

Q. 4/18

Application No. ____/2018

The Secretary, Election Commission of Pakistan,
Constitution Avenue Islamabad.

**REPRESENTATION/OBJECTIONS WITH RESPECT TO
THE PRELIMINARY DELIMITATION OF NA-78
NAROWAL 2, UNDER SECTION 21/22 OF THE ELECTION
ACT, 2017 READ WITH THE ELECTION RULES, 2017**

Respected Sir,

1. The applicant is the registered voter of NA.78, Narowal. The certificate of voter registration is appended herewith. The contents of the same may very kindly be considered and read as the part and parcel of this paragraph.
2. This August Commission, on the provisional results of the preceding census, conducted an exercise of delimitation under Article 51 of the Constitution of Pakistan thereafter preliminary proposals with regard to the delimitation of the National and Provincial Assemblies constituencies, have also been published vide the notification dated 5th March, 2018 (copy attached herewith).
3. The district ^{Narowal} is one of the districts where one constituency of National Assembly has been deleted and thereafter, district Narowal has been proposed to be divided into 2 separate constituencies i-e NA.77 and NA.78 Narowal I & II.
4. That a bare perusal of the proposed delimitation reflects that the delimitation committee has failed to abide by the mandatory principles of delimitation provided under the law and conducted the exercise on the basis of conjunctures and also disregarded the fundamental requirements that are sine qua non to conduct the exercise of preliminary delimitation. Hence the same is being objected on the following;

G.R.O.U.N.D.S

- A. That due to the existing flaws, the proposed/preliminary delimitation, is inappropriate and bad both in law and on facts and seems to have carried out being oblivion to the principles of delimitation under section 20 of the Election Act 2017. Hence liable to be revisited, amended and/or modified forthwith.

B. That Section 20 (1) of the Election Act, 2017 provides as under:

“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.” (emphasis supplied)

C. That perusal of the proposed delimitation and scrutiny of the proposed MAP showing the boundaries of the respective constituencies of the district (appended herewith) reflects that the delimitation committee conducted the exercise without keeping the geographical facts/compactness and territorial actualities (distance, compactness etc.) in its view and the proposed preliminary delimitation will defeat the purposes and intents of law for being in square violation of Law.

D. That a plane study of the proposed delimitation and scrutiny of the proposed MAP of district Narowal (dividing the district into separate constituencies) reflects that the delimitation committee conducted the exercise without following the basic standards and geographical actualities and in case the proposed delimitation is allowed, it will amount in defeating the intents and purposes of law.

E. It is further submitted that the proposed delimitation seemed to have been carved and crafted in malafide manner which amounts into Gerry meandering of the constituencies with object to benefit the incumbent political elite that is holding the reins of the government in their hands and it will badly affect the transparency and authenticity of the forthcoming elections in all possible manners.

F. That the proposed delimitation lacks geographical compactness and defeats the physical feature and has been conducted by negating the existing territorial boundaries by adding areas that are at fair distance with each other and it is devoid of cognate features that could ensure homogeneity, symmetry and also by ignoring physical features of the electoral area that will be causing immense hardships in communications.

G. That according to the proposed preliminary delimitation of NA. 77 and NA.78, have been demarcated as follows:

NA-77 Narowal I

- (a) Zafarwal Tehsil
 - (b) Shakargarh tehsil excluding the following QH
 - (1) Bara Manga
 - (2) Dudhu Chak and
 - (3) Kanjror
- Of Narowal district. **Total :854998**

NA-78 Narowal II

- (a) Narowal Tehsil
 - (b) The following QH of shakargarh tehsil
 - (1) Bara manga
 - (2) Dudhu chak and
 - (3) Kanjror
- Of Narowal district. **Total:854759**

- H. That the preliminary proposal is flawed, in appropriate and bad both in law and on facts and it has been carried out being oblivion to the principles of delimitation under section 20 of the Election Act 2017. Hence liable to be revisited forthwith.

A bare perusal of the notification and proposed map of district Narowal reflects that the "QH Dudhu Chak" and Bara Manga has been added in NA.78, whereas "QH Dhamtal" has been deleted and added in NA.77. It is strange to notice that the delimitation as proposed neither reflects the compactness of the areas proposed therein nor the existing boundaries have been kept in consideration, the that in any manner cannot be termed as geographically compact area as it is far and inaccessible and to access the area the main approaches are available either through Shakar Garh or through Tehseel Zafarwal. And to reach out the voters, the candidates will have to travel tens of miles through NA.77 and vice virsa candidates of NA 77 will have to access their constituency by travelling through NA.78.

- I. It is submitted that in order to ensure the honest and fair elections under the Constitution and to meet with the legal requirements of law and to balance the both constituencies and to provide level playing field, and to establish geographically compact constituencies by keeping intact, the physical features and existing boundaries of the adjacent nearby areas and to ensure homogeneity, symmetry and to facilitate and with object to ease out the communications between the both constituencies it is hereby proposed to delimit the constituencies in accordance with the following proposal;

NA-77 NAROWAL-I

A - Zafarwal Tehsil excluding

(i) QH Dhamthal

B - Shakargarh Tehsil excluding

(i) QH Dudhu Chak of Shakargarh PC s

(ii) Sahari

(iii) Bhowani Pur

(iv) Mandiala

(v) Malha

(vi) Mello Sello

C - QH Bara Manga of Shakargarh excluding following Patwar circles

(i) Mello Sello

(ii) Kotla Kalwan

(iii) Dalanangal

(iv) Jar nian Sagnan

(v) Chhani Teka

Total Population {855076}

NA-78 Narowal -II

(a) Narowal Tehsil

(b) The Following QH of Zafarwal

(i) Dhamthal

(c) The Following QH of Shakargarh

(i) Kanjror

(ii) QH Dudhu Chak, Tehseel Shakargarh, including following Patwar circles;

(i) Sahari

(ii) Bhowani Pur

(iii) Mandiala

(iv) Malha

(v) Mello Sello

QH Bara Manga of Shakargarh following PC s

(i) Mello Sello

(ii) Kotla Kalwan

(iii) Dalanangal

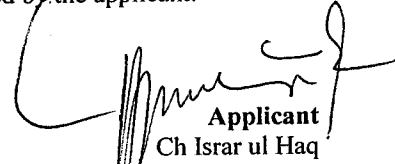
(iv) Jar nian Sagnan

(v) Chhani Teka

Total Population {854681}

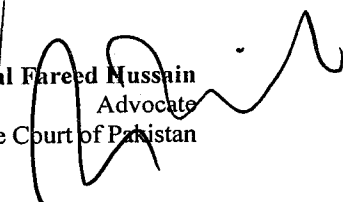
- J. That to appraise this august commission, the preceding proposal has also been highlighted in a map attached with this representation. A bird eye view will give this commission a comprehensive analysis with regard to the delimitation of both the constituencies, right in accordance with the principles provided in law. It will be pertinent to submit that the preceding proposal do not in any manner frustrate the population, that has been equally calculated as per the population count of the Patwar Circles.

In view of the above submissions, it is respectfully prayed that the representation/objection Petition may very kindly be allowed and the constituencies in District Narowal i-e NA.77 and NA. 78, may very graciously be amended, altered and or modified as proposed by the applicant.



Applicant
Ch Israr ul Haq

Through;



Faisal Fareed Hussain
Advocate
Supreme Court of Pakistan

Islamabad;
2nd of April 2018

The Secretary, Election Commission of Pakistan,
Constitution Avenue Islamabad.

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AFFIDAVIT

I, Ch Israr ul Haq s/o Ch Muhammad Shafie r/o Sahara Hospital, Tehseel and District Narowal, do hereby state on Oath as under: -

That the contents of the accompanied representation are true and correct to the best of my knowledge and belief and to the extent of legal submission are true and correct on the basis of advice of counsel, which advice I verily believe to be true.

DEPONENT

VERIFICATION: -

Verified on Oath _____ on this ____ day of _____ 2018, that contents of the above affidavit are true and correct to the best of my knowledge and belief. Nothing stated herein is incorrect nor has anything material been kept concealed.

DEPONENT