district after December 27, 2007. When confirmed from district authorities at Thatta, the CGEP Mission was informed that the new DPO was appointed after the inability of the earlier DPO to maintain law and order. It is a question whether the posting has been cleared by the ECP beforehand, the CGEP noted. Similarly, a Returning Officer (RO) in District Badin, Mr. Shahid Chandio (NA-224, Badin cum Tando Muhammad Khan-I (Old Badin-I) has been replaced during the election period and has allegedly been sent on forced medical leave. When checked with the DRO Badin, he informed CGEP Mission that Mr. Chandio suffered from ulcers and applied for leave. He was unable to comment, however, if the leave was orchestrated on pressure.

The Group also noted that the procedure of declaring a polling station sensitive was unilaterally undertaken by the Police Departments without any meaningful consultative process involving candidates and the Returning Officers and District Returning Officers.

Introduction

The Citizens Group on Electoral Process – CGEP, facilitated by PILDAT, undertook a Fact Finding Mission to Thatta and Badin on Tuesday, February 12, 2008. Following CGEP members comprised the Fact Finding Mission:

1. Justice (Retd.) Saeed uz Zaman Siddiqui; Chairman CGEP; Former Chief Justice of Pakistan
2. Lt. Gen. (Retd.) Asad Durrani, Member CGEP; Former Director General Inter-Services Intelligence and Military Intelligence
3. Mr. Ghazi Salahuddin, Member CGEP; Columnist, The News
4. Mr. Ahmed Bilal Mehboob, Executive Director PILDAT
5. Ms. Aasiya Riaz, Joint Director PILDAT

The Citizens Group, under the chairmanship of Justice (Retd.) Saeed uz Zaman Siddiqui also held a meeting with the independent candidates in Karachi to hear their views and grievances about the pre-poll process in the city.

Programme

The CGEP Fact Finding Mission met and interacted with the candidates of political parties, district administration, the District Returning Officers and Returning Officers at Thatta and Badin. PML-Q candidate Syed Riaz Hussain Sheerazi (NA-237, Thatta-I), however, did not meet with the Group despite the fact that he had confirmed the appointment.

Background

Complaints from various districts in Sindh, much the same as many districts in Punjab and elsewhere, have been appearing in the news media and sent to CGEP that the PML-Q candidates have been using their official connections, resources and muscle to rig the election in their favour. With most district governments in control of the PML-Q, the use of official resources, staff, machinery and clout too has been allegedly used in these districts to queer the pitch in favour of the PML-Q candidates.

Purpose and Scope of the CGEP Fact Finding Missions

The purpose of the CGEP Fact Finding Missions to Thatta and Badin has been to analyse and assess the situation on the ground in the light of the complaints appearing in the news media and those forwarded to the CGEP from both districts and to issue an

objective report to the media, all concerned and the ECP highlighting the CGEP findings after ascertaining the prospects of free and fair election in the two districts.

Major Complaints

The Citizens Group conducted the Fact Finding Mission in the backdrop of following major complaints received from the two districts:

1. **Misuse of District Government & Caretaker Government in favour of PML-Q candidates at Thatta:** It has been alleged that the Shirazi family, which controls both the District Government at Thatta while Syed Ijaz Shah Shirazi, Sindh Caretaker Minister for Food and Agriculture, has been using the district government and the provincial government resources and influence, as a violation of electoral laws and rules, to rig the elections.
2. **Postal Ballots:** It was alleged that a large number of postal ballot applications have been processed orchestrated by the District Governments to manipulate voting of Government employees in favour of PML-Q
3. **Polling Scheme Disturbed to Suit PML-Q Candidates:** Opposing candidates to PML-Q alleged, through the help of maps of different areas of the District Thatta, that polling scheme has been changed in these Elections to the disadvantage of their voters, and to facilitate the voters of PML-Q.
4. **FIRs as Means of Political Victimisation:** Candidates belonging to opposition groups have complained District Police has registered a large number of unnamed FIRs in the aftermath of Ms. Bhutto's assassination to politically victimise candidates and their workers
5. **Postings and Transfers during the Election Period:** The District Police Officer (DPO) Thatta has been posted to the district after December 27, 2007 while a Returning Officer (RO) in District Badin, Mr. Shahid Chandio (NA-224, Badin cum Tando Muhammad Khan-I (Old Badin-I) has allegedly been sent on forced medical leave a week ahead of Elections.
6. **Faulty/Multiple Entries in Electoral Rolls:** Both at District Badin and elsewhere from Sindh, CGEP received complaints that the final computerised electoral rolls are faulty with multiple entries to the tune of thousands
7. **Manipulation of Candidates by Commandeering their Vehicles:** In Thatta, the opposition candidates alleged that the Police was commandeering their vehicles at a large scale to cripple their campaign and to render them ineffective in days leading up to election and on election day.

8. **Threat of Election-Day Violence:** Threats by powerful groups are intimidating opponents and their voters which may result in election-day violence, especially in Thatta. The use of strong arm tactics, district resources and manipulation through police and other means is creating a sense of intimidation and fear in the general public to voice out its opinions or to vote freely.

Discussion with the Parties Concerned & Analysis of the Complaints

Following is the detail of CGEP Mission's Discussion and Analysis based on its interactions and meetings:

1. Misuse of District Government & Caretaker Government in favour of PML-Q candidates at Thatta

In the CGEP conversations with various candidates, news media, the major complaint from Thatta has been the hold, muscle power and the intimidation tactics used by the Shirazi family to influence the election result. The Shirazi family has fielded candidates, on PML-Q tickets, on both National and 4 Provincial Assembly seats, leaving only one PS seats for a non-Shirazi to contest on PML-Q ticket in Thatta: Syed Riaz Hussain Shah Shirazi (NA-237, Thatta-I) and Syed Ayaz Ali Shah Shirazi, (NA-238, Thatta-II); Engr. Syed Sarfaraz Shah Shirazi and Syed Fayaz Ali Shah Shirazi (PS-84, Thatta- I); Syed Ameer Hyder Shah Shirazi and Syed Ayaz Ali Shah Shirazi (PS-85, Thatta-II); Shah Hussain Shah Shirazi (PS-86, Thatta-III) and Syed Karim Dino Shah Shirazi (PS-88, Thatta-V). Sayed Shafqat Hussain Shah Shirazi is the District Nazim of Thatta while Syed Ijaz Shah Shirazi holds the Sindh Caretaker Minister portfolio for Food and Agriculture. This means that three sons and two sons-in-law of the caretaker Minister and a son of District Nazim (nephew of caretaker minister) are contesting elections from the same district. In clear violation of the election laws and rules, the campaign material of contesting candidates from the Shirazi family includes the photos of both the District Nazim Sayed Shafqat Hussain Shah Shirazi and the Caretaker Provincial Minister Syed Ijaz Shah Shirazi. Not only that, the Shirazi banners, hoardings and flags appear on government buildings as well, which both the District Returning Officer and the Returning Officers seem to ignore. Like elsewhere in the country, the banners and hoardings do not correspond to the prescribed ECP sizes and wall-chalking abounds but there is no action against it. The District Nazim Sayed Shafqat Hussain Shah Shirazi is also allegedly openly campaigning - he regretted to meet with CGEP due to his preoccupations. A number of complaints regarding the conduct of the District Nazim and the Sindh Caretaker Minister for Food and Agriculture have been sent to the Chief Election Commissioner by the contesting candidates in the district. However, no response has been received so far neither any action against the violation has been reported, the CGEP learnt.

2. Postal Ballots: As elsewhere, the candidates in the opposite camp of the ones supported by the District Government alleged that District Government Employees were forced to apply for postal ballots so that those could be used in

favour of PML-Q candidates. However, in its conversation with the District Returning Officer, Thatta, the CGEP learnt that across the Thatta district, no application for postal ballot was received; neither a single postal ballot was issued. Similarly, no postal ballots were issued in Badin District, the District Returning Officer Badin, Mr. Kazi Allah Bakhsh, confirmed to the CGEP Mission.

3. **Polling Scheme Disturbed to Suit PML-Q Candidates:** In District Thatta, the candidates from the Pakistan Peoples Party complained, through the help of maps of different areas of the district, that polling scheme has been changed in these elections not only to the disadvantage of their voters but also to great disadvantage of general voters. They explained that voters from one village will now travel to a distance of up to 60-70 kilometres to another village to cast their votes. The CGEP Mission raised the issue with the District Returning Officer Thatta who said that he received complaints after the polling scheme was finalised and was not in a position to offer any relief.
4. **FIRs as Means of Political Victimization:** In the aftermath of Mohtarma Benazir Bhutto's assassination, 257 FIRs have been registered against the PPP Candidates and workers in Badin while 268 FIRs have been registered in Thatta district. At both the districts, the PPP candidates complained that while candidates and their workers were also directly nominated, nearly 100,000 persons were un-named in each district in these "politically motivated" FIRs which were now being used to politically victimise them at the behest of the district government. Police harassment was also experienced by the opposition candidates as the Police snatched their vehicles to perform election duty, a fact that the district government official conceded. Written complaints against the high-handedness of Police in both districts were sent to the CEC, copies of which were shared with the CGEP, but no result or response has been received by the complainants. The candidates alleged that the intimidation and control of the district authorities is so strong that even after the advice of the DIG against many such FIRs, the SHOs on the ground are not ready to entertain their complaints.
5. **Postings and Transfers during the Election Period:** The CGEP Mission noted with concern that the District Police Officer (DPO) Thatta has been posted to the district after December 27, 2007. When confirmed from district authorities at Thatta, the CGEP Mission was informed that the new DPO was appointed after the inability of the earlier DPO to maintain law and order. It is a question whether the posting has been cleared by the ECP beforehand, the CGEP noted. Similarly, a Returning Officer (RO) in District Badin, Mr. Shahid Chandio (NA-224, Badin cum Tando Muhammad Khan-I (Old Badin-I) has been replaced during the election period and has allegedly been sent on forced medical leave.

When checked with the DRO Badin, he informed CGEP Mission that Mr. Chandio suffered from ulcers and applied for leave. He was unable to comment, however, if the leave was orchestrated on pressure.

6. **Faulty/Multiple Entries in Electoral Rolls:** Both at District Badin and elsewhere from Sindh, CGEP received complaints that the final computerised electoral rolls are faulty with multiple entries to the tune of thousands in one polling area. Mr. Illah Bakhsh Soomro, Former Speaker of the National Assembly and candidate NA-208, in a written complaint to the ECP and copy to PILDAT, raised this issue in his own constituency as well. When asked by CGEP at Thatta and Badin whether these irregularities in Electoral Rolls were communicated to the ECP, the candidates informed CGEP that in Thatta, the electoral rolls were not displayed at all as no staff was available to the ECP to that whereas in Badin, not only these irregularities were pointed out but officially communicated to the ECP, well within the display time, and they had records and receipts by the ECP receiving the marked irregularities. The number of multiple entries in the electoral list in a polling scheme runs in thousands. The CGEP noted with regret the inability of the ECP to provide the basis of a free and fair poll – an error-free voting list, despite CGEP's efforts, early warnings and taking up of this issue many times with the ECP from January 2007 onwards. The CGEP also warned that the irregularities mean increase in the voter lists which would also mean that a real assessment of the voter turnout will be impossible in the 2008 General Election due to these beefed-up Electoral Rolls.
7. **Manipulation of Candidates by Commandeering their Vehicles:** In Thatta, the opposition candidates alleged that the Police was commandeering their vehicles at a large scale to cripple their campaign and to render them ineffective in days leading up to election and on election day. When the Citizens Group checked with the District Government, it was confirmed that 309 vehicles are required by the district government for the management of elections before and during the election day and indeed, as a general practice, only the opposition's vehicles were being commandeered. The District Government sources complained that a meagre amount of money, Rs. 2000 per vehicle was paid by the ECP to the District to arrange for vehicles. The district government officials also informed that about 50-60 vehicles were also required for the Army and Rangers. It is unclear why the Army and Rangers require vehicle when they have their own resources alongside which their aid is sought at the district level, the CGEP questioned. In addition, the Group viewed this practice with alarm and termed it to be an unfair and unjustified manner in which to arrange for vehicles for election management. Left to the choice of police to commandeer whatever vehicles it needs off the road, not only it adversely affects the campaign of the

candidates but also causes huge disruption in the lives of ordinary citizens due to lack of public transport on the roads. The Election Commission and the Government need to seriously look into this aspect of managing elections to the disadvantage of candidates and disruption of citizens' lives. It is the job of the ECP and the Government to ensure facilitation and management of elections which should not be at the cost of private citizens' discomfort and the crippling of campaign of candidates, the CGEP held.

8. Threat of Election-Day Violence

In both the districts, the candidates from the opposing camp highlighted that this was not an election but a fight against the State, at which no political individual or party is either equipped nor a free and fair contest should resort to this. In Thatta in particular, there is a strong sense of fear and intimidation due to the strong arm tactics and high handedness used by district government or Islamabad/Karachi-backed powerful groups: people felt themselves to be vulnerable and in their conversation with CGEP said that they feared for their lives and livelihoods if they spoke out against the unfair game, even at the time of voting. The only available option, people recommended widely, is the deployment of the army at the polling station level through these districts to ensure people feel safe in independently casting their votes.

Conclusions and Recommendations

After visiting a few districts of Punjab and the two districts in Sindh, the CGEP has noticed the following trends which are not in keeping with the true spirit of free and fair election:

1. Involvement of Local Governments in the Election

District and other Nazims are actively involved in the election campaign for their favourite candidates for the membership of National and Provincial Assemblies. It is highly unlikely that the human and material resources at their command as Nazims are not being pressed in support of their favourite candidates. The Election Commission, the political parties and the Government should very seriously examine this phenomenon and find ways to address the problem both in the short term (this election) and long term (future elections).

2. Involvement of Caretaker Governments in the Election

At many places throughout the country, close relatives of the caretaker ministers at the centre and the provinces are openly taking part in the electoral race. Many members of the Caretaker Government at the centre, including the Prime Minister, have not renounced their membership of the PML-Q and continue to hold elected posts on which they returned as PML-Q candidates. The open flouting of the spirit of neutral caretaker Government, whose only job is to ensure free and fair election, flows from the top and is evident across the country in provinces and in districts. The Election Commission of Pakistan is either a silent spectator or not in a position to put a stop to open violation and manipulation. In this environment, the democratic spirit of those contesting from other than pro-government platforms is impressive. The stakeholders in the democratic future of Pakistan need to seriously examine these flaws and find ways to address the problem both in the short term (this election) and long term (future elections).

3. New Postings and Transfers

Suddenly large number of new postings are done barely a few days or weeks before the polling schedule is announced raising the possibility that these new recruitment is some kind of political bribe connected to the general election. Similarly, it was discovered that, in general, the ROs, DROs, DCOs and DPOs were transferred and appointed shortly before the election schedule was announced raising questions about the possible link between the move and the election. In District Badin, a Returning Officer (NA 224) has gone on medical leave just this week, making the opposition term it as a forced leave.

4. **Perception of Insecurity of Voters**

Due to the recent wave of terrorist attacks and suicide bombings especially after the assassination of Mohtarma Benazir Bhutto in one such attack, there is a general sense of insecurity among people in the country. Potential voters are generally reluctant to participate in the election-related activity and may not turn out to vote on the polling day due to this sense of insecurity. In some districts and constituencies local tensions have further heightened the perception that violence may disrupt polling and voters may be hurt. Thatta is one such district where tensions run very high. There is a general consensus about Thatta to a great extent and about other areas to a lesser degree that very effective measures need to be taken to inspire confidence among voters on the polling day. It is strongly recommended by the Group that Army should begin to show their presence in Thatta and Badin, as in other districts of the country, a few days before the polling day and should be available around the sensitive polling stations on the polling day. Without such a measure, violence on the polling day is a serious possibility and voter confidence and the resultant turn-out will be low.

5. **Sensitive Polling Stations**

The Election Commission should consult candidates, ROs and DROs in addition to the Police and Home Departments while preparing the list of sensitive polling stations. The concerns of Candidates in this context should be rectified to the maximum possible extent.