

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN

OBJECTION PETITION ON BEHALF OF (1) IFTIKHAR AHMED ABBASI
S/O MUSHTAQ AHMAD ABBASI, MEMBER DISTRICT COUNCIL (UC
LORA VOTER NO.349, R/O LORA HAVELIAN DISTRICT ABBOTTABAD,
(2) MUHAMMAD AQEEL S/O MUHAMMAD SAFDAR R/O KOTLI POST
OFFICE LORA TEHSIL HAVELIAN DISTRICT ABBAD (UC GOREEN)
VOTER NO.643 AND (3) MUHAMMAD UMAIR KIANI S/O RAJA QEEMAT
KHAN R/O GHAMBEER TEHSIL HAVELIAN DISTRICT ABBOTTABAD
(UC PHALLA) (VOTER NO.64 AGAINST THE DRAFT PROPOSAL OF
DELIMITATION OF CONSTITUENCY OF NA-15 (PK- 36 & PK-37) NA-16
(PK-38 & PK-39)DISTRICT ABBOTTABAD

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Dated: _____

Through:-

Petitioners/Objectors


BABAR ALI

Advocate Supreme Court

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(PK-38 & PK-39)DISTRICT ABBOTTABAD**

Respectfully Sheweth:-

1. That in pursuance to the officially public census the Election Commission is empowered to de-limit the territorial constituencies of National Assembly and Provincial Assemblies in accordance with the Constitution and the Election Act, 2017.
2. That Section 20 of the Election Act, 2017 speaks as under:-

“20. **Principles of delimitation.** (1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

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(2) For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribal Areas two or more separate areas may be grouped into one constituency.

(3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.

(4) If the limit of ten percent under sub section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order"

3. That delimitation vide office order dated 15-1-2018 for delimitation of constituencies while dealing with the delimitation the committee reportedly considered proposals of Election Commission of Pakistan.
4. That vide office order dated 15-1-2018 the ECP invited the objections on the draft proposal for delimitation.
5. That the petitioners are the registered voters of constituencies and are also intended candidates for the constituencies of NA-15 & NA -16.
7. That the proposed delimitation of constituency of NA-17 and NA 18 newly numbered as NA 15 and NA 16 Abbottabad are against the law and facts in violation of Constitution, Election Act, 2017 alongiwth rules whereof, hence liable to be set aside inter-alia on the following:-

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- i) That prior to the proposed delimitation, the item wise practical information under the mandate of Section 20 of the Act has neither been shared, nor made accessible to ensure homogeneity in the creation of constituencies.
- ii) That Rule 9 of the Elections Act 2017 provides the Constitution of the Committee for draft delimitation at least three officers of the Election Commission of Pakistan and the convener thereof. Neither the composition of the committee nor TORs thereof were made accessible for the information of stakeholders so that to make sure the transparency of the process.
- iii) That physical features of the proposed delimited Constituency have miserably been failed to take care or to look into the notification over the application of the proposed delimitation are against the dictum enunciated in Section 20 of the Election Act, 2017. The principle of population equally among the constituencies in the District have gravely been violated in the District of Abbottabad with respect of NA 15 and NA 16.
- iv) That permissible limits of variation in the population of constituency was not to exceed ten percent but same has

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been violated in KPK as out of 782651 the permissible limit of 10% was 78265 whereas in NA-15 the delimited for the population of 649,410 without describing the reasons of exceeding 10% limits provided U/S 20 of the Act i.e. 17.02% hence the constituency NA 15 decreased in size to the extent of 133,207 despite the facts of availability of geographical compact areas, i.e. Patwar Circles of Kakul, Gojri, Mirpur, Nawansher Town Committee, Nawansher Shamali and Nawansher Janubi.

- v) That the delimitation committee failed to utilize the duly authenticated map of the Bureau of Statistics while delimitation process. Furthermore the notification is also silent with respect to the same as to source of geographical information and the area of the constituencies.
- vi) That the guidelines provided under Rule 9, 10 and 11 have neither been notified for guidance nor the same has been given effect for information to the stakeholders so that to have confidence in the working of delimitation committee for the performance of function related to public office. Furthermore, delimitation committee

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appeared to have not acted under duly notified guidelines of Election Commission for the performance of the subject whose core function was to delimit the constituencies so that to ensure to conduct the elections, honestly, justly, fairly and in accordance with law provided under the Election Act, 2017 rules and the Constitution.

- vii) The conduct of the delimitation committee clearly exhibited that the task was not considered as secret and sensitive under the confidential guidelines over the scope of the Act and rules whereof, as the national interest and law thereof clearly speaks that the guideline should have been notified.
- viii) That it is a talk of the town in NA-15 and NA 16 that the PTI candidate for National Assembly as well as Provincial Assembly, Sardar Waqar Nabi have managed to have a size and areas of constituency as per his whims and wishes by joining the two candidates of one political party in one constituency having large scale of area starting from boundary of Islamabad ending to Mansehra, having full hard mountain area, hence the constituency of NA 15 stretch from one corner to another by having from mixed

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area of District Abbottabad could have the same size of population by managing and excluding the areas from NA-17, Salhad-I and Salhad-II and Dahamtore-I and Dhamtore-II, which can easily be understand and managed from the maps annexed herewith as Annex-A & B. The Annex-A is the exhibition of District Abbottabad with respect to NA-17 and NA-18 prior to the census whereas the Annex-B exhibits as NA-15 and NA-16 after the census as per proposed delimitation committee. The petitioners annexed the proposed delimitation as Annex-C.

- ix) That the proposal before the committee submitted by the voters were neither heard nor considered for any process as the notification is silent about the fate of the proposals. Furthermore, the decisions on the proposals were not either made or convened to the proposals.
- x) That the reasons are not justified for delimitation of the said constituencies on the following:-

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- a) The physical feature of the area have not been considered nationally as at one hand all the mountain areas excluding urban areas were made part of the

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constituency whereas on the other hand all the urban areas were made part excluding the mountain areas, which on one part could have been facilitated to one person and the same could have been damaging to the other, hence the priority demands for equal mixed distribution of mountain and urban areas to have homogeneity, the basic ingredient of the delimitation which is missing.

- b) That the homogenous of the constituency have altogether been ignored, the principle of facility of communication in the delimitation of constituency have not been considered so that to attract it physical realization. The status of City of Abbottabad being a District and the cantonment whereof alongwith other areas have badly been managed by the proposed delimitation committee contrary to the principles of policy enshrined in the Constitution of Pakistan.
- c) That the constituencies of NA-17 and NA-18 were homogenous as per areas population can be viewed through physical and administrative measures so that to have peaceful and homogenous development in the District without having adverse effect on the population whereas through this delimitation process the entire homogenous-ness of the area was ruined.
- d) The sizes of previously delimited NA-17 and NA-18 as per census 2017 area 733,789 and 599,123 respectively, which could have very conveniently with zero disturbance for the entire District been delimited

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by excluding Patwar Circle Salhad (36,018) and Patwar Circle Dhamtore (15,427) from the said in NA-17 and including the said Patwar Circles into the said NA-18 to give them size of 682,344 (previous NA-17 and proposed NA-15) and 650,568 (previous NA 18 and proposed NA-16) as was done while delimiting District Mansehra where Patwar Circles Behali and Potha were excluded from previous NA-20 and included in previous NA-21 to proposed NA-13 and NA-14.

e) That there were numerous discrepancies and conflicting findings in the notification ibid and attested copy of the District Abbottabad Map provided by the Election Commission and provisional result of the population census published by Pakistan Bureau of Statistics are as detailed below, because:-

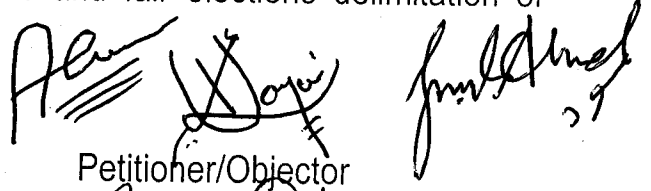
1. Patwar Circles of Pattan Khurd, Majohan, Khaoo Shaqri, Banda Pir Khan, Phulwali, Lakhala, Bamochi, Thana, Dewal Manal have not been shown as Patwar Circles in the Census and have not been mentioned in the available Census; furthermore, Murree Hills Improvement Trust (Galiat PC) and Murree Gallies Cantonment mentioned in the Census separately are not mentioned in the Map.
2. Qasba and Urban Area Abbottabad have been shown two separate entities whereas these are part of one entity of Abbottabad Municipality.

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3. Rahi is a Patwar Circle as mentioned in the census but has not been shown as Patwar Circle in the Map.
 4. The report of delimitation committee was readily available and was exhibited in the Daily Mohasib Abbottabad on 28-2-2018 hence in the presence of the same prior to the submission to Election Commission of Pakistan have made the proposed delimitation fishy.

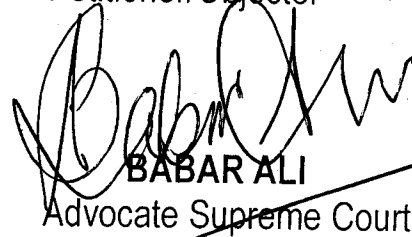
PRAYER

It is, therefore, respectfully prayed that the Act of the proposed delimitation committee in respect of NA-15 and NA-16 may please be declared void and the proposed map of NA-15 and NA-16 Annex-C may please be declared as announced delimitation Constituency of NA-15 and NA-16.

Further any other relief which this Hon'ble Commission deems just and proper be also granted to the petitioners and fair elections delimitation of District Abbottabad.


Petitioner/Objector

Through:-


BABAR ALI
Advocate Supreme Court

Dated: 3/4/18