

①



Before the Worthy Secretary to the Honourable Election Commission of Pakistan

Representation under section 21 of the Elections Act, 2017, read with rule 12 of the Election Rules, 2017, in respect of the delimitation of constituencies of National Assembly of District Sahiwal particularly concerning proposed constituencies NA – 148 and NA – 149

Respectfully *Sheweth*:-

1. That the Petitioner is a permanent resident and voter of City Municipal Corporation, QH of District Headquarter, Sahiwal. He is the Information Secretary of a prominent Political Party at Sahiwal and works for the welfare and betterment of people of his local area – same being the paramount considerations for the Petitioner for which he has been struggling for a long time.
2. That through delimitation conducted by this Honourable Commission in the year 2002, District Sahiwal was allocated four (04) National Assembly Constituencies. However, according to 2017 Census of Pakistan, total population of District Sahiwal is 2,517,560 (Two million five hundred and seventeen thousand five hundred and sixty). Therefore, as per Formula [Population of District ÷ Quota (Punjab) i.e. $2,517,560 \div 780,266$], the District Sahiwal has been allocated three (03) constituencies / seats of National Assembly in the Preliminary Delimitation Report, 2018 published by this Honourable Commission on 05.03.2018.
3. That the Preliminary Delimitation Report, 2018 proposes the delimitation of three (03) constituencies of National Assembly of District Sahiwal as follows:
 - (i) NA-147 Sahiwal – I
 - (ii) NA-148 Sahiwal – II
 - (iii) NA-149 Sahiwal - III

4. That through the instant representation, the petitioner craves the gracious indulgence of this Honourable Commission to delimit the above constituencies in the following manner:
 That in the preliminary report the two PCs namely, 78/5R and 81/5R, QHs Sahiwal, had been added / included in the constituency NA-148 Sahiwal – II whereas the same are two blocks had historically and geographically as part of NA-149 Sahiwal – III (as redefined).

Sr. No.	No. and name of constituency	Proposed amendments, alterations or modifications	Total population after acceptance of the proposal
1.	NA – 149 Sahiwal – III	Include: <ul style="list-style-type: none"> • The PCs of QHs Sahiwal: <ul style="list-style-type: none"> (1) 78/5-R (Population 8,399) (2) 81/5-R (Population 12,412) Exclude <ul style="list-style-type: none"> • The PCs of QHs Sahiwal: <ul style="list-style-type: none"> (1)97/6-R (2)90/6-R 	8,33,680
2.	NA – 148 Sahiwal - II	Exclude <ul style="list-style-type: none"> • The PCs of QHs Sahiwal: <ul style="list-style-type: none"> (1) 78/5-R (Population 8,399) (2) 81/5-R (Population 12,412) Include <ul style="list-style-type: none"> • The PCs of QHs Sahiwal: <ul style="list-style-type: none"> (1) 97/6-R (2) 90/6-R 	831,875
3.	NA – 147 Sahiwal - I	No amendment, alteration or modification is proposed / suggested by the petitioner	852,005

5. That being aggrieved by and dissatisfied with the part of list of constituencies, published in the Preliminary Delimitation Report, 2018, particularly specifying the areas proposed to be included in / excluded from proposed National Assembly constituencies NA – 148 and NA – 149 of District Sahiwal and in the best interest of the population of the district as a whole, the Petitioner craves the kind indulgence of this Honourable Commission for

making amendments, alterations or modifications as suggested / proposed by the Petitioner in paragraph 4 above, *inter alia*, on the following

Grounds

- (a) That a combined reading of section 20 of the Elections Act, 2017 and rule 10 of the Election Rules, 2017 reveals that the following principles and procedures are to be kept in mind at the time of making the delimitation of the constituencies:
 - (i) Distribution of population in geographically compact areas
 - (ii) Physical features
 - (iii) Existing boundaries of administrative units
 - (iv) Facilities of communication
 - (v) Public convenience
 - (vi) Other cognate factors to ensure homogeneity
 - (vii) The delimitation of constituencies of an Assembly shall start from the Northern end of the district; and
 - (viii) Then it will proceed clock-wise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable
 - (ix) The variation in population between two or more constituencies shall not ordinarily exceed ten percent

- (b) That while preparing the Preliminary Delimitation Report, 2018 comprising of proposals for fresh delimitation of constituencies for National Assembly in Sahiwal District especially proposed NA – 148 and NA – 149, it is respectfully submitted, the relevant Delimitation Committee failed to adhere to the above stated mandatory principles and procedures in letter and spirit therefore there is a need to revisit the said delimitation proposal by this Honourable Commission.

- (c) That while preparing delimitation report for proposed constituencies, the Delimitation Committee excluded the Patwar Circles 78/5R and 81/5R, QHs Sahiwal, from NA-149 and added / included the same in the constituency NA-148 Sahiwal – II whereas the same are two blocks had historically and geographically been part of NA-149 Sahiwal – III (as redefined). While the Patwar Circles 97/6-R and 90/6-R had always remained part of NA – 148 Sahiwal – II, because of the

guiding factors such as geographical compactness, facilities of communication and public convenience.

(d) That the Patwar Circles 78/5R and 81/5R, QHs Sahiwal, from NA-149 had wrongly been included in proposed NA – 148 and a result of, it is respectfully submitted, non-application of mind by the relevant Delimitation Committee because the inclusion of these Patwar Circles in proposed NA – 148 is a blatant violation of principles of delimitation as mandated by section 20 of the Elections Act, 2017, as;

(i) These Patwar Circles do not form a geographically compact part of proposed NA – 148 and such inclusion has created pockets in the proposed constituency, hence violation of principle of distribution of population in geographically compact areas.

(ii) These Patwar Circles are on the other side of Municipal Corporation Sahiwal and there is hardly any connection between the Patwar Circles and the NA-148 and for coming towards NA – 148, one has to cross the whole Municipal Corporation Sahiwal, which itself is part of NA-149, hence violation of principle of facilities of communication and public convenience. This is the classic case of creation of pockets in a constituencies – something which the Honourable Supreme Court of Pakistan cautioned against about five decades ago in the case of The Province of East Pakistan v. Siraj Ul Haq Patwari, PLD 1966 SC 854, 916;

“In delimiting the areas of these local bodies the rule of proximity and continuity had always been observed and it was at no stage envisaged that a village of Dacca may be grouped with the villages of Faridpur or Chittagong.”

(e) That if the proposal for delimitation made by the Delimitation Committee in its Preliminary Delimitation Report, 2018 is finalised without incorporating amendments, alterations or modifications proposed / suggested by the Petitioner in paragraph 4 above, the entire population of above detailed Patwar Circles would suffer irreparable loss and hardships and their miseries would increase manifold.

(f) That the amendments, alterations or modifications proposed / suggested by the Petitioner in paragraph 4 above are for the sole purpose of providing compactness to

the constituencies, for enhancing facilities of communication and ease to the inhabitants of the said areas.

In view of the foregoing, it is most respectfully prayed that the instant representation may kindly be accepted and the amendments, alterations or modifications proposed / suggested by the Petitioner in paragraph 4 of this representation may graciously be incorporated in the final report and list of constituencies showing the areas included in each constituency.

Any other relief which this Honourable Commission may deem just and appropriate may also be granted to the Petitioner in the interest of law, justice and equity.

Hasan Mann

Through

Petitioner
Sajeel Swati

Ch. Hasan Murtaza Mann
LLM (King's College
London)
Advocate High Court

Sajeel Swati
Sajeel Sheryar Swati
LLM (Bristol)
Barrister (Lincoln's Inn)
& Advocate High Court

SAJEEL MIRZA MANN & SHAH
2-B, Street 54, F-7/4, Islamabad
Ph – 051 2656127 - 28
www.smmslegal.com