



No.F.1(2)/2021-JPEC/Inquiry Officer
Office of the
CONVENER
NA-75 Sialkot-IV (Bye-Election)

10-Court Street,
Lahore, the 29th September, 2021.

To

The Secretary,
Election Commission of Pakistan,
Islamabad.

Attention: Mr. Waqas Ahmed Malik,
Deputy Director (Cord)

Subject: **FACT FINDING INQUIRY REPORT.**

Dear Sir,

I have the honour to refer to your office Notification No.F.8(10)/2020-Cord (2) dated 5th April, 2021 and to enclose requisite fact finding inquiry report alongwith enclosures as desired, please.

Encl: As above.

Yours faithfully,

(Saeed Gul)

Joint Provincial Election Commissioner (Admn)
Punjab / Convener

FACT FINDING INQUIRY REPORT
PERTAINING TO THE BYE-ELECTION
NA-75 SIALKOT-IV HELD ON
19TH FEBRUARY, 2021

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LIST OF ABBREVIATIONS

Sr. No.	Abbreviation	Full Form
1	AC	Assistant Commissioner
2	AD	Assistant Director
3	ADC (G)	Additional Deputy Commissioner (General)
4	AD&SJ	Additional District & Sessions Judge
5	Admn.	Administration
6	AEO	Assistant Education Officer
7	AM	Ante Meridiem
8	ARO	Assistant Returning Officer
9	ASI	Assistant Sub-Inspector
10	C	Constable
11	CCTV	Closed-circuit Television
12	CDR	Call Data Record
13	CEC	Chief Election Commissioner
14	CEO (E)	Chief Executive Officer, Education
15	CS	Chief Secretary
16	DC	Deputy Commissioner
17	DD	Deputy Director
18	DD (C)	Deputy Director (Colleges)
19	DDEO (F)	Deputy District Education Officer (Female)
20	DEC	District Election Commissioner
21	DIC	District Intelligence Committee
22	DIGP	Deputy Inspector General of Police
23	DMO	District Monitoring Officer
24	DPO	District Police Officer
25	DPS	Divisional Public School
26	DRO	District Returning Officer
27	DSP	Deputy Superintendent of Police
28	ECP	Election Commission of Pakistan
29	EO	Election Officer
30	Hon'ble	Honourable
31	IB	Intelligence Bureau
32	IGP	Inspector General of Police
33	Insp.	Inspector
34	IO	Inquiry Officer
35	JPEC	Joint Provincial Election Commissioner
36	LEA	Law Enforcement Agencies
37	NA	National Assembly
38	NIC	National Identity Card
39	PEC	Provincial Election Commissioner

40	PM	Post Meridiem
41	PML (N)	Pakistan Muslim League (Nawaz)
42	PO	Presiding Officer
43	PPO	Provincial Police Officer
44	PS	Police Station
45	PHP	Punjab Highway Patrol
46	PTA	Pakistan Telecommunication Authority
47	PTI	Pakistan Tehreek-e-Insaf
48	QRF	Quick Response Force
49	REC	Regional Election Commissioner
50	RO	Returning Officer
51	RPO	Regional Police Officer
52	SDPO	Sub-Divisional Police Officer
53	SHO	Station House Officer
54	SI	Sub-Inspector
55	SOP	Standard Operating Procedure
56	SP	Superintendent of Police
57	TOR	Term of Reference

Subject: **FACT FINDING INQUIRY AGAINST THE OFFICERS PLACED UNDER SUSPENSION IN CONNECTION WITH BYE-ELECTION NA-75 SIALKOT-IV HELD ON 19TH FEBRUARY, 2021.**

Overview

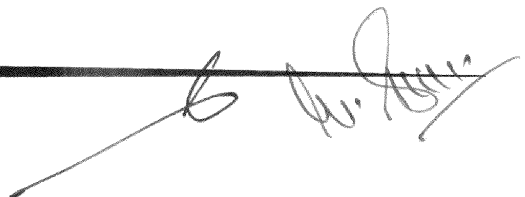
The Election Commission of Pakistan (ECP) decided to conduct bye-election for the National Assembly Constituency NA-75 Sialkot-IV on 19th February, 2021 after the death of an incumbent member. Mr. Abid Hussain, Regional Election Commissioner (REC), Lahore Division was notified as District Returning Officer (DRO) and Mr. Athar Abbasi, District Election Commissioner (DEC), Narowal was notified as Returning Officer (RO) for conducting aforesaid bye-election vide ECP, Islamabad's Notification No.F.8(10)/2020-Cord dated 18th December, 2020 **(Page No.35)**. The schedule for said bye-election was announced vide ECP, Islamabad's letter No. F.8(10)/2020-Cord dated 21st December, 2020 **(Page No.37)**. Apparently, it seemed that all activities were going on smoothly and in the requisite manner because the DRO and RO were fully satisfied with their arrangements and they never filed a complaint to the Competent Authority regarding non-cooperation by any Federal or Provincial Department at any stage. However, what going on behind the scene was unknown. The RO on preceding day before the poll, intimated the Competent Authority that the stage set for conducting aforementioned bye-election was ready in all respect.

2. The polling process started right at 08:00 AM on 19th February, 2021. After three to four hours, law & order situation in the urban areas of the Constituency started deteriorating. Many incidents of aerial firing were reported that ultimately terrorized the voters. Consequently, the polling process was either entirely stopped or in some cases partially slowed down. Reporting of two murder incidents in the constituency further plunged the atmosphere into fear. With the passage of time, the law & order situation even worsened and the innocent citizens / voters were left at the mercy of vagabonds.

3. The poll closed at 05:00 PM. Total number of polling stations in the Constituency were 360. First result on Form-45 through RTS was received in RO's office



at 05:39 PM. Similarly, the results of 339th and 340th polling stations were received at 01:15 AM & at 02:53 AM respectively. After that, office of the RO started waiting for the result of remaining 20 polling stations and adopted various means to approach the Presiding Officers (POs) of those polling stations but all their efforts remained abortive. On the other hand, the politicians alongwith their supporters, adding fuel to the fire, gathered at RO's office to get the finalized, un-official result that further intensified the already deteriorated law & order situation. When the situation got alarming, everything was put in knowledge of the Director to the Hon'ble Chief Election Commissioner (CEC) around at 02:30 AM. The Hon'ble CEC in person called the RO at 03:00 AM and took briefing from him on the issue. After that, the matter was taken up with the Chief Secretary, Government of the Punjab, the Provincial Police Officer (PPO) / IGP, Punjab and other concerned officers at District Sialkot but no positive response came from them. The POs remained missing and nobody knew about their whereabouts. Surprisingly, the results of 20 missing POs started coming after 04:00 AM in the morning of 20th February, 2021 and they physically reached RO's office after 06:30 AM. They submitted Forms-45 & 46 before the RO but the contesting candidate from PML (N) flatly refused to accept those results being fabricated. In early hours of 20th February, 2021, the Chenab Rangers was deputed within the premises of the RO's office to protect the Election Officials, polling record and for the maintenance of law & order situation. The RO with the directions of the Competent Authority stopped announcing the un-official result till further orders. The matter was referred to ECP where the case was heard in detail and eventually it was ordered to commence re-poll in the Constituency which was also upheld by the Apex Court. Furthermore, in an immediate response, the Hon'ble Election Commission vide its order dated 25th February, 2021 directed to place M/s. Zeeshan Javed Lashari, the then Deputy Commissioner (DC), Sialkot, Hassan Asad Alvi, EX-District Police Officer (DPO), Sialkot, Asif Hussain, Ex-Assistant Commissioner (AC), Daska, Zulfiqar Ali Virk, Ex-Deputy Superintendent of Police (DSP) / SDPO, Sambrial and Muhammad Ramzan Kamboh, Ex-DSP / SDPO, Daska under suspension.



4. The ECP vide its Notification No.F.8(10)/2020-Cord (2) dated 5th April, 2021 (**Page No.39**) has constituted a committee comprising of following officers to conduct a fact finding inquiry against the above named suspended officers:

- i. Mr. Saeed Gul, Joint Provincial Election Commissioner, Punjab / Convener.
- ii. Mr. Majid Sharif Dogar, Regional Election Commissioner, Gujranwala Division / Member.
- iii. Mr. Mujahid Sherdil (PAS/BS-19), Special Secretary Government of the Punjab, Finance Department / Member.



5. Moreover, terms of references (TORs) to the Committee as described in the above referred Notification are as below:

- i. To identify the nature of dereliction of duties on Poll day which created unrest and law & order situation on Poll day;
- ii. To determine the responsibilities with regard to safe transportation of polling personnel and election material from the office of Returning Officer, NA-75, Sialkot-IV to the polling stations and back to the RO's office;
- iii. To identify the gaps in the true implementation of transportation plan, security plan and fix the responsibility on the persons found guilty of committing violations of laws and rules in the case under consideration; and
- iv. Any other fact which the committee may like to bring into the notice of the Hon'ble Chief Election Commissioner.

6. All of the afore named suspended officers i.e. M/s. Zeeshan Javed Lashari, the then DC, Sialkot, Hassan Asad Alvi, Ex-DPO, Sialkot, Asif Hussain, Ex-AC, Daska, Zulfiqar Ali Virk, Ex-DSP / SDPO, Sambrial and Muhammad Ramzan Kamboh, Ex-DSP / SDPO, Daska appeared before the Committee and got their statements recorded. They were inquired by the committee in light of all perceived facts and available information, crux of which has been summarized as under:

Statement of Mr. Zeeshan Javed Lashari, Ex- Deputy Commissioner (DC), Sialkot

7. Mr. Zeeshan Javaid in his written statement (**Page No.41**) has given following point-wise replies to the TORs of the fact finding committee:

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i **To identify the nature of dereliction of duties on Poll day which created unrest and law & order situation on Poll day**

Law & order responsibilities were rested with Law enforcement agencies. The law & order after the introduction of the Local Government System in 2001 has become the exclusive responsibility of Law enforcement agencies. Security plan was prepared and implemented by the Police department and the complete plan was shared with the RO and the DRO. The Civil administration was not assigned any task related to law & order except holding District Intelligence Committee (DIC) meetings which were held twice to discuss election related security issues and minutes were shared with all concerned departments. Moreover, a meeting was held with the RO and the DRO with the AC / ARO, Daska for the arrangements on the polling day in which the RO and the DRO were requested to assign tasks in writing to the district administration. The RO provided a check list comprising of 21 points pertaining to the polling day arrangements. All of these directions were meticulously complied with by the district administration and no reservations were shown by the RO and the DRO on the assigned tasks to the district administration on the poll day.

ii **To determine the responsibilities with regard to safe transportation of polling personnel and election material from the office of Returning Officer, NA-75, Sialkot-IV to the polling stations and back to the RO's office**

The RO constituted a Transport Committee to transport election material and staff. It was headed by the RO with Secretary DRTA (Transport Department, Govt. of Punjab) as Transport Committee member. The Transport Committee headed by the RO settled terms of the transportation contract directly with the private transporters. As per terms of the contract, the contractor was responsible for ensuring timely transportation of election material and the polling staff. Furthermore, the transport committee finalized the transportation plan and made payment to the transporters directly without engaging district administration. The DC was neither part of that transportation plan nor was assigned any duty in terms of transportation plan. Police / Rangers officials were deputed with the polling staff as per security plan made by the Police department and transporters were assigned routes by the RO. The DC was not consulted while preparing the transport and security

plans. It is pertinent to mention here that in General Elections-2018, the DC was mainly responsible for preparing the transportation plan but that arrangement was changed in this bye-election and the RO and the DRO exclusively prepared transport plan and engaged private transporters.

- iii **To identify the gaps in the true implementation of transportation plan, security plan and fix the responsibility on the persons found guilty of committing violations of laws and rules in the case under consideration**

Both the transportation and security plans were not even remotely linked to the tasks assigned to the DC by the RO and the DRO.

- iv **Any other fact which the committee may like to bring into the notice of the Hon'ble Chief Election Commissioner.**

It is stated by the DC that he meticulously performed all assigned duties to the best of his abilities and complied with all directions given by the RO and the DRO.

8. The DC in his reply has further stated that various following tasks were undertaken by the district administration in order to ensure the conduct of free, fair and safe elections:

- i Provision of basic amenities of life on 360 polling stations;
- ii Provision of HR for the conduct of elections;
- iii Enforcement of code of conduct;
- iv Performance of other law & order duties;
- v Provision and installation of CCTV cameras on sensitive and highly sensitive polling stations; and
- vi Complying all lawful orders of the ECP, the RO and the DRO.

9. During the course of answer question session (**Page No.59**), he has stated that he has been posted as DC, Sialkot since 4th September, 2020 and amongst his team, Additional Deputy Commissioner (ADC), Revenue was already there while ADC, (Finance) was later on appointed upon his recommendations. In the said bye-election, his duties were to arrange HR from the Education department, Sialkot for their training alongwith venues, transport and logistics. He further stated that normally the sitting government approaches them but he handled them quite professionally. Mian Aslam Iqbal

from Pakistan Tehreek-e-Insaf came to him and demanded "level playing field" because Pakistan Muslim League (N) had strong hold there and all the POs were appointed by them. However, he did not forward the objection regarding replacement of any PO. Similarly, Mr. Ali Abbas, Deputy Secretary from Chief Minister's office, Lahore used to coordinate with them. Moreover, he admitted that there is also a pressure from the sitting government but this government never asked for any favour and just desired the management of the said constituency being the hub of PML (N). With reference to the posting of Mr. Maqbool Shakir at Sialkot, he told that after his arrival on 4th September, 2020, Mr. Shakir might have come in the month of September or October. M/s. Farooq Sadiq & Farooq Aslam were the focal persons and no other task was assigned to them. He further admitted that he did not know about any meeting of ADC (G) with Mrs. Zarina Shahid, perhaps such meetings will be conducted by AC, Daska. He did not assign such tasks to ADC (G). Mr. Qamar Zaman was called by them to look into some applications for the cancellation of election duties, his office was receiving and he was made realized that if anybody was removed from his duty then he will become the part of proceedings. He told that such applications were submitted under some pressure and those were usually dealt by the CEO and he did not. He shown his ignorance on inviting of such applications by the ADC (F). After hearing an audio recording wherein the speaker said that AC / DC are the authority for the cancellation of election duty, he said that the speaker can reply it that why did he name the AC / DC. He further told that he did not fix any PO through Mr. Qamar Zaman. Moreover, he told that it was their duty to ensure law & order instead of taking care of distribution of money. Regarding summoning of Mr. Iqbal Kaloya for non-cooperation, he was of the view that as he has been transferred so anyone can take his name. However, he was called by the Special Secretary instead of by him. He confessed that Mr. Ali Abbas had five to six visits at Sialkot and meetings were held either at offices or if in the evening then at homes. He justified conduct of meetings at AC House, Daska being the bachelor house and adjacent to office of the AC, Daska. Mr. Naeem Ghous was his senior so he did not ask anything from him. In addition to that he has also stated that there are diverse nature of assignments with the DC therefore he did not know about the conduct of any meeting with 15 persons with Deputy District Education Officer, (F) wherein instructions were given to the AEOs. He endorsed it an illegal act if the POs

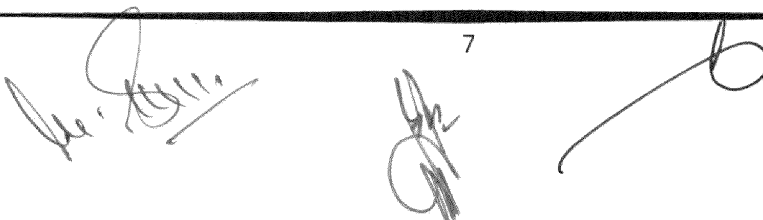
were directed to manage. He admitted his meetings with the leading political figures of district Sialkot in the constituency and he justified it by saying that they made them realized that PML (N) will not be favored. He denied his directions to the ADC (G) regarding sending of 4000 persons in the procession. He told that he remained at his home on 19th February, 2021. He could not attend the call of the Hon'ble CEC because he may be sleeping. His location on the said date appeared near Zohra Hospital but he in this regard stated that he didn't know where the said Hospital is. He told that normally his cell phone is with his gunman so the location may be due to that reason. Multiple locations with entirely different places of POs were being observed and reported. He never tried to bring Mr. Younas Waraich back as CEO who was ousted from the district before the bye-election. He declared Mr. Maqbool Shakir as a gentleman. He recalled a meeting held on 11th January, 2021 wherein all met but he could not exactly remember the venue. He further stated that he never went for meetings in Hotels and those were conducted only in DC House. He acknowledged Mr. Arif Soni as a businessman and it is impossible that he will distribute money by keeping in his knowledge.

Statement of Mr. Hassan Asad Alvi, Ex- District Police Officer (DPO), Sialkot

10. Mr. Hassan Asad Alvi has submitted his written reply before the fact finding inquiry committee (**Page No.73**), the crux of which is as under:

- i He remained posted as DPO, Sialkot from 09.10.2020 to 03.03.2021;
- ii He conducted several meetings with the DMO, RO & DRO to ensure smooth and peaceful conduct of election;
- iii A control room was established in the DPO office which was working round the clock in three shifts;
- iv A comprehensive security plan was prepared with the following bifurcation of 360 polling stations established for the bye-election of NA-75 Sialkot-IV:
 - a. Category-A (Most Sensitive)-25
 - b. Category-B (Sensitive)-155
 - c. Category-C (Normal)-180
- v In order to ward off any untoward incident, a comprehensive patrolling plan was also put in place to augment the static deployment;

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- vi More than 2000 Police and 350 Rangers Personnel were deployed for the security purposes on the election day at all polling stations;
- vii 20 Reserves from Punjab Constabulary were provided to Sialkot Police to cater for any law & order situation;
- viii 6 Reserves were stationed as backup while the rest were provided to the senior officers to respond to any untoward situation;
- ix 350 Rangers Personnel from Chenab Rangers were also present to ensure law & order during the conduct of whole election process. They were deployed at all Category-A, covered some of Category-B and C polling stations. 21 QRF mobiles with 6 officers each were patrolling in the area since one day before the election day;
- x Following FIRs were lodged against the miscreants who were involved in disrupting the peaceful law & order situation on the poll day:

Sr. No.	Name of the School / Polling Station	Nature of Violation	Action taken by Police
1	Govt. Boys High School, Daska Kalan	Aerial Firing	FIR No. 157 and 158 dated 19.02.2021 were registered.
2	Govt. Boys High School, Nisbat Road	Aerial Firing	FIR No. 159 dated 19.02.2021 was registered.
3	Govt. Saint Mary's High School, Jamkay Cheema	Scuffling	FIR No. 102 dated 21.02.2021 was registered.
4	Govt. Girls High School, Hussa Jujja	Scuffling	Police intervened and the polling was restored.
5	Govt. Boys High School, Goindkay	Scuffling	FIR No. 40/21 dated 19.02.2021 was registered.
6	Govt. Boys Jinnah Islamia Elementary School, Main Bazar, Daska	Scuffling	FIR No. 161 dated 20.02.2021 was registered.

- xi Any incident reported on the election day was promptly responded and legal action was initiated against the accused;
- xii Mr. Zulfiqar Ali Virk, DSP / SDPO was only assigned duties to maintain law & order for the election day alongwith other four DSPs;
- xiii Calls from the DMO, RO and DRO were immediately responded to; and

- xiv Calls from Hon'ble CEC were also attended by him at three different occasions including two in the early morning hours of 20.02.2021 and his directions were immediately complied with.

11. During further investigation (**Page No.83**), he told that he was posted on 9th October, 2020 and his duties were to prevent & detect crime, handling of law & order and special events. He told that Punjab Police was the only department working under him. He further told that it was his fourth election and earlier three were conducted smoothly. Moreover, he said that it will be his greatest regret that he could not conduct inquiry on the issues. The high-ups directed him to arrange level playing field for the smooth election. He did not receive any direction from the RPO office or from Lahore to do anything illegal. Mr. Ali Abbas looks after the Gujranwala Division and being junior, he could not direct him in an authoritative manner. The subordinate staff was asked to follow the law and not to do injustice to anybody. Furthermore, he told that as the seat of DSP / SDPO was vacant in the circle so Virk from the adjacent one was given additional charge of it and as DPO, he was empowered for that purpose. He denied any meeting held on 14th February, 2021. The security plan got late because they were waiting for the reserve force and it was issued after getting their particulars. In this regard, he further told that they prepared the best security plan and if somebody had any issue that must be addressed. The security plan was prepared on the basis of sectors and sub-sectors. He admitted that a meeting was held at Police Line, Sialkot on 17th February, 2021 for getting briefing and that meeting was also attended by Mr. Usman Dar. He categorically denied distribution of money in 33 white and khaki envelopes to somebody in that meeting. He was ignorant of any meeting held at the home of Mrs. Farkhanda, Deputy District Education Officer (Female), Daska on 17th February, 2021. Not a single person from Education department was the participant of that meeting. He informed that it was the duty of the sector in-charges to look after the law & order issues. SHO concerned had to report to his office about the absence of any Police Personnel at Jaiserwala and it was also his responsibility to ensure the attendance of any Police Personnel. They were having shortage of weapons so Police Personnel were given polo sticks to perform security / election duties with the polling personnel. He told that he was not available in the RO office because his force was in the field and if there was any issue the same was

reported to him by the field formations. As and when, the RO informed him about any issue that was immediately reported to the DSP concerned for an action. Force was also sent, if they did not reach there, the RO should have informed him. He was informed that the polling material has reached. He told that he always strictly directed Virk not to do anything illegal. As nothing was reported against him so far as last elections were concerned so he was made in-charge of the circle from the security point of view. Police was there when the incidents of aerial firing were going on. Culprits were traced and FIRs were lodged against them in the evening of 19th February, 2021. He admitted that aerial firing incidents were lapse on the part of district Police and it should have not been happened. He told that it was not in his knowledge that the Police Personnel were involved in opening of polling bags and stopping the polling process. It was also not the duty of the Police to ask about the casting of votes. He also admitted that it was not in his knowledge that Police Personnel from other districts came. He told that he did not know Mr. Saeed, Inspector doing something on the poll day at Sialkot. In this regard, he further stated that if it is true then he was bypassed. Other DPOs / SDPOs were deputed with Mr. Ramzan Kamboh, DSP / SDPO, Daska circle for his assistance. The IGP directed them all to provide complete security at the time of counting. The same directions were passed on to the quarters concerned. When he was told that the SHOs were not abiding by said directions, he kept quiet on that. With reference to Mr. Mazhar Farid, DSP (Traffic), Sialkot, he told that he was deputed at Pasrur Circle keeping in view its lightness / non-sensitivity. He will tell that where did eleven POs go from his jurisdiction. He remained silent when he was told that Mr. Mazhar Farid was not at his duty station at that crucial moment. He told that Mr. Zulfiqar Ali Virk is a bold man but his integrity is questionable. He told that Mr. Zulfiqar Ali Virk is answerable for his misconduct. He admitted that FIR under section 365-B should be lodged against Police, if they abducted the POs. In this regard, he further stated that if the POs were forcefully taken away then they must come and register a complaint with the Police. He told that he did not know about the arrangements of private vehicles in bulk to be used for unlawful transportation of the POs. He admitted that it was the sole responsibility of the SHO to bring the POs to RO's office and they all came as per his knowledge. He said that he on the day of fact finding inquiry came to know that the POs were carried in private cars, their mobile phones were

snatched and their actual routes were diverted. Moreover, he told that he directed the DSP, Daska to trace and bring the missing POs back to RO's office. He said that if the POs were harassed either by the Police or Special Branch then they must have spoken it by themselves. He showed his unawareness about the suspicious place where 20 POs were brought. The RO was investigating the POs so they may tell that why were they frightened. He was also unaware of the fact that why the POs were brought by adopting a long route by the Police. He endorsed that necessary action should be initiated against those who were not following the directions coming from the RO's office through DSP. POs should have let them know about the reality and they were there to provide justice if they were virtuous.

Statement of Mr. Asif Hussain, former Assistant Commissioner (AC), Daska now AC Depalpur

12. Mr. Asif Hussain has also submitted his written reply (**Page No.109**) with the fact finding inquiry committee, the crux of which is as under:

i **To identify the nature of dereliction of duties on Poll day which created unrest and law & order situation on Poll day**

Law & order responsibilities were rested with Law enforcement agencies. The law & order after the introduction of the Local Government System in 2001 has become the exclusive responsibility of Law enforcement agencies. Security plan was prepared and implemented by the Police department and the complete plan was shared with the RO and the DRO. The Civil administration was not assigned any task related to law & order except holding District Intelligence Committee (DIC) meetings which were held twice to discuss election related security issues and minutes were shared with all concerned departments. Moreover, a meeting was held with the RO and the DRO with the AC / ARO, Daska for the arrangements on the polling day in which the RO and the DRO were requested to assign tasks in writing to the district administration. The RO provided a check list comprising of 21 points pertaining to on-site poll day arrangements. All of these directions were meticulously complied with by the district administration and no reservations were shown by the RO and the DRO on the assigned tasks to the district administration on the poll day.

ii **To determine the responsibilities with regard to safe transportation of polling personnel and election material from the office of Returning Officer, NA-75, Sialkot-IV to the polling stations and back to the RO's office**

The RO constituted a Transport Committee to transport election material and staff. It was headed by the RO with Secretary DRTA (Transport Department, Govt. of Punjab) as Transport Committee member. The Transport Committee headed by the RO settled terms of the transportation contract directly with the transporters. As per terms of the contract, the contractor was responsible for ensuring timely transportation of election material and the polling staff. Furthermore, the transport committee finalized the transportation plan and made payment to the transporters directly without engaging district administration. The AC was neither part of that transportation plan nor was assigned any duty in terms of transportation plan. Police / Rangers officials were deputed with the polling staff as per security plan made by the Police department and transporters were assigned routes by the RO. The AC was not consulted while preparing the transport and security plans. It is pertinent to mention here that in General Elections-2018, the DC was mainly responsible for preparing the transportation plan but that arrangement was changed in this bye-election and the RO and the DRO were directly dealing with the transport plan including contracting transporters.

iii **To identify the gaps in the true implementation of transportation plan, security plan and fix the responsibility on the persons found guilty of committing violations of laws and rules in the case under consideration**

Both the transportation and security plans were not even remotely linked to the tasks assigned to the AC by the RO and the DRO.

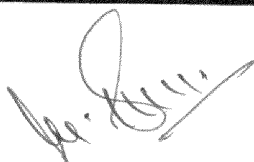
iv **Any other fact which the committee may like to bring into the notice of the Hon'ble Chief Election Commissioner.**

It is stated by the AC that he meticulously performed all assigned duties to the best of his abilities and complied with all directions given by the RO and the DRO.

13. The AC in his reply has further stated that various following tasks were undertaken by the district administration in order to ensure the conduct of free, fair and safe elections:

- i Establishment of polling stations;
- ii Deployment of polling staff;
- iii Transportation plan;
- iv Enforcement of code of conduct;
- v Performance of other law & order duties;
- vi Provision and installation of CCTV cameras on sensitive and highly sensitive polling stations; and
- vii Complying all lawful orders of the ECP, the RO and the DRO.

14. During further investigation (**Page No.127**), he told that he is the representative of the Provincial Government and being ARO, he was assigned the role to assist the RO and DRO in the finalization of polling scheme and other administrative matters. Moreover, he told that the transportation plan was exclusively prepared by the RO and DRO. He used to meet the local civil administration and political representatives to hear and redress their grievances regarding various matters. Furthermore, he told that it was apprehended that mostly the Government servants in the constituency are supporters of the opposition parties so they were getting request for their neutrality in the bye-election. Being the representatives of the DC, he took the complaints and heard the aggrieved in person. Mr. Qamar Zaman Ch. remained in touch with him regarding the staff. Their problems were communicated to the CEO. It was also told by him that he met Mrs. Zarina Shahid and Mrs. Farkhanda Yasmeen once or twice anywhere in the field. He said that it was not his mandate to allow or stop any MNA or MPA to come in the constituency or otherwise. He admitted that different meetings were held at his home / camp office adjacent to TMA, Daska but declined his participation in any meeting held at the home of Mrs. Farkhanda Yasmeen (**Page No.141**). He further stated that it was not the mandate of ARO to direct the POs to allow casting of votes on the photocopies of NICs or stop the polling process when required and that they should not worry in case of any untoward law & order situation etc. He told that Mr. Ali Abbas came to his House /



camp office twice or more than twice on his personal visits. He told that if the POs were abducted then they must have reported the matter to the concerned authorities. In his statement, he also denied that Mr. Muhammad Iqbal Kaloya was threatened either by him or anybody else, however, his answer pertaining to the participation of leading political figures of Sialkot in meetings at his House / camp office was in affirmative. He told that it was the duty of the RO and DRO to put a bar on the leaders of PML (N) from entering the constituency. He was not aware of submitting applications by 17 POs for withdrawal of their election duties very close to the poll day. He told that he came to know about the missing of 20 POs when their Forms were found missing. They were made calls but their numbers were not connected. After that they started searching them with the DSP, Daska. At a stage, he has stated that the RO and DRO should not allow the politicians to be in their office after the close of poll. He asked them to call Rangers but it did not happen. He was reporting to DSP, Daska who was present there. He further told that he asked two Ranger Personnel to handle the situation but they said it is not their duty. He denied attending any meeting at Javson or Taj Hotel with reference to the bye-election matters. Lastly, he proposed for the constitution of a commission to determine the involvement of politicians in the said bye-election because they were the actual beneficiaries in the whole process.

Statement of Mr. Muhammad Ramzan Kamboh, Ex-DSP/SDPO, Daska now District Officer (Special Branch), Gujranwala

15. He in his written statement (Page No.145) has stated that he remained posted as DSP / SDPO, Daska from 25.11.2019 to 18.01.2021 and from 15.02.2021 to 26.02.2021. He got seriously ill when the bye-election activities pertaining to NA-75 Sialkot-IV were at peak in January, 2021. He requested the Competent Authority for medical leave for 25 days w.e.f 18.01.2021 to 14.02.2021 which was approved and he spent his days of illness at his home in district Gujranwala. During this period, he kept himself aloof from the official activities of Daska Circle. In the meanwhile, he requested the Competent Authority to transfer him from field posting to the Special Branch or Punjab Highway Patrol (PHP) due to his illness. After recovery from ailment, he made a courtesy call to DPO, Sialkot on 15th February 2021 for signing of his charge report but he refused

to meet him by saying that he is busy. He was verbally directed to reach his office. The DC and DPO, Sialkot called two meetings to discuss the matters regarding said bye-election from 15th to 17th February, 2021 at Daska & Sialkot respectively wherein all officers concerned from Civil administration and Police were called for briefing but he was not. He called a meeting of his respective five SHOs for briefing on 15th or 16th February, 2021 but in response they told him that they have been directed by the DPO office that they will only report to Mr. Zulfiqar Ali Virk, DSP Sambrial pertaining to the affairs of bye-election of Tehsil Daska. He reiterated that after availing the medical leave, he again contacted office of the DPO for the preparation of charge report and requested for courtesy meeting but he was told that the DPO could not meet because of his extra ordinary engagements in sensitive matters so hard copy of charge report may be sent to his office for his signatures and the needful was done. The Security branch of DPO office issued security plan for aforesaid election on 18th February, 2021 wherein Tehsil Daska was divided into four zones for the better maintenance of law & order situation on the day of poll. Zone-1 pertaining to PS City Daska was further divided into three sub-zones as under:

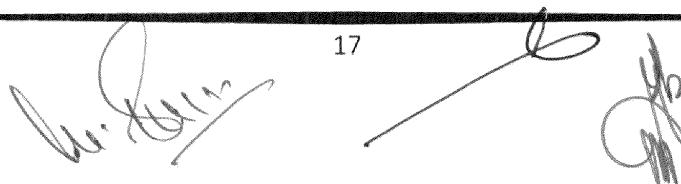
Sr. No.	Sub-Zone No.	Area	Overall In-charge
1	i	PS City Daska	Mr. Mazhar Iqbal Gondal, DSP / SDPO, Pasrur Circle, Sialkot
2	ii	PS City Daska	Mr. Ahsan Ullah, DSP / SDPO, City Circle, Sialkot
3	iii	PS City Daska	Mr. Ghulam Abbas, DSP / SDPO, Saddar Circle, Sialkot

He was made the overall in-charge of Daska Circle in the security plan but he received a call from Mr. Abdul Rehman, SI/In-charge security branch, DPO office, Sialkot on 18th February, 2021 whereby he was informed that by mistake he has been shown overall in-charge of Daska Circle in the security plan otherwise he has just to look after the polling stations falling within the jurisdiction of PS Motra and PS Bambanwala of Zone-IV. When two persons were murdered as a result of firing on the poll day at Mouza Goindkay, Police teams were constituted and raids were held under his supervision for the arrest of accused. They on the very next day compelled by the regular raids of Police approached

the Court of Additional District & Sessions Judge, Daska and got their pre-arrest bails. After that they became the part of investigation. Moreover, he told that not a single incident of scuffling, torture, rigging, slow voting, close of poll and aerial firing except the unfortunate episode of Goindkay took place in his area of jurisdiction on 19th February, 2021. After the close of poll, the POs alongwith election material reached RO's office in time under his supervision. He remained available in RO's office till 09:00 AM on 20th February, 2021 for its security. Furthermore, he told that he has been performing spotless election duties since the start of his Police service as Inspector w.e.f 1998 and not a single political party alleged him the allegations of nepotism and favoritism.

16. During further investigation (**Page No.173**), he told that he remained posted at Daska for the last one year and three months. Immediate after the announcement of election schedule, he went on medical leave due to his backbone problem. Moreover, he told that he has been serving Police department for the last 23 years but badly suffering for the last three to four months. Furthermore, he told that he during medical leave had decided that he will try to get himself relieved from circle and will prefer to be transferred either to the Special Branch or Punjab Highway Patrolling. During his whole service, not a single case was reported against him pertaining to any election matter. He told that he has always performed his duties straight forwardly but this time the reason for submitting leave application was his illness. After the meeting held on 15th or 16th February, 2021, he called a meeting of his subordinate staff deputed for bye-election duties for briefing him about the latest updates pertaining to the said bye-election but they told him that Police related activities for the conduct of bye-election will be the responsibilities of Mr. Zulfiqar Ali Virk and they will also seek directions from him. On the following day, another meeting was held wherein all concerned DSPs / SDPOs and SHOs were called except him. He time and again requested the DPO office to honour his request for courtesy meeting and get his charge assumption report signed by the DPO but his request was refused on the pretext of busy schedule of DPO. He expressed his grief that even after joining, he was not being owned by his department. In the security plan, he was made overall in-charge of Daska Circle but through a telephonic call he was informed by the security branch of DPO office that it was mistakenly printed and now he

would look after just two Police stations i.e. Motra and Bambanwala. On the poll day, he solely held responsible the concerned DSPs / SDPOs for the incidents of all illegal activities going on throughout the day in their jurisdictions / PS City Daska. He made them calls from RO's office through mobile and wireless. Mr. Mazhar Farid, DSP (Traffic), Sialkot will be held responsible if some incident of law & order was occurred at Pasrur Circle. He made a call to Mr. Muhammad Yousaf, SHO, PS Satra to clear the road blocked due to murder. When the incidents of firing took place he called the concerned DSPs / SDPOs and SHOs but they did not respond him properly. Due to their poor response, he himself reached at a spot where an incident of aerial firing was occurred however, he left the area after receiving a call from DPO who directed him to reach DMO office in person and after obtaining a notice from the DMO, serve it to Rana Sana Ullah. He reached there, he was asked to produce proofs for preparation of notice to be served to the politician concerned, upon which he brought the matter in to the notice of DPO. Who in response send him a media talk video of Rana Sana Ullah through WhatsApp. Upon getting the requisite notice he went in search of Rana Sana Ullah but after long lasting efforts, he did not find him After that he went back to his designated jurisdiction of PS Motra and PS Bambanwala. He had cleared polling stations falling within the area of PS Motra and PS Bambanwala till 09:00 PM to 10:00 PM. He made counters for the collection of results after reaching the RO office in the evening. Collecting his thoughts he stated that till 11:30 PM the results of almost 337 polling stations were received in RO Office. He then deputed his operator to make calls to rest though it was not his duty. He reported him accordingly. The results of 340 polling stations had reached till 12:30 AM. He declared that it was the prime responsibility of the Police Personnel who were deputed with the 20 missing POs to bring them back. After that it was the duty of the concerned sub-sector in-charges, sector in-charges, SHOs, DSPs / SDPOs, SP and then DPO to ensure the safe and peaceful return of the POs. As stated earlier, it was not his duty to search 20 missing POs but he did it on behalf of the RO and asked the concerned SHOs either telephonically / mobile or wireless to locate them. Negating the claim of the police that they safely transported the POs from their designated polling stations to RO Office, he categorically stated that the POs never came to the RO's office then how could they be ousted at 11:00 PM. The DPO made him call in the earlier morning of

The bottom of the page features three handwritten signatures or initials. On the left is a signature that appears to be 'Mr. Mazhar Farid'. In the center is a long, horizontal, sweeping stroke. On the right is a signature that appears to be 'G. H. 12'.

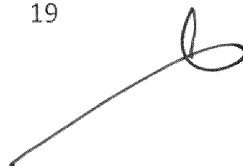
20th February, 2021 and asked to direct his SHOs to search 20 missing POs but he did not tell him to whom he had to contact for the said purpose. Two SHOs namely Mr. Nauman and Badar Munir left in the search of missing POs and after half an hour they brought 20 missing POs back in three groups in official Police vans.

Statement of Mr. Zulfiqar Ali Virk, EX-DSP/SDPO, Sambrial now DSP/SDPO Saddar Kasur

17. He in his written statement (**Page No.187**) has stated that he got posted as DSP / SDPO, Sambrial w.e.f. 03.07.2020 and given an additional charge of Daska Circle by the Competent Authority as Mr. Muhammad Ramzan, DSP / SDPO, Daska Circle went on medical leave for 28 days. He registered an FIR against the real brother of Miss Nosheen Iftikhar, a contesting candidate from PML (N), NA-75 Sialkot-IV. As a result of that she approached the Lahore High Court, Lahore in Writ Petition No. 7618/2021 dated 08.02.2021 for his removal. The IGP withdrew his orders on the directions of the Hon'ble High Court and Mr. Mazhar Iqbal Gondal, DSP / SDPO, Pasrur was given the additional charge. He further told that he was made overall in-charge of the polling stations falling within the jurisdiction of PS Saddar Daska and PS Satra. The duties of all DSPs were assigned by the DPO keeping in view the law & order situation and they were asked that they will be held responsible for any untoward situation in their respective areas. He also told that not a single incident of aerial firing and unpleasant episode took place in his area.

18. During further investigation (**Page No.197**), he told that no area of Tehsil Sambrial falls in the constituency NA-75 Sialkot-IV. First Sambrial and Daska were the same Circle and afterwards they were bifurcated. The DPO, Sialkot assigned him and his staff the election duties. First, he was given the City Circle but he made a request for giving the charge of some far flung areas of the constituency. He told that he participated in two official meetings, the participants of which are only the Police officers and not a single politician was present in it on 16th & 17th February, 2021. In the meeting, they were directed to follow the SOPs and there should not be rigging in the bye-election. He told that he did not know about the distribution of envelopes containing money during

the briefing session because at that time nobody was there to distribute or take it. If it did really happen, it might be after the meeting which is not in his knowledge. He remained present at Sialkot on 17th February, 2021. He did not attend any meeting pertaining to bye-election matters at home of Mrs. Farkhanda Yasmeen, Deputy District Education Officer (Female), Daska on 17th February, 2021 and he did not impart any directions there because they were not his subordinates. He told that he never went to her home so there is no question of his location there. In this regard, he said that whosoever was responsible for the breach of duty must have face the music. Moreover, he told that four DSPs were deputed by the Competent Authority in Daska Circle and there were occurring so many incidents of aerial firing, the overall situation of law & order was seriously untoward but no action has been taken against them. Having the additional charge of DSP / SDPO, Daska Circle, he attended all the meetings pertaining to bye-election matters. He only followed the directions of his commander / DPO, Sialkot and did not follow any from political parties at all. He strictly directed his subordinates not to involve themselves in any unlawful activity and fake votes should not be casted. Furthermore, he told that he did not give any directions to his subordinates on 18th February, 2021 but he asked them to go on their places of assigned duties regarding bye-election on 19th February, 2021 through his cell phone and reader. He confessed that his subordinates were duty bound to follow his directions. He did not ask anybody to stop the polling process. He said that he did not know the roaming of politicians in his area. The SHO, City Pasrur was looking after the area of his Police station and his office is adjacent to the office DSP, Pasrur. He denied roaming of Mr. Yaseen Sarfaraz, ASI with him on the poll day or before. He did not give directions to Mr. Yaseen Sarfaraz to gather the POs at office of the DSP, Pasrur and if he was doing then he may be asked to clarify it. He said that those were the days of fog, might have, they wanted to go in group. He told that they did not fix the route for return of the POs. The Police Personnel did whatever they considered the best and none of them were directed by him to do anything wrong. As per his information, some POs were having their personal vehicles and they might have been used that instead of the official ones. It was the will of the POs and the Police Personnel so they both went in the private vehicles. If all did happen without the consent of POs then it is a crime of abduction cognizable under section 365 CrPC. In this regard, he has further stated that it



is the time of media, no one can force a person to sit in the private vehicle without his consent. He was receiving messages on wireless that POs are coming back to the RO's office. He apprised the committee that the Police Personnel deputed with 20 POs are responsible for their missing and SP (Investigation) who remained at his home the whole day and did not come out to tackle the issue. He said that neither he abducted the POs nor he asked his SHOs to do like that and snatch their mobiles. His mobile was switched off due to exhaust of battery. When was asked that how did it start working all of a sudden at around 04:00 AM on 20th February, 2021 he had no answer and remained silent. He admitted that it was not in his knowledge that the POs were abducted from his jurisdiction of PS Saddar Daska and PS Satra. He came to know about it in the early morning of 20th February, 2021. He denied knowing of Mr. Aftab Ahmad, ASI, PS Sambrial who handed over the POs to Mr. Noman, SHO, PS Saddar Daska and Mr. Badar Munir, SHO, PS Motra. He reiterated that he was only bound to report his DPO and SP (Investigation). He held the missing POs responsible for not disclosing the facts. If they were really abducted, they must name the persons. If the Police Personnel did not fulfill their designated duties then the DPO is responsible for that. He clarified that the departure and arrival of any Police officer or Police Personnel may be ascertain from the Police Monitoring System available at each Police station or the Roznamcha prepared on facts but the statements of the Police Personnel will not be. He showed unawareness from the Police Personnel from Special branch who were also roaming in his area of command. He also admitted it is not in his knowledge that POs were threatened and if they were, FIRs should be lodged against the accused ones. If some Police Personnel slapped the Polling Personnel for not obeying their unlawful orders, then FIR should also be registered against those Police Personnel. He admitted that the Police Personnel should have followed the lawful directions of the POs and if they made the POs to follow their unlawful directions then the POs should have informed the concerned authority that what did happen with them. If they did not tell then it was a lapse on the part of POs. He said that he will be an accused if he had asked the POs to allow casting of votes on photocopies and stop polling due to untoward law & order situation etc. He said that he is not personally guilty. His medial trial has been held. It was neither his duty to direct the POs or his subordinates to do anything unlawful.

19. He told that he is having his personal relations with Khawaja Asim for the last 22 years. He did not provide him space for his reserve staff at his Rice Mill and they can better tell the reasons for hustle & bustle at that very night of 19th February, 2021. He told that his residence is located near Adalat Garh Phatak near Rice Mill.

Statement of Mr. Mazhar Farid, Retired DSP (Traffic), Sialkot

20. During investigation session (**Page No.215**), he told that he with the approval of DPO performed his election duties at Pasrur and for the said purpose he was informed one day before the poll day through security branch of DPO office. In this regard, he told that he was DSP (Traffic), he had no experience of security so this task would have not been bestowed upon him. His services were also engaged during the preparation of transportation plan. He further told that he only attended a meeting held on 17th February, 2021. He spent the whole poll day in his area of jurisdiction and remained mobile. Moreover, he told that he did not know that why the SHO of Rangpura was imparting messages to the POs and why did he visit the polling stations in person. Furthermore, he told that he did not remain the part of any game. He never stationed at office of the DSP, Pasrur. He admitted that two special Police Personnel were deputed with him, one for PS Qila Kalar Wala and the other for office of the DSP, Pasrur. He told that the sector in-charge will be in a better position to clarify that why the POs were beaten. He further told that he had no knowledge of private cars coming to the polling stations in the evening. He informed that it was not his duty to shift the POs from one vehicle to the other. He denied of taking the POs to some factory. He has also informed that they were not giving information regarding casting of votes to anybody and the POs left the polling stations after finishing their job whatever. He was not sure where did they go after leaving the polling stations. He said that he could not look after them all as the area was very much stretched. He told that he heard the name of Mrs. Farkhanda Yasmeen but he did not know her. He never stopped her of coming in anywhere in the evening of the poll day. He was neither briefed by Mr. Zulfiqar Ali Virk nor he had a meeting with him. He made call to him on the poll day regarding deteriorating law & order situation at City Daska as Mr. Mazhar Gondal, DSP / SDPO and Mr. Ahsan Ullah, DSP /

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Mr. Farid



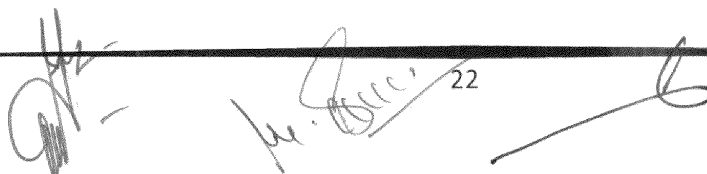
SDPO were busy. It was in his knowledge that Police Personnel from Special Branch were also visiting the polling stations for reporting. The traffic was moving on the roads though slow due to dense fog. He said that nobody can take anybody forcefully. The POs might have willfully went. He went back to Sialkot around at 05:00 AM as his House is located in Sialkot Cantonment. He came to know about the missing of POs on the morning of 20th February, 2021.

Brief Perspective

21. The recorded statements of accused were analyzed and record was perused by the Committee, according to which the DC at the onset of his statement told that he was unaware of the activities and what did happen in Sialkot on the poll day and subsequently on the night between 19th and 20th February, 2021. He confined his role just to provide the logistic support to the RO and completely denied his any other involvement in the election process. However, he admitted that politicians met him for getting level playing field which was not his mandate. According to the Article 218(3) of the Constitution of Islamic Republic of Pakistan which is reproduced here:

“It shall be the duty of the Election Commission to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.”

22. The above Article gives mandate to none but the Election Commission for conducting free, fair and transparent elections and it is only the responsibility of the ECP to provide level playing field to all contesting candidates whereas the Article 220 bounds the Federal and Provincial Executive Authorities in the country to assist the ECP in execution of its duties. Contrary to the above Constitutional Provisions, the politicians were approaching the DC for doing the needful and even then, he neither bothered to bring the matter in notice of the ECP nor did he ask the politicians that it was not his mandate and they should approach the ECP for the redressal of their grievances. He was of the view that he did not know about the missing of 20 POs and at that night he remained at his home. If for a while his point of remaining at home at that very night is accepted

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then how did he receive a call from a land line official number 052-9250454 installed at DC, House, Sialkot at his mobile number at 03:03 AM on 20th February, 2021 as per record of PTA which clearly means that he was not at his home so a land line call was made from his official residence but at some suspicious place around Zohra Hospital **(Page No.225)**. Secondly, how is it also possible for a DC to go to sleep when unofficial results of extremely politically charged constituency were coming till late at night and missing of 20 POs had become the burning issue. Defending his location prepared on the basis of CDR provided by the PTA **(Page No.225)**, he categorically denied his presences at suspicious location near Zohra Hospital at the midnight of 19th & 20th February, 2021 by saying that his body guard often carries his official mobile so it might be because of that. If for a moment, the plea of the DC is considered, then how is it possible for a body guard to carry the official mobile of DC without his permission and remain present at suspicious location for hours where the call of RO was not attended but the call from Commissioner House, Gujranwala's official number 055-9200165 was not only received but the conversation went on for 102 seconds at 01:03 AM on 20th February, 2021 **(Page No.227)**. Now, a serious question arises here that will a Commissioner talk to a body guard of the DC, the answer will definitely be no. Being the administrative head of the district, Sialkot his overall conduct falls within the ambit of misconduct and prejudice to good order of service as one cannot expect from him such gross acts of omission & commission from an officer of his stature.

23. The DPO while recording his statement has shown ignorance about all the insurrectionary activities that had taken place on the poll day as well as over the night after the close of poll but the CDR of his mobile number obtained from PTA reveals that he was in constant contact with all quite relevant Police Officers right from 12:01 AM to 10:16 PM on 19th February, 2021 **(Page No.245)**. The post of DPO at any district demands full vigilance and any negligence from the security incharge paved the path for disaster in the area. In the subject case, when the record was perused, it is revealed that neither the DPO himself nor SP (Operations) came to the field when the incidents of aerial firing were going on to pass a strong message to the culprits and motivate his subordinates to take timely action but according to the report of IB, response of Police

was lack-luster and too little too late (**Page No.259**). The lethargic behaviour showed by the high ups of district police has strengthened the apprehensions that the department was already in knowledge of what was going on and they allowed to let the things happened as per planning which had not only devastated the law & order situation but also catalyzed the spreading of fear in the constituency which restricted the people to exercise their right of vote and then eventually the goal of keeping the turn out at the minimum level in the City area of Daska was achieved. The DPO was responsible for making and implementing the security plan but he did not finalize it until one day before the poll day for which he gave an explanation that he had not received the names of reserves from the other districts in the region. If for a while, his plea is accepted, then what dedicated efforts he made for expediting the process of getting the requisite information from other districts in the region to avoid such inordinate delay in preparation of the security plan. The record is silent in this regard. There were loopholes in the security plan too, for example, in a charged political atmosphere, the pickets were missing altogether which provided leverage to the culprits to roam around the constituency, distort the law & order and escape from scene very easily. The missing of vantage points was also another gap in the devised plan which encouraged the vagabonds to turn the area into a battlefield which caused the loss of two precious lives. Had there been any such arrangements the incidents would have been reverted. The Daska Circle was divided into four Zones, each headed by a DSP / SDPO for the foolproof security during the bye-election whereby Mr. Ramzan Kamboh was declared as overall in-charge of Daska Circle but he was practically restricted to the polling stations falling within the jurisdiction of two Police Stations namely Motra and Bambanwala through verbal directions of the DPO. Two Police Stations were assigned to Mr. Zulfiqar Ali Virk with 174 Polling Stations under his command despite the fact that Mr. Virk was a disputed person on whom the opposition parties had strong reservations and the ECP had also removed him from the position of DSP / SDPO, Daska Circle vide its Order dated 4th February, 2021 but even then he was given considerable area to look after for the purpose of election security which cannot be justified. The DPO expressed his grief that he was not given any time to investigate the matter that what did actually happen and had he been given a chance to probe the matter, he would have been in better position to tell about the real story and

had taken strict action against the culprits. The DPO was placed under suspension vide the Notification of Establishment Division, Islamabad dated 4th March, 2021 under the directions issued by the ECP vide its Order dated 25th February, 2021 and before that he was fully empowered to take any action or at least suspended any of the culprit, for example SHO, PS City Daska who did not chase the pillion riders with guns involved in various incidents of aerial firing on the poll day or those who were on the security duty with 20 POs or the Sector, Sub-Sector in-charges who were responsible to maintain the law & order and ensure safety and security of POs as well as that of the election material. He could not produce any documentary evidence to prove that he had taken any action. Even some FIRs lodged against the accused were too late and not on the same day. In the evening when Mr. Ramzan Kamboh, DSP / SDPO, Daska was giving directions to the Sector / Sub-Sector in-charges to reach the DPS / RO's office, he did not endorse the DSP/SDPO's directions to sensitize the field formations to follow the lawful orders of the DSP / SDPO, Daska which means that he was least interested to control the situation and ensure the peaceful return of POs in dignified manner to the RO's office.

24. The DPO also showed his ignorance regarding the illegal activities that took place at the suspicious location near Zohra Hospital. How is it possible that a DPO was unaware of such a huge unlawful event going on at the chasing distance from his office. He was also deliberately shifting the responsibilities on the shoulders of his subordinates for their wrong doings. The committee is of considered opinion that being the Commander of district Police, he is equally responsible for any act of omission or commission committed by his subordinates and cannot keep himself aloof from that on the ploy that they are responsible for their wrong doings. It is not out of question to mention here that if there was re-poll in the constituency, the only main reason behind that was the lawlessness prevailing on the polling stations and extremely poor law & order situation in the City Daska. It was all because of the certain acts of omission & commission of district Police, Sialkot so DPO being the head is responsible for his gross misconduct and prejudice to good order of service.

25. The AC, Daska was appointed as ARO in the subject Bye-Election to assist the RO in the execution of his duties but he seemingly misused his official position.

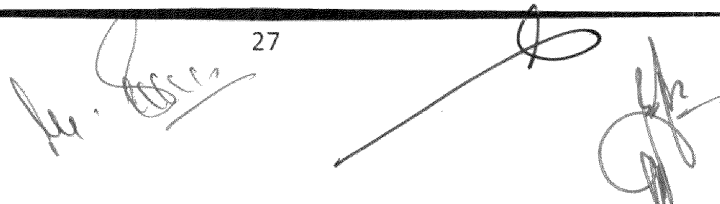
The statements submitted by the AEOs / POs in the other inquiry (**Page No.269**) to whom he addressed at the residence of Mrs. Farkhanda Yasmeen on 17th February, 2021 revealed that he was involved in subversive activities, tried his level best to jeopardize the election process and alter the results in favor of the Government which was a criminal act on his part. Though, he denied any such move but his location at Adda Begowala on the same date and time is negating his defence plea (**Page No.401**). The CDR of his mobile number obtained from PTA shows that he was not only in touch with some leading politicians but also with all suspicious characters w.e.f 17th to 20th February, 2021 (**Page No.405**) though he admitted that the law & order was not his responsibility but for what reasons he made almost all calls to the Police Officers or Personnel alleged for subversive activities. Moreover, his residence became a pivot of unlawful activities where meetings of Government functionaries were held regularly. On one such occasion Mr. Naeem Ghous, Special Secretary, Higher Education Department, Punjab was summoned where he was asked to manage the POs from Higher Education Department, Sialkot and Deputy Director (Colleges). The AC House, Daska was also turned into a hub of plenary sessions of Dr. Firdous Asiq Awan, Advisor to the Chief Minister, Punjab where she used to preside over different meetings. Needless to mention here that she was not allowed to be present there being an advisor to the CM, Punjab as the area was falling within the territorial limits of the Constituency. Meaning thereby that the AC, Daska was facilitating the Government to violate ECP's Code of Conduct. He very smartly told the IO that he had completed all the tasks which RO had assigned him in black & white and declared himself as an efficient person but in fact the motive behind his attempt was to get a proof from the RO to produce it in his defence at any stage in future if his planning is failed. It is worth mentioning that the RO and ARO always work as a team in close liaison with each other and normally no one asks the RO to write down his duties unless he has mala fide intensions or someone is extra cautious for getting documentary evidences to guard himself against the allegations to be levelled against him in the forthcoming days by the virtue of some of his suspicious activities. Although, it was a good attempt to save his skin but it does not prove someone innocent in the presence of some other concrete evidences in the form of statements given by the AEOs / POs and Mr. Muhammad Iqbal Kaloya, Deputy Director (Colleges), Sialkot before the IO

(Page No.413). According to which, he was not only involved in fiasco of the election process but was also involved in planning and managing it at different polling stations which was an indurate act of putting the precious lives of innocent people in danger. He deliberately committed certain acts of omission & commission and his conduct was also prejudice to good order of service which perhaps was not the requirement of his post.

26. Mr. Rmazan Kamboh apprised that he proceeded on medical leave during election process but returned on 15th February, 2021. Since then, the DPO did not involve him in the election related activities and he was not called in the meetings held from 15th to 17th February, 2021 at Daska and Sialkot respectively wherein DSPs / SDPOs and SHOs other than him were invited. He received Security Plan very late in which he was made overall incharge of the Daska Circle but in reality his duty was curtailed down by asking him verbally to look after only two police stations. On the poll day, when law & order situation deteriorated then he visited the polling stations situated in the City Daska area and was about to chase the miscreants involved in aerial firing but he was sent to the DMO office by the DPO to obtain notice against Rana Sana Ullah, MNA from PML (N) to banish him from limits of the constituency. The act of sending of the DSP / SDPO to the DMO office at a crucial stage when some culprits were supposed to be arrested is beyond imagination because any one could perform that duty but he was specifically chosen, so it can be presumed that the DPO wanted to avoid any arrest. One day before the poll day, he is found contacting the Sector / Sub-sector In-charges, SHOs concerned for sending their Police Personnel for the election duties and after the close of poll, he remained seated in the RO's office till late at night and made calls to the all concerned on behalf of the RO through his mobile or wireless for an immediate return of 20 missing POs to the RO's office (Page No.423). On the poll day, he frequently visited his area of jurisdiction to ensure smooth conduct of polling (Page No.449).

27. Mr. Zulfiqar Ali Virk who was also assigned the duty in subject bye-election by the DPO has stated that he is under fire through his media trial. After hearing the accused and comparing his statement with the statements of DPO, DSPs / SDPOs, SHOs and other upper subordinates and especially with those of AEOs / POs to whom he met at the residence of Mrs. Farkhanda Yasmeen, Deputy District Education Officer (Female),

27

The page ends with a horizontal line. Below the line, the number '27' is written. To the left of '27' is a handwritten signature. To the right of '27' is a large, stylized handwritten mark or signature. Further to the right is another handwritten signature.

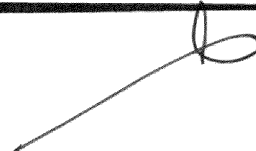
Daska (**Page No.451**). He was assigned additional charge of DSP / SDPO, Daska Circle which was withdrawn on the directions of the ECP being disputed personality. However, he was made the in-charge of PS Saddar Daska and PS Satra for election duty. The security plan was finalized on the 17th February, 2021 and communicated in the evening to the RO & the DRO but before that the DSPs / SDPOs and SHOs concerned were attending different election related meetings with the DPO and other stakeholders. On 17th February, 2021, he attended a meeting at the residence of Deputy District Education Officer (Female), Daska where the AEOs / POs were instructed to deviate from the normal procedure and what is permitted under the Laws / Rules and immediately stop the poll in case of any firing incident or as directed either by Mrs. Farkhanda Yasmeen, Deputy District Education Officer (Female), Daska or Mr. Hamid, PA to CEO (Education), Sialkot. Passing on such directions was a clear violation of the official code of conduct and conspiracy of arranging firing incidents was a criminal act regardless the fact that those directions were passed by the DSP / SDPO himself or someone else had imparted in his presence. Although, he denied his visit to her home but the CDR shows his presence at the same location and time as that of others (**Page No.453**) or what was narrated by the AEOs / POs.

28. Mr. Zulfiqar Ali Virk had arranged a special team comprising of some very close and confidential Police officers and personnel for achieving already planned ulterior motives regarding jeopardizing the whole bye-election process on that very day who were found working in close liaison with each other before, on and after the poll day. It is also observed that most of the credible staff of PS, Sambrial was engaged either through security plan or without it for doing the needful. Some trustworthy Police officers and personnel like Mr. Saeed Dhariwal, SI/SHO, PS Emanabad and Mr. Mudassir Yaqoob, SI, Police Line, Gujrat etc. were also called illegally from other districts for the said purpose. He constantly remained in touch with them all to pass them latest directions and for updating himself (**Page No.455**). Their names are as under who were the part & parcel of that game:

- i Mr. Mazhar Farid, DSP (Traffic), Sialkot;
- ii Mr. Sajid Virk, DO, Special Branch, Sialkot;
- iii Rana Asif Nadeem, Inspector/SHO, PS Cantt;

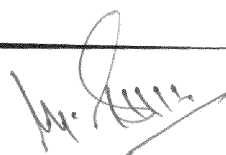
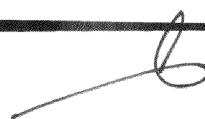
- iv Mr. Tahir Sajjad, SI/SHO, PS Rangpura;
- v Mr. Badar Munir, SI/SHO, PS Motrah;
- vi **Mr. Saeed Dhariwal, SI/SHO, PS Emanabad;**
- vii **Mr. Mudassir Yaqoob, SI, Police Line, Gujrat;**
- viii Mr. Aftab Ahmad, ASI, PS Sambrial;
- ix Mr. Ghulam Haider, ASI, PS Sambrial; and
- x Mr. Yaseen Sarfaraz, ASI, PS Sambrial;

Most of the above team members were found in illegal activities of entering polling stations, making secrete conversation with the POs and transporting the POs in private vehicles to office of the DSP / SDPO, Pasrur after the close of poll and then to suspicious location at Sialkot. Mr. Virk spent the whole poll day in the field and after close of poll, he too reached at the suspicious location around at 10:27 PM on 19th February, 2021 and remained there for hours till the early hours of 20th February, 2021 **(Page No.457)** but he denied it all in his statements. Though he in his statement has stated that he went to his home located near Adalat Garh Phatak in the close vicinity of Zohra Hospital. CDR data of his mobiles obtained from PTA reveals that his both numbers were working and calls were made and received from those numbers till 12:15 AM on 20th February, 2021 without any break by staying at some suspicious place around Zohra Hospital **(Page No.459)**. Mr. Sajid Virk, District Officer, Special Branch, Sialkot was also in regular contact with Mr. Zulfiqar Ali Virk even in odd hours on 19th February, 2021 as revealed by CDR **(Page Nos.455 & 459-476)** and his presence at suspicious location **(Page No.477)** is a big question mark. Meaning thereby that the Special Branch was also on board about already planned unlawful events which devastated the whole bye-election process. The regular contact of Rana Asif Nadeem, SHO, Mr. Tahir Sajjad, SHO, Mr. Badar Munir, SHO and Mr. Yaseen Sarfaraz, ASI etc. with Mr. Zulfiqar Ali Virk has also been established through their regular conversation with each other **(Page Nos.455 & 459-476)** and at the same time, they were also found present at the suspicious location for the reasons best known to them **(Page Nos.479-486)**. Almost all of them were found at the doubtful location near Zohra Hospital Sialkot during the night between 19th & 20th February, 2021 **(Page No.487)** except Mr. Saeed Dhariwal, SI/SHO, PS Emanabad, who was in contact with some other group of POs and was also reporting to Mr. Virk as per CDR provided by the PTA **(Page Nos. 455 & 459-476)**. His name was also not mentioned



in the security plan but he was obeying the directions of Mr. Virk and performing illegal acts throughout the poll day in the constituency (Page No.491). Mr. Mudassir Yaqoob, SI, Police Line, Gujrat was also sailing in the same boat and without being mentioned in the security plan, he was found involved in subversive activities throughout the poll day and finally reached at the suspicious place near Zohra Hospital, Sialkot (Page No.493).

During investigation, Mr. Virk told that it is not in his knowledge that who is Mr. Aftab, ASI. It is not out of question to mention here that Mr. Aftab Ahmad was an ASI from PS Sambrial under the administrative control of Mr. Virk as DSP / SDPO, Sambrial Circle and Mr. Aftab, ASI, himself in his statement (Page No.495) admitted that his name was not included in the security plan yet he performed patrolling duty on the poll day on the verbal directions of Mr. Virk, DSP / SDPO, Sambrial (Page No.507) for which he was given a Toyota Corolla Car from the pool of private cars parked at PS Satra. He further told that he in the early morning of 20th February, 2021 transported 20 POs to Daska where they were handed over to Mr. Nauman and he in his statement admitted this fact (Page No.509) and Mr. Baddar Munir, SHOs on the directions of Mr. Zulfiqar Ali Virk (Page No.495). Mr. Ghulam Haider, SI while denying his involvement in illegal transportation of POs had also informed in his statement (Page No.523) recorded in another related inquiry that he remained with Mr. Zulfiqar Ali Virk the whole day on 19th February, 2021, after the close of poll, Mr. Virk went to his home and he too left for his home, however, after the perusal of locations, it has been transpired that Mr. Ghulam Haider reached at his home around 5:55 AM on 20th February, 2021 before that he was also found at suspicious location near Zohra Hospital around at 10:16 PM on 19th February, 2021 and remained there for hours (Page No.539). Moreover, he followed the same route that was used by his other colleagues and POs to reach Sialkot instead of RO's office at Daska (Page No.539). Substantial evidences and authentic data transpire that Mr. Virk and his trustworthy Police Officers either from district Sialkot or from others districts like Gujranwala and Gujrat etc. played a pivotal role to manage, pressurize, threat, manhandle and abduct the polling personnel. His team member are found responsible of all unlawful activities which were pre-planned to jeopardize the election process on the poll day. CDR data of aforementioned team members reveals that they all were in contact with each other as & when required till the finalization of their



unlawful plan in the small hours of 20th February, 2021 at some suspicious place near Zohra Hospital, Sialkot. Presence of mostly alleged characters known for their subversive activities at the same suspicious place till late night can also be altogether not ignored. Mr. Virk is seriously found committing certain acts of omission & commission beyond his limitations and his conduct also remained prejudice to good order of service which one cannot expect from an officer of uniform service.

29. Mr. Mazhar Farid, DSP (Traffic), Sialkot told that he was under the control of Deputy Inspector General of Police (Traffic), Punjab, Lahore but the DPO, Sialkot assigned him the election duty in Pasrur Circle. He was of the view that he had no experience of performing the security duty but he was bestowed with a task for which he was not fit for. After analyzing the statement of Mr. Mazhar Farid, it is revealed that Mr. Mazhar Iqbal Gondal DSP / SDPO, Pasrur Circle was assigned the duty in Daska City area whereas in Pasrur, Mr. Mazhar Farid from Traffic Department, Sialkot was deputed to look after the Pasrur Circle for which he was not fit and the polling stations of 20 POs who arrived late after the lapse of about 8 to 9 hours were either fall in the jurisdiction of PS Qila Kalar Wala of Pasrur Circle or PS Satra & PS Saddar Daska of Daska Circle. It is an astonishing fact that the area of Police Station City Daska was divided into three Sub-Zones where the duties were assigned to three DSPs / SDPOs including the DSP / SDPO, Pasrur Circle for the reason best known to the person who prepared the security plan. Prima facie, it looks like that the motive behind such arrangement was to depute a weak person in that area to give free hand to SHOs concerned and also to those who were deputed for picking up the POs after the close of poll and to save the blue eyed ones from direct allegations for the missing of POs. The DPO, Sialkot in his statement admitted that Pasrur Circle was less problematic so they deputed an ordinary officer there and made more focus on the City area of Daska but worst chaotic situation was observed in the area of PS City Daska in-spite of concentration of deployment of competent supervisory officers. Mr. Mazhar Farid is found frequently in contact with Mr. Mudassir Yaqoob, SI, Police Line, Gujrat (unauthorized Police Officer committing subversive activities in the constituency) on 18th & 19th February, 2021 for the reasons best known to him (**Page No.541**). He in his statement told that he was not the part of any game but

CDR of his mobile obtained from PTA reveals that he was also available at the suspicious location at Sialkot (**Page No.549**) which implies that there was something wrong which he deliberately concealed from the IO during the investigating session. Mr. Mazhar Farid by involving himself in some unlawful acts during the performance of an election duty of national importance which one cannot expect from an officer of Police department that tantamount to gross misconduct and prejudice to good order of service.

Overall Findings

30. After perusing the record in detail and hearing the accused persons, the Committee has reached the following conclusions:

- i The District Administration was in loop regarding happening of all undesired and illegal incidents with reference to said bye-election at some level;
- ii The DC, Sialkot admitted that normally the sitting Governments used to exert pressure in bye-elections and they also approached him as well;
- iii Presence of DC, Sialkot at suspicious location is a big question mark on his neutrality though he categorically denied it but he could not prove his absence from that suspicious place as CDR of his mobile obtained from PTA reveals that his official mobile was used in that vicinity for hours during the night between 19th & 20th February, 2021;
- iv Circumstantial evidences and statements of the AEOs / POs reveal that AC, Daska / ARO was already aware of forthcoming events which devastated the law & order situation on the poll day in the constituency and he in light of that gave certain very specific directions on 17th February, 2021 to the AEOs / POs which being the part of record perplexed their minds and also frightened them;
- v By imparting unlawful directions to the polling personnel, the AC, Daska / ARO in fact was harassing the AEOs / POs, convincing them to act in the manner as per his directions and pressurizing them to follow the instructions of Mrs. Farkhanda Yasmeen and Mr. Hamid Raza as & when communicated to them. Passing of aforesaid illegal directions by the AC, Daska / ARO were not less than a criminal act on his part;

- vi The DPO deliberately submitted the security plan to the RO's office too late in order to avoid any objection, query and pin pointing of loop-holes etc.;
- vii The DPO being the Commander of the District Police and SP (Investigation), Sialkot remained at their homes on the poll and showed their least concern about law & order situation at the crucial time of bye-election. So, it could be apprehended that they both already knew that what will happen on the poll day in City Daska regarding worsening of law & order that is why they deliberately let the situation turn untoward as per plan and did not take any substantial initiative to maintain it;
- viii The DPO as head of the District Police is responsible for the wrong doings of his subordinates as he was the authority to approve each and every act pertaining to the security of the district since he was the authority to issue the security plan especially with reference to the said bye-election;
- ix During investigation, the DPO and Mr. Virk were found in blame game and they both were shifting the responsibilities of wrong doings on the shoulders of each other but the events discussed in the report transpires that both were equally responsible, beside others, in fiasco of election process;
- x The district Police was also aware of the incidents which had to happen on the poll day and they either willfully or halfheartedly became the part and parcel in its execution because no concrete steps were not seen taken by the district Police to stop such untoward incidents which is pointed out by the IB in its report. Each alleged character of the Police department has been discussed at length in preceding paragraphs as well as in another related inquiry which may also be consulted for ready reference;
- xi Unauthorized Police Officers and Personnel either from District Police or Special Branch were found involved in violating the SOPs of the Code of Conduct and Security Plan by entering the premises of the polling stations, talking with the polling personnel in person or through mobile, manhandling them, carrying them in private cars to some suspicious place, keeping them at that place for hours instead of taking them straight to the RO's office etc.; and

- xii The disbursement of money among the stakeholders for achieving the ulterior motives at different stages cannot be over ruled altogether as reflected in the statements of AEOs / POs etc.

31. The fact finding inquiry report alongwith its attachments is submitted to the Competent Authority for appropriate orders as deemed fit in the matter, please.



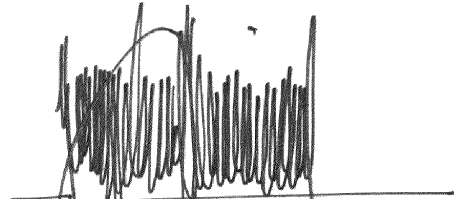
(Saeed Gul)

Joint Provincial Election Commissioner (Admn)
Punjab / Convener



(Majid Sharif Dogar)

Regional Election Commissioner
Gujranwala Division, Gujranwala /
Member



(Mujahid Sherdil)

Special Secretary (B&R)
Finance Department
Government of the Punjab / Member