

6

**BEFORE THE ELECTION COMMISSION OF PAKISTAN
THROUGH SECRETARY ELECTION COMMISSION OF
PAKISTAN, ISLAMABAD.**

REPRESENTATION UNDER RULE 12 OF CONDUCT OF ELECTION RULES 2017, AGAINST THE PUBLICATION OF PRELIMINARY PROPOSAL REGARDING NATIONAL ASSEMBLY CONSTITUENCIES OF DISTRICT SAHIWAL NA-147 TO NA-149, ON BEHALF OF SYED IMRAN AHMAD SHAH SON OF SYED ALI AHMAD SHAH, RESIDENT/VOTER OF SADAAT MANZIL NAI ABADI, SAHIWAL.

Respectfully sheweth;

1. Brief facts of the matter are that the petitioner is a voter enrolled in electoral role for Sindhi Mohallah Circle No.2 Municipal Corporation Sahiwal. Petitioner contested election for the National Assembly Seat from the Constituency Sahiwal-I which was numbered as NA-160 first time in 2001, since then he contested all the elections for National Assembly from the same constituency. In the delimitation conducted in 2001-2002 the constituency of petitioner is numbered as NA-160 and even today he is elected MNA from NA-160. Petitioner is eligible to file the instant representation to raise the objection against proposed delimitation of NA constitutes of District Sahiwal.

2. That while making the delimitation the area

and other physical features were kept in view particularly the ways of communication and canal irrigation system were also given importance beside maintaining the background of the previous history of delimitation, but while delimitating proposed NA-148 and NA-149 Sahiwal-II & Sahiwal-III the physical features, geographical compactness of the areas have been ignored. Even the map prepared during delimitation process is also crafted wrongly in violation of Section 20 of Election Act 2017. The petitioner in order to get the same corrected make the following objections, to maintain geographical compactness of the area and to sustain the existing boundaries of the proposed delimitation:-

GROUND FOR OBJECTIONS

- a. That the PP Constituencies of District Sahiwal are starting from North-East of the District Sahiwal, whereas the NA constituencies are starting from North-West of Sahiwal and if as per Rule 10(5) of Conduct of Election Rules 2017 is strictly followed then the first NA constituency of District Sahiwal will be the constituency which covered Municipal Corporation Sahiwal and Eastern areas. The description of NA-II will remain as it is and then the constituency consists of Chichawatni MC will be numbered. During delimitation process the PP Constituencies are delimited/ numbered in the same manner, whereas the NA constituencies are numbered and bifurcated differently even without ignoring the past history of the District when always the delimitation started from NA Constituency MC Sahiwal. Therefore, it

as adopted in PP should be applied for NA constituency as well, which will not make any bigger difference between the proposed 3-NA constituencies. Apart from the hereunder described irregularities.

- b. That the patwar circles 78/5-R which have the population of 8399 and patwar circle 81/5-R which have the population of 12412 which were historically always part of National Assembly Constituency connected with M.C. Sahiwal present constituency NA-160. Previously delimited constituency NA-160 which was numbered as Sahiwal-I the same patwar circles were part and parcels of that constituency. Even the PCs 78/5-R and 81/5-R are located in the east of Sahiwal MC but these were wrongly included in NA-148 Sahiwal-II with whom these PCs are not connected on ground in any way, hence by including these PCs with NA-148 Sahiwal-II neither the geographical compactness is kept in view nor physical features and existing boundaries of these administrative units were strictly followed. These two PCs have population of 20811, and without inclusion of these two PCs with the NA constituency consists of MC Sahiwal there will be a gap, discontinuity & non-geographical compactness between the MC and other eastern part of NA constituency which was NA-1 Sahiwal, but through the proposed delimitation the same was numbered as NA-149 Sahiwal-III, by doing this the requirement of Section 20 of Election Act 2017 have not been strictly adheres.

- c. That there is another omission in the preliminary list that the part of area i.e. Chak No.52/5-L of Qadirabad Sahiwal District now part of

having population Circle No.4 2603 and Circle No.5 population is 14772. Total population 17375 have not been included in any constituency of District Sahiwal inspite of the fact that the same area falls within the ambit of Sahiwal District which was previously included with NA-160 Sahiwal-I, therefore the same population is required to be added with NA constituency consist of MC Sahiwal.

- d. That the patwar circle of Chak No.90/6-R was included in NA-161 Sahiwal-II in the delimitation of 2001-2002 prior to it the same was part of old NA-125 Sahiwal-II. The revenue estate Chak No.90/6-R is situated on the north western side of Muhammadpura Road which started from the west of Sahiwal MC, upon which 89/6-R comes first on right side of said road and after crossing the said revenue estate 89/6-R the revenue estate of Chak No.90/6-R comes which has two abadies 90/6-R and 90A/6-R, Chak No.90/6-R is situated in the west of 89/6-R on the left side of Muhammadpur Road and 90A/6-R is located in north of 89/6-R on the right side of Muhammad Pur Road. Whereas Chak No.91/6-R is situated away from 90/6-R in North Western side, adjacent to Mauza Muhammad Pur Qanoongoi that is why the same is included in the Union Council of Muhammad Pur. Similarly Patwar Circle 97/6-R have been part of present NA-161 and even previously it was part of NA-125 Sahiwal-II which is located in the west of Municipal Corporation Sahiwal and all the western areas from MC Sahiwal have been part of the National Assembly Constituency NA-II.

- e. That patwar Circle 97/6-R is consists of

MC Sahiwal rung towards Harrapa. All the other PCs on this road are part of NA-148 Sahiwal-II, whereas only this PC from the said road is detached from NA-148 and is included with NA-149 Sahiwal-I which has no compactness with the said NA constituency. These PCs were never part of present NA-160 and old NA-124 prior to 2002 (the NA consists of Sahiwal M.C which was called as NA-1 Sahiwal) and the eastern areas of Sahiwal District connected with Okara District. Historically these PCs were always part of NA-II Sahiwal, hence by excluding the same from NA-148 Sahiwal-II and including the same in NA-149 Sahiwal-III neither the geographical compactness of the area was kept in mind nor the physical features, way of communication and canal irrigation system were considered and even the administrative boundaries of these administrative units have also been flouted. Therefore, as per Section 20 of Election Act 2017 this notification is required to be reversed. It is pertinent to submit here that these PCs are not physically connected with NA-149 in any manner, therefore, the factors of ensuring homogeneity are also being disturbed. The population of 90/6-R PC is 11883 whereas population of 97/6-R PC is 11988, which total comes to 23871, meaning thereby if the PCs 90/6-R and 97/6-R are excluded from NA-149 and the same are included with NA-148 Sahiwal-II while substituting the PCs 78/5-R and 81/5-R, no major population of these constituency will be disturbed and the geographical compactness between the two constituencies will be revived.

f. That there is another aspect of the matter that one PC 102/9-I, which have the

NA-148 and the same is also shown to be included with NA-149. This patwar circle was previously part of NA-161 and prior to that NA-125 till delimitation of 2002. This PC is not connected in any manner with the M.C. of Sahiwal which is part and parcel of NA-149 Sahiwal-III and even the PCs located in the east of this PC are part of NA-148 Sahiwal-II, but this PC is included in NA-149 which is against the principles of delimitation as enshrined under section 20 of Election Act 2017, even otherwise there is national highway, main railway station and lower bari doab canal is separating this PC from the PCs situated in north side i.e. 6-R PCs and this PC is situated on national highway running from the sought-western side of Sahiwal when it reaches 4/5 KM in west of Sahiwal the area of PC 102/9-L started. This PC is not at all historically connected with the constituency consists of MC Sahiwal, but through the impugned proposed delimitation all the factors of compactness, ways of communication existing boundaries have not been kept in view.

g. That the constituency in which above described PCs were included numbered as NA-125 prior to the delimitation of 2002 when the District Sahiwal was bifurcated in three National Assembly Constituencies and now again the District Sahiwal is being bifurcated in three constituencies, therefore, the previous history of these PCs while delimitating has to be taken into consideration.

h. That if the above proposals are accepted the NA-147 (the NA constituency consists of ... Chishtiana) population which is

and population of NA-148 Sahiwal-II will be 845429 and the population of NA-149 will be 837501, meaning thereby that the population of these constituencies will remain within the parameters of 10% which is permissible under the rules.

In view of the above submissions, it is, therefore, most respectfully prayed that the PCs 78/5-R and 81/5-R of Sahiwal Headquarter Qanoongoi may kindly be excluded from NA-148 Sahiwal-II and the same may kindly be included with NA-149 Sahiwal-III and the PCs 90/6-R, 97/6-R and 102/9-L may kindly be included with NA-148 Sahiwal-II.

PETITIONER

SYED IMRAN AHMAD SHAH SON OF SYED ALI AHMAD
SHAH, RESIDENT/VOTER OF SADAAT MANZIL NAI ABADI,
SAHIWAL

through

M.A. GHAFAR-UL-HAQ

Advocate Supreme Court

C.C. No.PLH-14539

A. H. LAW ASSOCIATES

Suite No.07, Ground Floor, SAF Center

8-Fane Road, Lahore.

Dated: 02.04.2018