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BEFORE THE ELECTION COMMISSION OF
PAKISTAN

Amjad Ali Khan, Member National Assembly (MNA) S/O Dr.
Sher Afgan Khan Niazi, R/o Street Dr. Sher Afgan, Wand
Ghund Wali Mianwali City.

REPRESENTATION / OBJECTION PETITION AGAINST
THE PROPOSED DELIMITATION FOR DISTRICT
MIANWALI NA-96 & PROPOSALS UNDER SECTION 12
OF THE ELECTIONS RULES 2017 READ WITH
SECTION 20 OF THE ELECTION ACT 2017.

Respectfully Sheweth,

1. That the objector is a register voter of Circle No.3, Mianwali Municipal Corporation, Under Serial No.49, Gharana / Family No.14, Block No.146090303 hence, is the competent person to raise the objections with regard to the proposed delimitation of NA-96 Mianwali-II as the same is not in consonance with the law and rules governing the subject.
2. That it is also pertinent to mention here that the objector is also sitting Member National Assembly from the same constituency currently known as NA-72 Mianwali-II and a seasoned Polititian, belong to a noble, respectable and a well known political family.

Previously the objector served as a Nab Zila Nazim for Mianwali and Tehsil Nazim for Tehsil & District Mianwali.

3. That through this representation, objector seeks to challenge the preliminary proposal of ECP in respect of National Assembly Delimitation of constituencies of District Mianwali. The map of preliminary proposal which was provided by the ECP as per mandate of law is attached herewith as **Annexure "B"**).
4. That it is pertinent to mention here that through the proposal of Mianwali, is having two National Assembly Constituencies (NA-95 & 96) which previously were known as NA-71 & 72.
5. That now, four Union Councils and some PC's of Musa Khel QH from old NA-72 and proposed NA-96 Mianwali-II have been excluded and have been merged in Previous NA-71 proposed NA-95.
6. That the names of the union Councils and PCs of Musa Khel from NA 95 to NA-96 are;
 - (i) Musa Khel PC
 - a. Rural
 - b. Urban
 - (ii) Abba Khel-PC
 - (iii) Chhidru-PC
7. That the said union councils PC / HQ of Musa Khel are comprising of number of population as following as per the report submitted

in the census held for the year 2016-17 which is reproduced for the ready reference of this august Commission;

(i)	Musa Khel PC	40406
(ii)	Abba Khel-PC	7817
(iii)	Bazaar PC	3278
(iv)	Chhidru-PC	15223
	Total	66724

8. That the said figure of 66724 population has been delaminated in a most clandestine manner, without adopting the due process of law, applying independent administrative mind and without questioning or determining the hardships and sufferings of the public at large with the decision aforesaid.
9. That moreover, the proposed NA-95 had total number of population as 807550 whereas NA-96 is comprising of 738544.
10. That the preliminary proposal is in sheer violation of statutory provisions of the Delimitation as enshrined in Section 20 of the Elections Act 2017, "The Principles along with dictums laid down by the superior judiciary, therefore, it demands necessary to alter / change / modify the preliminary delimitation of the constituencies proposed by the officials in the light of the proposals rendered by the petitioner / objector inter-alia on the following amongst other grounds for delimitation of the constituencies NA-71 & NA-72 currently proposed as NA-95 & 96 by including the areas mentioned supra into the Constituency NA-


96 so that the grievances could be redressed and the electoral process in the spirit of democracy could be made possible;

GROUND& PROPOSALS:

- i.** That the proposed delimitation has been carried out in post haste manners without adhering to the homogenic, superstructure, infrastructure, cultural, distances and distinguish languages of the people of two different constituencies.
- ii.** That Musa Khel, Abba Khel and Chhidru are closest to the main city and Tehsil Mianwali and historically, socially and geographically has always been part of the NA-71 (old) and accessible to Q.H. Mianwali and to Tehsil Headquarter, Mianwali as well.
- iii.** That keeping in mind of all five factors i.e. the layout services of road network, revenue, policing, education and health were accordingly aligned and developed for Tehsil & District Mianwali City which come under the ambit of NA-71 (old) New NA-96 and most convenient for the public at large.
- iv.** That the proposed delimitation has dismantled the with regard to population. Furthermore, on bare looking of the map it can easily be assessed that it is more inconvenient for the people of the areas mentioned above to reach the proposed NA-95 as they have to travel from the NA-96 to reach other side of proposed

NA-95, hence, in no manners it could be in the interest of public at large to make them travel from one end to another for reaching proposed NA-95 being against the settled norms and principles of compactness of the area.

- v. That under the proposed delimitation Patwar Circles of the area mentioned above have been divided in such a manner that the same would become a hectic exercise for the people of areas under question to approach the same.
- vi. That by merging the above said areas in NA-96 the population difference would be meager in numbers, hence, being the most parallel populations the administrative controls could be governed in more excellent manner comparatively.
- vii. That the proposed delimitation is result of misreading and non reading of facts and record available on file. A proper inquiry regarding the population, geographical location, communication and public convenience and historical prospective of the area and Union Councils has not been conducted.
- viii. That in view of above mentioned circumstances, the proposal for delimitation of the constituencies is as under;
 - a. That the following areas could be merged in proposed NA-96 by excluding them from NA-95;
 - i. Abba Khel PC

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- ii. Bazaar PC
 - iii. Chhidru PC
 - iv. Musa Khel PC
- ix. That delimitation exercise is to be carried out in order to ensure fair, just and proportional representation of the people in the election. Basic object of delimitation is to secure, so far as practicable, equal representation for equal segments of the population in legislative bodies.
- x. That it is settled proposition of law that delimitation is not mere drawing of boundaries with a stroke of pen. It is a judicious exercise of delineating electoral area, vigilantly guarding against any possible fear of vote dilution, disenfranchisement or corrupt practices. Unfair or partisan delineation could lead to skewed results, tarnishing electoral integrity, making a mockery of the election and turning the constitutional principle of "political justice" on its head. The foundations or the rules of the game for a fair and just election are laid down at the time of delimitation of the constituencies. It is here that the weight and value of the vote has been fully recognized and the principle of 'one man one vote' can only be established during the process of delimitation of the consistencies.
- xi. Process of delimitation had to ensure that the voting equality was not disturbed and the vote of one citizen must in no manner be

- less geographical compactness, the homogeneity of interest of the community constituencies.
- xii.** That it is settled proposition that aim of delimitation is to divide the geographic areas into territorial constituencies so fairly that no party or candidate may legitimately have a grievance that there had been **gerrymandering** of constituencies in favour of or against the interests of any particular party or candidate.
- xiii.** It is mandated by law to keep in mind the **UNIFORMITY OF THE POPULATION** while making / De-Limitation of constituencies / Union Councils, which has been badly ignored in instant case.
- xiv.** That it is settled principal of law that while doing the De-Limitation Process, **TERRITORIAL UNITY** has to be kept in mind, which has been ruthlessly put at colossal and even merged the constituencies in such NAs which do not have the common boundaries.
- xv.** That the proposed delimitation of the constituencies is in disregard of the Punjab Local Government Act, 2013, De-Limitation of Constituency Act, 1974 read with Delimitation of Constituencies Rules, 2015.