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BEFORE THE HONOURABLE ELECTION COMMISSION OF PAKISTAN

In Re: Representation under Section 21(3) of the Election Act, 2017 read with Rule 12(1) of the Election Rules, 2017 in relation to the National Assembly Constituency NA-163 (Vehari II)

It is respectfully submitted as under:

1. This is a representation under Section 21(3) of the Election Act, 2017 (“2017 Act”) read with Rule 12(1) of the Election Rules, 2017 (“2018 Rules”) with reference to the draft proposal for delimitation by the Honourable Election Commission of Pakistan (“Commission”) of the National Assembly constituency NA-163 (Vehari II) (previously NA-168) (and other constituencies proposed within District Vehari) as contained in the draft proposal of delimitation of the said constituency prepared and notified by the Commission pursuant to Section 17 and 20 of the 2017 and Rule 7 and 10 of the 2017 Rules as its Preliminary Proposal for delimitation as provided for in Rule 11(2) of the 2017 Rules.
2. This representation is filed within the prescribed time with the learned Secretary of the Commission in compliance with Rule 12(4) of the 2017 Rules by Mr. Ishaq Khan Khakwani son of Mr. M Azam Khan Khakwani (late) who is a voter of the constituency NA-163 (previously NA-168). Mr. Khakwani is hereinafter referred to as the Petitioner. The Petitioner has contested elections from NA-163 (previously NA-168 and NA-130 prior to that) in the last four General Elections held in 1997, 2002, 2008 and 2013. He is also a resident of Chak 27WB Vehari and rolled as a voter in Block Code 205030601 at serial no. 380 in polling station of Chak no. 27WB Vehari.
3. The principal grounds on which this representation is moved and on the basis of which amendments, alterations and modifications in the preliminary proposals of delimitation by the Commission to the delimitation of NA-163 (and other constituencies proposed within District Vehari) are as under:
 - (i) The delimitation of NA-163 is not compliant with the requirements of Section 20 of the 2017 Act as, *inter alia*, the constituency has not been properly, correctly and lawfully delimited by give due weight and regard to the following statutorily prescribed factors:
 - (a). distribution of population in geographically compact areas;
 - (b). physical features;



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- (c). existing boundaries or administrative units;
 - (d). facilities of communication and public and voter convenience; and
 - (e). other cognate factors to ensure homogeneity in the creation of constituencies in District Vehari.
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- (ii). Variation in population of National Assembly constituencies of District Vehari *inter se* in excess of ten percent in violation of Section 20(3) and 20(4) of the 2017 Act.
 - (iii) Population *inter se* the National Assembly constituencies of District Vehari are not within the range of the “quota” prescribed in Rule 10(5) of the 2017 Rules.
 - (iv) The constituency NA-163 has not been delimited in accordance with the principles set out in Rule 10(5) of the 2017 Rules *vis-à-vis* the requirements of starting from the Northern end of the District and the proceeding clock-wise in zigzag manner keeping in view of the population “quota” prescribed therein. According to the 2017 Census the total population of District Vehari is 2,897,446 so the population “quota” under Rule 10(5) of the 2017 Rules is 724,362.
 - (v) Without prejudice to the foregoing, and in the alternate, since, except for proportionate increase in population, there has been no substantial change in the entire District Vehari and all other factors and principles of delimitation (as prescribed by the 2017 Act and the 2017 Rules) remained intact and as per the position prior to the 2017 Census and the voters of the District remained satisfied, there is no occasion or lawful basis to change the pre 2017 Census boundaries of the constituencies and hence the proposed delimitations be set aside and the original boundaries be reinstated.
4. In support of the objection at paragraph 3(i) above it is submitted that the principles of Section 20(1), 20(3) of the 2017 Act and the two provisos to Rule 10(5) have not been adhered to, *inter alia*, as:
- (a). NA-163 from a bare perusal of the map of the constituency (as proposed by the Commission in its preliminary report) is not delimited in a “compact” shape. The constituency is narrower in width and longer in length than all other constituencies in District Vehari.



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- (b). The Commission's proposed delimitation of NA-163 is very peculiar as the distance from one end to the other is approximately 85 kilometers. While the distances in other National Assembly constituencies are substantially less. Thus by way of illustration, the corresponding figure for NA-162 and NA-164 is in the approximate range of between 30-40 kilometers. The length of the road from the North end of NA-163 to the South end is in excess of 85 kilometers which also indicates that the principles in Section 20(1) have not been adhered to. The unusually long length and shape of the constituency also does not take into account and give due weight and regard to facilities of communication and public and voter convenience.
- (c). This is the only constituency in the whole of Punjab where one Constituency has been spread over parts (but not the entire area) of three (3) different Tehsils i.e. Tehsil Burewala, Tehsil Vehari and Tehsil Mailsi) which is also in contravention of the requirements of Section 20 and Rule 10(5) of the 2017 Rules.
- (d). With reference to and relying upon the requirements of Section 20(1) and 20(3) of the 2017 Act and the first and second provisos to Rule 10(5) of the 2017 Rules it may be noted that difference of population between NA-162 (753898) and NA-163 (716240) = 37658. This very substantial variation proves that the delimitation of NA-163 is not balanced and in conformity with the statutory requirements and principles. This error requires correction and the Petitioner proposed and prays that this be effected by shifting adjacent and contiguous Patwar Circles ("PCs") from NA-162 to NA-163 as shown in the map appended herewith as Annexure E depicting and showing the amendments, alternations and modification sought by the Petitioners.
- (e). Vehari District consists of three (3) Tehsil and as per its population according to the 2017 Census its share of National Assembly seats in four (4). Therefore, while carving out and delimiting two (2) National Assembly constituencies, the boundaries of the three (3) Tehsils will not remain intact and National Assembly and Provincial Assembly constituencies will overlap in at least two (2) Tehsils. In the remaining two (2) National Assembly constituencies, the northernmost Tehsil and the Southernmost Tehsil can accommodate one entire National Assembly constituencies. This is quite evident in the present case, where NA-162 remains completely in Burewala Tehsil and NA-165 remains completely in Mailsi Tehsil. This point when explained in detail by examining the data of the District and Tehsil population from which it becomes apparent that the total population of Burewala Tehsil is 1015385 while the "quota" for NA-162 under the first proviso to Rule 10(5) of the 2017 Rules is 724,362. Consequently, the entire constituency NA-162 can be accommodated within Tehsil Burewala taking in account the principles laid down in Section 20 and highlight in paragraph 3(a) and 3(c) above. Similarly, the total



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population of Tehsil Mailsi is 953,895 and the “quota” for NA-162 under the first proviso to Rule 10(5) of the 2017 Rules is 724,362 . Therefore, it is proposed by the Petitioner that the overflow from Tehsil Burewala of 291,024 and the overflow from Tehsil Mailsi of 229,534 may combine with Tehsil Vehari’s total population of 928,1066. Accordingly, the Petitioner prays that applying the requirements of, *inter alia*, Section 20 of the 2017 Act (as highlight in paragraph 3(a) and 3(c) above) the two National Assembly constituencies, namely, NA-163 (and consequentially NA-164) be delimited on the foregoing basis and all consequential amendments, alterations and modifications in the preliminary proposals of delimitation by the Commission be made accordingly. The proposed consequential amendments, alterations and modifications are marked up upon and depicted in the map appended herewith as Annexure E.

(f) The following facts with reference to the requirements of the two provisos to Rule 10(5) of the 2017 Rules and requirements of Section 20 of the 2017 Act also do not appear to have been taken into account and given due weight in delimiting NA-163 (and the other National Assembly constituencies in District Vehari):

- (i). The population of NA 162 exceeds the “quota” under Rule 10 of the 2017 Rules by 29537 or 4.1%. Therefore, this is in contravention of the relevant statutory parameters.
- (ii). The population of NA 163 is lower than the “quota” under Rule 10 of the 2017 Rules by 8122 or 1.1%. Therefore, this is in contravention of the relevant statutory parameters.
- (iii). The population of NA 164 exceeds the “quota” under Rule 10 of the 2017 Rules by 2613 or 0.36%. Therefore, this is in contravention of the relevant statutory parameters.
- (iv). The population of NA 165 is is lower than the “quota” under Rule 10 of the 2017 Rules by 24028 or 3.3%. Therefore, this is in contravention of the relevant statutory parameters.
- (v). Employing the benchmark as the population of NA 163 which is 716240, the population of NA 162 is higher than that of NA 163 by 37658 or 5.3%.
- (vi) Employing the benchmark as the population of NA 163 which is 716240, the population of NA 164 is higher than that of NA 163 by 10734 or 1.5%.

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(vii) Employing the benchmark as the population of NA 163 which is 716240, the population of NA 165 is lower than that of NA 163 by 15906 or 2.2%.

(g) Upon an examination of proposed boundaries of NA-163 it becomes apparent that the said constituency is proposed to be started from Burewala Tehsil in the North and makes a corridor from the right edge of the District and enters Vehari Tehsil and then carries on to Mailsi Tehsil where a population of Qanoongo Halqa ("QH") Karampur equal to 46894 is added into it. This is a patent violation of the requirements of Section 20 of 2017 Act and Rule 10 of the 2017 Rules. These contraventions and violations require correction to bring the delimitation in conformity with the applicable statutory principles and requirements. The Petitioner's proposed amendments, alterations and modifications to bring the same into conformity with Section 20 of 2017 Act and Rule 10 of the 2017 Rules is marked up on and depicted in the map appended herewith as Annexure E. This proposal is essentially that NA-163 ought to be delimited as comprising of only two (2) Tehsils by adding PC 178/EB and PC 186/EB of Vehari Tehsil having total population of 25355. It is underscored that the said PCs were previously a part of the predecessor of NA-163 (i.e. NA-168). This will also bring the overall shape of NA-163 into conformity with other constituencies and the requirements of the 2017 Act and 2017 Rules referred to above. By the above proposal, the Mailsi Tehsil has been balanced out otherwise it would have crossed the upper limit of 10%.

5. As further detail of the proposed amendments, alterations and modifications sought through this representation, the following summary is also provided giving relevant facts and figures which may graciously be read with the maps at Annexure D and Annexure E appended herewith.

Summary of the Proposal with Data	
Total Population of District Vehari	2,897,446
Number of NA	4
Average Population per NA	724,362
Population of Burewala Tehsil	1,015,385
Population of Mailsi Tehsil	953,895
Population of Vehari Tehsil	928,166
Rule 10(5) first proviso quota	724,362

Proposed Population:	
NA-162	716,638
PP-229	343,787
PP-230	372,851
NA-163	731,961
PP-231	354,057
PP-232	377,904
NA-164	731,306
PP-233	352,831
PP-234	378,475



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NA-165	717,541
PP-235	350,454
PP-236	367,087
Total:	2,897,446

6. The Petitioner seeks and prays for the following amendments, alterations and modifications to the preliminary proposal of the Commission for delimitation of NA-163 (Vehari II):

(a) As contained in the preliminary proposal of the Commission for delimitation of NA-163 the areas marked for NA-163 added up to a total population of 716,240.

(b) The Petitioner hereby prays that the following PCs and TC QH Karampur of Tehsil Mailsi be excluded from NA-163:

PC	Population
PC Hassan Shah	10300
PC Karampur	5372
TC Karampur	14015
PC Dhallu	9583
PC Borana	7624
Total Excluded:	46894
Current Population	716240
After Exclusion	- 46894
(i) Remaining Population	669346

(c) The Petitioner hereby further prays that the following three (3) PCs of QH 3-R Burewala be added into NA-163:

PC 451/EB	10012
PC 453/EB	9499
PC 515/EB	17749
(ii) Added:	37260

(d) The Petitioner further prays that the following two (2) PCs (excluded from NA-164) of QH 3-R Vehari be added into NA-163:

PC 178/EB	14863
PC 186/EB	10492
(iii) Added:	25355

(i) Remaining Population	669346
(ii) Added	37260
(iii) Added	25355
NA-163 Total Population	731961



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7. Consequentially to the foregoing, the Petitioner further seeks and prays for the following amendments, alterations and modifications to the preliminary proposal of the Commission for delimitation of NA-162 (Vehari-I):

(a) As contained in the preliminary proposal of the Commission for delimitation of NA-162 the areas marked for NA-162 added up to a total population of 753,898.

(b) The Petitioner hereby prays that the following PCs of QH 3-R of Tehsil Burewala may be excluded from NA-162:

PC 451/EB	10012
PC 453/EB	9499
PC 515/EB	17749
Total Excluded:	37260

Current Population	753898
After Exclusion	37260

NA-162 Total Population 716,638

8. Consequentially to the foregoing, the Petitioner further seeks and prays for the following amendments, alterations and modifications to the preliminary proposal of the Commission for delimitation of NA-164 (Vehari-III):

(a) As contained in the preliminary proposal of the Commission for delimitation of NA-162 the areas marked for NA-163 added up to a total population of 726,974.

(b) The Petitioner hereby prays that the following 2 PCs and QH 3-R of Tehsil Vehari may be excluded from NA-164:

PC 178/EB	14863
PC 186/EB	10492
Total Excluded:	25355

Current Population	726974
After Exclusion	25355

(i) Remaining Population 701619

(c) The Petitioner further prays that the following 2 PCs and 1 TC QH Karampur of Tehsil Mailsi excluded from NA-163 may be added into NA-164:

PC Hassan Shah	10300
PC Karampur	5372
TC Karampur	14015
(ii) Added:	29687

(i) Remaining Population	701619
(ii) Added	29687

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Total Population NA-164 731306

9. Consequentially to the foregoing, the Petitioner further seeks and prays for the following amendments, alterations and modifications to the preliminary proposal of the Commission for delimitation of NA-165 (Vehari-IV):

(a) As contained in the preliminary proposal of the Commission for delimitation of NA-165 the areas marked for NA-165 added up to a total population of 700,334.

(b) The Petitioner further prays that the following 2 PCs QH Karampur of Tehsil Mailsi (excluded from NA-163) may be added into NA-165:

PC Dhallu	9583	
PC Borana	7624	
Added:		17207

Current Population	700334	
Added:		17207


Total Population NA-165 717541

10. For ease of reference and assistance of the Commission, the consequential amendments, alterations and modifications which are required and proposed in respect of the delimitation of the related Provincial Assembly constituencies which are necessary or expedient as a consequence of the amendments, alterations and modifications sought by the Petitioner to NA-163 (Vehari II) (and consequentially to other NA constituencies in District Vehari) to are set out below

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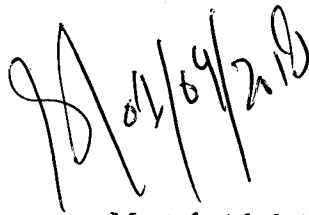
Wherefore the Petitioner respectfully prays that the instant representation be graciously accepted by the Commission and that the Commission graciously make the amendments, alterations and modifications sought to the draft proposal for delimitation of NA-163 (Vehari II) by the Petitioner (and also make all applicable and consequential amendments, alterations and modifications sought herein) as detailed in this representation and as also depicted in the map at Annexure E hereto.




Voter/Petitioner

Through:


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Advocate Supreme Court


01/04/2018

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