

JG 12

- 1 -

BEFORE THE SECRETARY ELECTION COMMISSION
OF PAKISTAN, ISLAMABAD.

Representation No. _____ / 2018

Muhammad Akhtar son of Muhammad Khan, resident of
village and post office Mengan, Tehsil and District Chakwal.

.... Petitioner

Versus

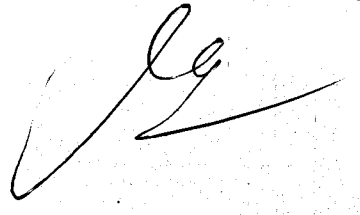
The Delimitation Committee

..... Respondent

REPRESENTATION UNDER SECTION 21(3) ELECTIONS
ACT, 2017 READ WITH ELECTION RULES AGAINST
PRELIMINARY DELIMITATION OF CONSTITUENCIES
OF NA-64 Chakwal-I AND NA-65 Chakwal-II OF
CHAKWAL DISTRICT

Respectfully Submitted as under:-

1. That the petitioner / applicant is permanent resident of Mengan District Chakwal, which has been gerrymandered into NA-65 Chakwal-II and PP-23 Chakwal-III, constituencies of National Assembly and Provincial Assembly of the Punjab respectively and he is registered voter of the constituency whose name is duly reflected in the electro roles of the aforesaid constituencies.



2. That this Honourable Commission carried out delimitation as mandated by Art. 51 of the Constitution of Islamic Republic of Pakistan 1973 and proposal with regard to delimitation of constituencies for National Assembly and Provincial Assembly have also been published vide notification dated 05-03-2018.

3. That in the delimitation pursuant upon the population census many illegalities and irregularities have been committed due to undue haste on the part of the delimitation committee which have altered the regional and geographical topography of the constituencies, whereby voters would face problems in electing their representatives and keeping interaction with them, thus disturbing the concept of natural representation altogether.

4. That during the course of delimitation proceedings UC Mengan has been split and gerrymandered into two different constituency of NA-64 and NA-65 respectively, which tarnishes the compatibility, communication and geographical unity of the area. It is pertinent to point out that out of U.C. Mengan, Patwar Circle Mengan, comprising two Mouzas of Mengan and Bullahzair has been gerrymandered into NA-65 Chakwal-II while rest of U.C. Megan is in NA-64 Chakwal-I. It is of necessary mention here that Mengan is a suburban village of Chakwal which has natural connection and inclination towards Chakwal and its gerrymandering into the

constituency of Talagang Tehsil is against the factual position and geographical compatibilities.

5. That section 20 of the Elections Act, 2017 stipulates the principles of delimitation which are to be observed, followed and implement by this Honourable Comission and the delimitation committee constituted by it, section 20(1) is reproduced herein below to highlit the intent of legislature in delimitation of constituencies for general seats of National Assembly and the respective provincial assemblies.

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 pubic convenience and other cognate factums to ensure homogeneity in the creation of constituencies.

6. That the perusal of proposed delimitation as carried out by the delimitation committee in the light of above quoted guidelines clearly reflects that the committee has miserably failed in carrying out its mandate and rather than coming upo to the standards prescribed by law whole exercise has been conducted in utter

contravention of law and disregard of ground realities to the entire satisfaction of political bigwigs of the area at the cost of genuine rights of people of the constituency, hence it is hereby impugned on the strength of following grounds inter-alia:-

G R O U N D S

- a. That the preliminary delimitation of constituencies of NA-64 and NA-65 is inappropriate and bad in law as it is in contravention of facts which have been protected by law to be implemented u/s 20(1) of the Elections Act, 2017 and the Rules corresponding therewith.
- b. That a plain study of proposed delimitation in the light of map of District reflects that the delimitation proceedings were conducted without regard to the position of areas and thereby resulted into a total hotchpotch in the name of delimitation.
- c. That delimitation is constitutional requirement which has to be carried out with regard to the standards laid down by law and incorporated herein above, which is necessary for the reflection of genuine representation, however, with the impugned delimitation genuine representation is not seemingly probable.

- d. That the preliminary delimitation of constituencies is fraud with contradictions and geographical discrepancies, hence it is liable to be reviewed in the light of the geographical realities and principles of compactness and homogeneity of the constituencies.
- e. That as said earlier Mengan is located in the suburbs of Chakwal, the official distance of which is 10 kilometers while it has been gerrymandered with Talagang, which is at the distance of 40 kilometers from Mengan, hence it does not sound appropriate to a man of ordinary prudence that voters of areas falling in the precincts of Chakwal City should be made to run after their representatives and search them for the redress of their grievances in remote area of Talagang
- f. That the lawful requirement of start of delimitation from the northern end of District and then proceeding clockwise in zigzag manner, keeping in view of the compactness of population has not been implemented by the delimitation committee without any plausible justification.
- g. That proper delimitation reflecting the standards provided by law is a necessary prerequisite for the conduct of free, fair, transparent and potentially vibrant election reflecting the genuine mandate of the area, which is the duty of this Honourable

Commission as enunciated by the Constitution of Islamic Republic of Pakistan, 1973, hence the revisiting of preliminary delimitation within the purview of the Constitution and the relevant laws is the mandatory requirement and constitutional obligation of this Honourable Commission.

7. That aggrieved by the preliminary delimitation of the constituencies of NA-64 Chakwal-I and NA-64 Chakwal-II, the petitioner / applicant hereby gives the following proposals:

Proposal No.1

That as delineated above, Patwar Circle Mengan is naturally aligned towards Chakwal, therefore, it may be included in NA-64 Chakwal-I for the purposes of the compactness of P.C. Mengan and its geographical connection and compatibility with Chakwal thus ensuring proper representation. In the same continuation, it is submitted that P.C. Nila which has been gerrymandered into NA-64 Chakwal-I is a borderline Village, which has equal distance from Chakwal and Talagang, hence it can be conveniently included into NA-65 Chakwal-II. It is pertinent to mention that the population of P.C. Mengan is at par with that of P.C. Neela and the aforesaid alteration would in no way effect the population based equilibrium of both the constituencies of Chakwal. The population of P. C. Mengan as reflected in the enclosed population census report is 5260 while that of the population of P.C. Nila is 5473, hence alteration will in no

way affect the prescribed benchmark population. The tabular representation of the proposal is as under:

NA-64 Chakwal-I as per preliminary delimitation	Proposed version
(a) Chakwal MC	(a) Chakwal MC
(b) The following QHs of Chakwal Tehsil	(b) The following QHs of Chakwal Tehsil
(i) Chakwal-I	(i) Chakwal-I
(ii) Chakwal-II	(ii) Chakwal-II
(iii) Mangwal	(iii) Mangwal
(iv) Dhudial	(iv) Dhudial
(v) Khanpur	(v) Khanpur
(vi) Karyala and	(vi) Karyala and
(vii) Nila (5473)	(vii) Mengan PC (5260)
(c) Mureed PC of Balkasar QH of Chakwal Tehsil	(viii) Mureed PC of Balkasar QH of Chakwal Tehsil
(d) Bhaun MC	(d) Bhaun MC
(e) Tehsil Choa Syedabn shah of Chakwal District	(e) Tehsil Choa Syedabn shah of Chakwal District
(f) The following PC of Kallar Kahar QH of Kallar Kahar Tehsil	(f) The following PC of Kallar Kahar QH of Kallar Kahar Tehsil
(i) Khai	(i) Khai
(ii) Karooli	(ii) Karooli
(iii) Kandoola	(iii) Kandoola
(iv) Kaherpur and	(iv) Kaherpur and
(v) Khokharbala of Chakwal District	(v) Khokharbala of Chakwal District
Total 746,621	Total 746,408

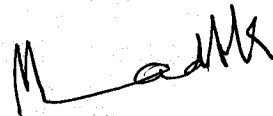
Proposal No.2

As the population of P.C. Mengan is 5260, therefore its inclusion simplisiter into NA-64 Chakwal-I will not disturb the benchmark population of the constituency,

hence, the inclusion of P. C. Mengan into NA-64 Chakwal-I may also be considered as counter proposal of the petitioner. The population fo constituency as reflected in the draft list of constituency issued by the Honourable Commission is 746621 and with the further inclusion of P.C. Mengan comprising population of 5260, the population would not touch the prescribed benchmark.

In view of the foregoing facts and circumstances, it is respectfully prayed that preliminary delimitation constituency of NA-64 Chakwal-I and NA-65 Chakwal-II may graciously be set-aside and may very kindly be altered and amended in view of the proposal put forth by the petitioner, thus including P. C. Mengan in NA-64 Chakwal-I, in the interest of justice.

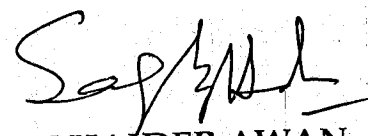
Any other relief deemed fit and appropriate may also be granted to the petitioner in the interest of justice.



Petitioner
Muhammad Akhar

Through:

SYED ZILE HASNAIN KAZMI
Advocate Supreme Court


SAQLAIN HAIDER AWAN
Advocate High Court