

1

Memorandum/Representation by: JAVAID SAFDAR KAHLON

Through: Barrister Adil Kahlon, Advocate High Court

Address: Zaildar Haveli, New Lahore Road, Tehsil and District Narowal

Ph: 0333-8875555

Email Address: adil_kahlon@hotmail.com

TO,

The Secretary,
Election Commission of Pakistan
G-5/2, Constitution Avenue,
Islamabad

Subject: REPRESENTATION under Rule 12 of the Election Rules 2017 (“The Rules”) read with Section 20 of the Election Act 2017 (“The Act”) challenging the Preliminary Proposal pertaining to the delimitation of National Assembly constituencies in District Narowal.

Respected Sir,

1. The instant Representation is being filed by Javaid Safdar Kahlon (hereinafter referred to as the “Applicant”), voter member of National Assembly Constituency No.78 Narowal II and the Applicant is duly competent to file the instant Representation under the law.
2. Through this Representation, the Applicant seeks to challenge the preliminary proposal published by the Election Commission of Pakistan pertaining to the delimitation of the National Assembly constituencies of Narowal (hereinafter referred to as The “Preliminary Proposal”). The map of the Preliminary Proposal which was provided by the Provincial Election Commission, as per the mandate of law, is attached as **ANNEXURE-A**.
3. It is pertinent to mention here that in the Preliminary Proposal, District Narowal is now left with two (2) National Assembly (NA) constituencies, numbering 77 and 78 which previously were three (3) in numbers (numbering NA 115, 116 and 117).
4. The Preliminary Proposal is in sheer violation of the Statuary Principles of delimitation as enshrined in Section 20 of the Act (“The Principles”) along with catena of dictums laid down by the Superior Courts of the country, thus it is deemed necessary to amend/alter/change the Preliminary Proposal as follows:

Suggested Amendments in the Preliminary Proposal:

- i) **Qanonogo Halqa Dudu-Chak** (hereinafter referred to as “QH-DC”) be taken out of NA-78 Narowal II (less Patwar Circles (PCs) a) Manidala, b) Sahari and c) Maingara) and inserted into NA-77 Narowal I (highlighted in orange colour on the map at **ANNEXURE-B**)
- ii) **Qanonogo Halqa Bara Manga** (hereinafter referred to as QH-BM) completely be taken out of NA-78 Narowal II and included into NA-77 Narowal I. (highlighted in light blue colour on the map attached at **ANNEXURE-C**)
- iii) **Qanonogo Halqa Dhamthal** (hereinafter referred to as “QH-DT”) completely be inserted into NA-78 Narowal II and taken out of NA-77 Narowal I (highlighted in yellow colour on the map at **ANNEXURE-D**)

GROUND SUPPORTING THE SUGGESTED AMMENDMENTS

HISTORICAL/CULTURAL BACKGROUND

- i) A) Traditionally, B) historically, C) socially, D) culturally and E) geographically, QH-DT has always been part of Narowal Tehsil and QH-DC and QH-BM have been part of Shakargarh Tehsil through the annals of time.

SERVICES/COMMUNICATION

- ii) Natural layout of the road network and allied infrastructure of QH-DT is with Narowal and *vis a vis* QH-DC and QH-BM is with Shakargarh. This important factor of communication as narrated in the Principles has not been adequately considered while preparing the Preliminary Proposal.
- iii) Two rivers i.e Basantar and river Bein are a natural hurdle which runs through QH-BM and QH-DC which would be required to be crossed by the candidates and public alike, especially during the flooded monsoon season. A map showing these rivers is attached as ANNEXURE-E.
- iv) An important factor favouring the suggested amendment (b) above is the poor road network linking Narowal city to QH-BM. It is worth mentioning here that there is no direct road network linking Narowal City or NA-78 to QH-BM and the only practicable and possible way of reaching majority areas of QH-BM is via passing through Shakargarh Municipal Corporation. This is due to the lack of bridges over the River Basantar and Bein. Furthermore, this would increase immensely in time, distance and energy in reaching Narowal city from QH-BM or vice versa and cause inconvenience to both the candidates and public. (Map attached at ANNEXURE-E shows the rivers crossing through QH-BM)
- v) It may be pertinent to mention here that the local population of QH-DT was part of old District Sialkot, whereas QH-DC was aligned with District Gudaspur (Tehsil Shakargarh), before the partition and till recent times.

PHYSICAL/GEOGRAPHICAL

- vi) QH-DT is in closest proximity to the town of Narowal i.e NA-78, whereas QH-DC and QH-BM are in close and direct proximity to the town of Shakargarh i.e NA-77.

OTHERS COGENT FACTORS

- vii) Administrative convenience of the locals has been ignored while drafting Preliminary Proposal which they were routinely following even from the British rule times.
- viii) To make the delimitation natural and fully legal as per the Principles, following simple adjustments will not only make the population in NA-77 and NA-78 almost equal, but would also satisfy most of the legal propositions of delimitations as enumerated briefly above.

- a) Adding QH-DT with three (3) additional Patwar Circles (Sahari, Mandiala, Maingara of QH-DC) into NA-78 (*highlighted in Yellow colour at the map attached at ANNEXURE-B*):

- 1) QH-DT-Add with NA-78 with three (3) additional Patwar Circles (PCs) Sahari, Manidala, Maingara.

	<u>Population</u>
QH-DT	: 134334
Adding PCs mentioned above	: <u>+26492</u>
✓ Total	: 160826

b) Inserting QH-DC (Excluding PCs Sahari, Mandiala, Maingara as mentioned in (a) above) and QH-BM (Complete) with NA-77

	<u>Population</u>
QH-DC (less 3 PCs of Sahari, Mandiala and Maingra) :	88984
Complete QH-BM :	<u>+74616</u>
✓ Total :	163590

5. The above mentioned grounds are suggested strictly keeping in mind the Principles and the welfare of the people of Narowal District and it is stated on oath that no reflection of personal liking/disliking and/or bias is shown while making the said suggestions..
6. The final map of NA Constituencies in District Narowal after introducing the suggested amendments mentioned herein is highlighted in orange colour at the map attached as ANNEXURE-G.

In view of the aforementioned grounds it is suggested that the Preliminary Proposal may kindly be amended as per the suggested amendments narrated above in the best interest and welfare of the people of Narowal District.

Applicant

Through

BARRISTER ADIL KAHLON
LINCOLN'S INN, ADVOCATE HIGH COURT



Barrister Kahlon Chambers

Office (Corporate) Lahore: House No.40, Street No.14, Cavalry Ground extension, Lahore Cantt
Office (Litigation) Lahore: 4-Mozang Road, near Lahore High Court, Lahore
Office (Islamabad): House No.15, Street No.65, Sector G-6/4, Islamabad
Office (Narowal): Office No.37,38, District Courts Narowal.
Phone: 03334240999