

(1)

BEFORE ELECTION COMMISSION OF PAKISTAN

Muhammad Abdullah Alvi S/O Malik Mughal Khan R/O Mughal Abad Chakrala Tehsil  
& District Mianwali

..... Petitioner

Versus

Delimitation Committee of Election Commission of Pakistan Secretariat, Election House,  
Constitution Avenue G-5/2 Islamabad

..... Respondent

**Representation U/S 21 (2) of Elections Act 2017 Read with Rule 12 of Election  
Rules 2017**

Respectfully Sheweth

- 1) That the petitioner is the resident of Mughalabad, Chakrala, Tehsil & District Mianwali. The respondent committee was formed by Election Commission of Pakistan for the purpose of delimitation of constituencies of National & Provincial Assemblies vide order No. F.8(2)/2018-Elec-I dated 15<sup>th</sup> January 2018.
- 2) That on the recommendations of respondent the Election Commission of Pakistan vide notification dated 5<sup>th</sup> March 2018 published preliminary delimitation report 2018 carrying new delimitation of constituencies in terms of section 21 of Elections Act 2017 and Rule 11 of Election Rules 2017 (hereinafter called the impugned report). It is submitted that in earlier elections District Mianwali comprised of two seats of National Assembly, i.e., NA-71 and NA-72, which according to new delimitation has become NA-95 and NA-96 respectively.
- 3) That the delimitation of areas in NA-95 and NA-96 made in the impugned report as published by Election Commission of Pakistan is against the principles laid down by Statutes and Superior Courts of Pakistan. The maps and division of areas recommended by the respondent is attached as **Annexure A**.
- 4) That the delimitation of areas of NA-95 and NA-96 are required to be amended according to the map and division of areas attached as **Annexure B**. The delimitation of areas in NA-

95 and NA-96 as provided in the impugned report is null and void and liable to be amended as provided in Annexure B amongst others on the following:

#### G R O U N D S

- a) That the respondent committee has erred in delimiting NA-95 and NA-96 and has failed to follow the principles of delimiting as provided in section 20 of Elections Act 2017.
- b) That Rule 10 of Election Rules 2017 provides the procedure for making delimitation, which the respondent committee has failed to observe and thus created material irregularity in making the impugned report.
- c) That the respondent committee was required to take assistance for making proposal from local authorities so that the areas delimited must not infringe in any way the cultural, social and geographical genesis of the area. But no such assistance was taken.
- d) That the area of chakrala to whom the petitioner belongs has been placed in NA-95, whereas, it has geographically practical link with NA-96. It is submitted that chakrala is severed from Daud Khel by steep mountain salt range and the roads and routes from chakrala run down to the areas of NA 96 through Talagang Road. Therefore it is highly impractical for inhabitants of the petitioner's area to access administration of NA-95 rather administration of NA-96. The only access points from chakrala to other areas of NA-95 are mountainous walkthrough passages in Niki and Massan, which are the private estates of local Nawabs of Kalagagh and are not open for the use of general public thus the suggestion of placing chakrala in NA-95 by respondents is based on lack of information about the area.
- e) That the basic principle of delimitation is to divide the constituencies on the basis of population so that proper representation of people could be ensured in parliament. However in the impugned report population division, based on the 6<sup>th</sup> Population Census published on 3<sup>rd</sup> of January 2018, made by the respondent committee between NA-95 and NA-96 carries a difference of 69,000. Whereas the amendment in delimitation of areas suggested by the petitioner reduces the difference of population between NA-95 and NA-96 to 19,054.
- f) That Mianwali Talagang road is main highway, which connects chakrala through Musa Khel with the main stream city and other areas of NA-96. With the main Mianwali Talagang road there is a whole web of other roads integrating the area into one unit

with NA 96. It will be highly impractical if two different constituencies are created by segregating chakrala and Musa Khel from NA 96 . People will be divided into two different 'peoples representatives' for their area, which is united in all aspects.

- g) The respondent committee has ignored the compactness, contiguity and territorial unity of the areas in question, which is only possible through amendment suggested by the petitioner.
  
- h) That the delimitation made in the impugned report affects peoples' right of representation. The delimitation suggested by respondent in impugned report would promote gerrymandering and establish an unlawful political advantage to the local pressure groups. Such practice has been criticized by Division Bench of Sindh High Court in its judgement reported as 2014 CLC 335.
  
- i) That the area of Musa Khel connect Chakrala with Kundian and Piplan creating a south-east region of Mianwali District, whereas Kalabagh, Daud Khel and other areas of Isa khel create North-western region of Mianwali District. The impugned report suggested delimitation is against this natural geographical division of the area. Thus delimitation proposed by the petitioner is the correction essential for the division of constituencies in the area.
  
- j) That the area of MC Mianwali due to its cultural heritage and geographical ethnicity has a natural link with NA-95. Before election of 1988 when Bhakar (District now) used to be a tehsil of Mianwali District, MC Mianwali was part of Mianwali I (NA-95 now). In 1982 Bhakar was made a separate district and during delimitation for election of 1988 to equate the population in Mianwali District between Mianwali I and Mianwali II, MC Mianwali under compulsion (in an unnatural alliance) was made part of Mianwali II (NA-96 now). The respondent committee without considering the historical background and factual data of the area has kept MC Mianwali in NA-96, which actually belongs to NA-95. Therefore by placing MC Mianwali in NA-96 the respondent committee has caused an error in delimitation process. It is submitted that respondent committee have never visited the area and it didn't had any knowledge about the cultural intricacies creating a balance in the locality. The ethnic culture of MC Mianwali make it closely linked to NA-95, whereas it has been delimited in NA-96 by respondent committee. MC Mianwali must be placed in NA-95 to correct the error of delimitation made by respondent committee.

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- k) That the delimitation made in the impugned report if not amended as suggested by the petitioner in Annexure B would cause the petitioner an irreparable loss and injury.

It is therefore most respectfully prayed that the delimitation of district Mianwali may kindly be amended according to the suggestions made in Annexure B of this petition.

Any other relief which this honorable commission may consider be also granted.

*Muhammad Abdullah Alvi*

Petitioner

Muhammad Abdullah Alvi  
R/O Mughal Abad Chakrala  
Tehsil & District Mianwali

Verification

Verified on oath on this 31<sup>st</sup> day of March 2018 that the contents of my above representation are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom

*Muhammad Abdullah Alvi*

Petitioner