

BEFORE THE ELECTION COMMISSION OF PAKISTAN,
ISLAMABAD

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No 1/09/218
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Representation No. _____/2018

In re: Delimitation of NA-112 Toba Tek Singh-II and NA-113 Toba Tek Singh-III

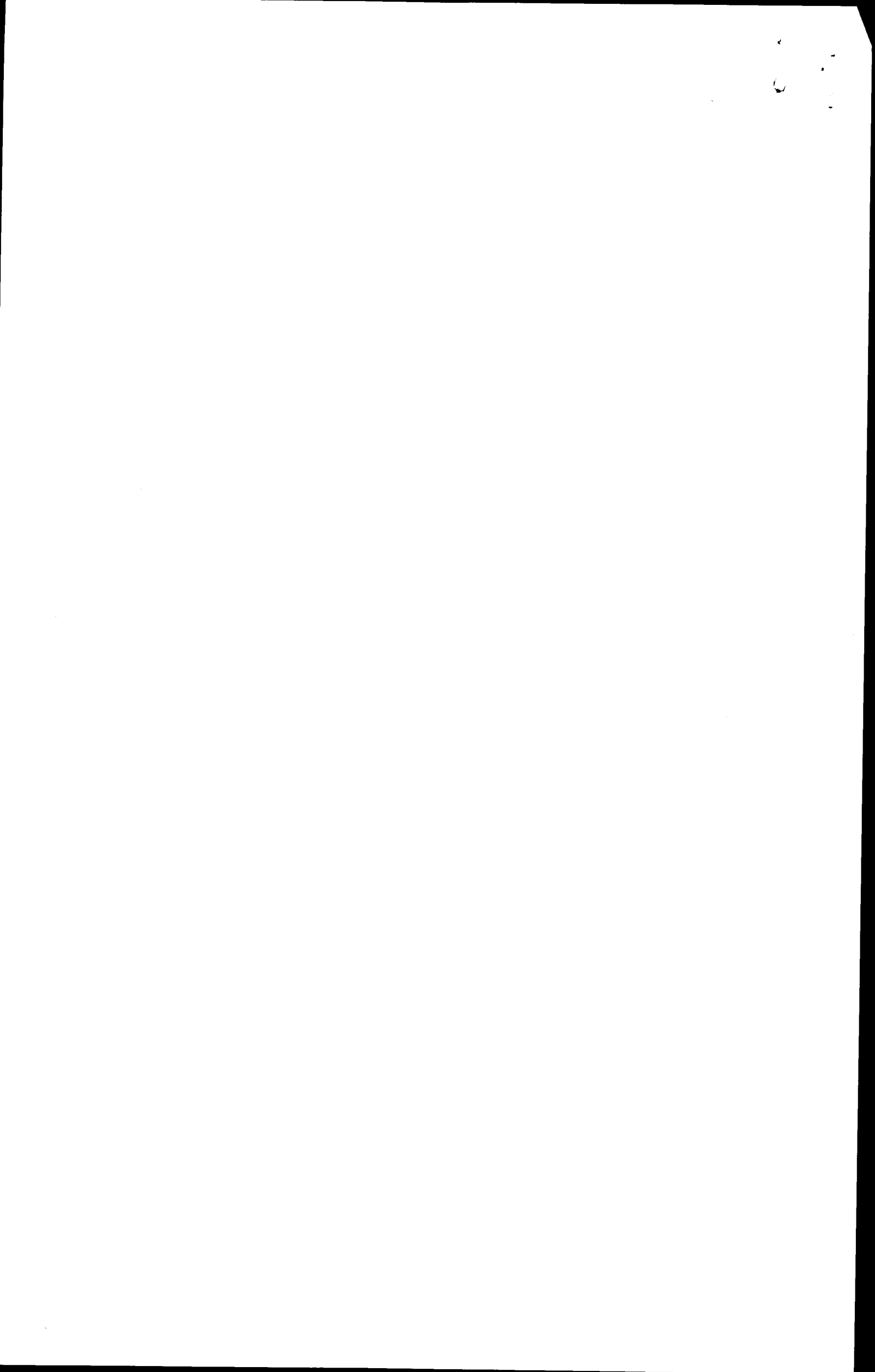
REPRESENTATION Under Section 21 (3) of the Election Act, 2017, read with Rule 12 of the Election Rules, 2017 against the proposed delimitation of constituencies of National Assembly in Toba Tek Singh District whereby three Patwar Circles of Pir Mahal Tehsil i.e. (i). Chak No. 332/GB, (ii). Chak No. 327/GB, and (iii). Chak No. 328/ GB have been proposed to be included in NA-112 Toba Tek Singh-II, while excluding the said Circles from NA-113 Toba Tek Singh-III.

Respectfully *Sheweth*:

1. That the instant Representation is being filed by the Petitioners, namely (i). **Riaz-ul-Haq** son of Haji Zia-ul-Haq, resident of Chak No. 328/GB, Tehsil Pir Mahal, District Toba Tek Singh; (ii). **Mohammad Asghar** son of Mohammad Tufail, resident of Chak No. 326/GB, Tehsil Pir Mahal, District Toba Tek Singh; and (iii). **Muhammad Munir** son of Ali Muhammad, resident of Chak No. 332/GB, Tehsil Pir Mahal, District Toba Tek Singh. The Petitioners are Voters in the proposed constituency NA-112 Toba Tek Singh-II, and their votes are registered in Chak No. 328/GB, Chak No. 326/GB, and Chak No. 332/GB, respectively. The Petitioners are also the public

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- representatives being Chairmen of Union Council No. 81 in Patwar Circle Chak No. 328/GB; Union Council No. 82 in Patwar Circle Chak No. 328/GB; and Union Council No. 80 in Patwar Circle Chak No. 332/GB, respectively in District Toba Tek Singh. Through the instant Representation, the Petitioners seek to object and challenge the proposed inclusion of Three Patwar Circles of Pir Mahal Tehsil, District Toba Tek Singh i.e. Chak No. 332/GB, 327/GB, and 328/GB in the proposed constituency of National Assembly i.e. NA-112 Toba Tek Singh-II through the proposed delimitation of constituencies as made through Preliminary Report and List of Constituencies of National and Provincial Assemblies notified by the Hon'ble Election Commission of Pakistan through Notification dated 05.03.2018.
2. That, as per the Preliminary Report and while exercising powers under Section 17 and 19 of the Election Act, 2017 read with Rule 8 of the Election Rules 2017, the Hon'ble Election Commission has determined the average population and/or Quota per Seat of a National Assembly constituency in Punjab as 780,266 by dividing the total population of Province of Punjab by the allocated general seats in National Assembly to the Province i.e. 141. Accordingly, the share of District Toba Tek Singh in the National Assembly has been worked out and determined by way of allocating three seats after dividing the total population of District i.e. 2,190,015 with the Quota of population per seat and while considering the fraction of more than 0.5 as one seat.
 3. That, according to the contents of Preliminary Report, subsequent to the determination of population quota per seat of National Assembly in Punjab and share of Districts, the Hon'ble Election Commission proceeded to constitute Delimitation Committees for the purposes of preparing the draft



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proposals of delimitation of constituencies of National and Provincial Assemblies while following the principles of delimitation as laid down in Section 20 of the Election Act, 2017 and the relevant Election Rules, 2017. As per the Preliminary Report, the Delimitation Committees carried out the exercise of delimitation while taking all the steps and measures required in this regard and furnished the Preliminary Report alongwith the List of Constituencies specifying the areas proposed to be included in each constituency. The said Preliminary Report and the List of Constituencies have been notified and published by the Hon'ble Election Commission of Pakistan while inviting the representations/objections to the proposed delimitation.

4. That, under the applicable Rule 10 of the Election Rules, 2017, a Patwar Circle and a Census Circle in urban areas have been considered as basic units for delimitation, and through the Preliminary Report under reference, *three Patwar Circles of Pir Mahal Tehsil, namely (i). Chak No. 332/GB, (ii) Chak No. 327/GB, and (iii) Chak No. 328/GB* have been proposed to be included in NA-112 Toba Tek Singh-II and the entire Tehsil Pir Mahal excluding the said three Patwar Circles has been proposed to be made part of NA-113 Toba Tek Singh-III. It is worth mentioning here that in the Preliminary Report, NA-113 Toba Tek Singh-III has been proposed to be comprised of entire Tehsil Kamalia and Tehsil Pir Mahal excluding only the above mentioned three Patwar Circles.
5. That, Patwar Circle Chak No. 332/GB is comprised of Chak 308/GB Badlahbad, Chak 332/GB Hawas, Chak 333/GB Karabara, and Chak 334/GB Rajaawal with the total population of 15,980. And Patwar Circle Chak No. 327/GB comprises of Chak 313/GB Peeri Pur, Chak 327/GB, and Chak 312/GB having population of 17,109. Similarly, Patwar Circle Chak

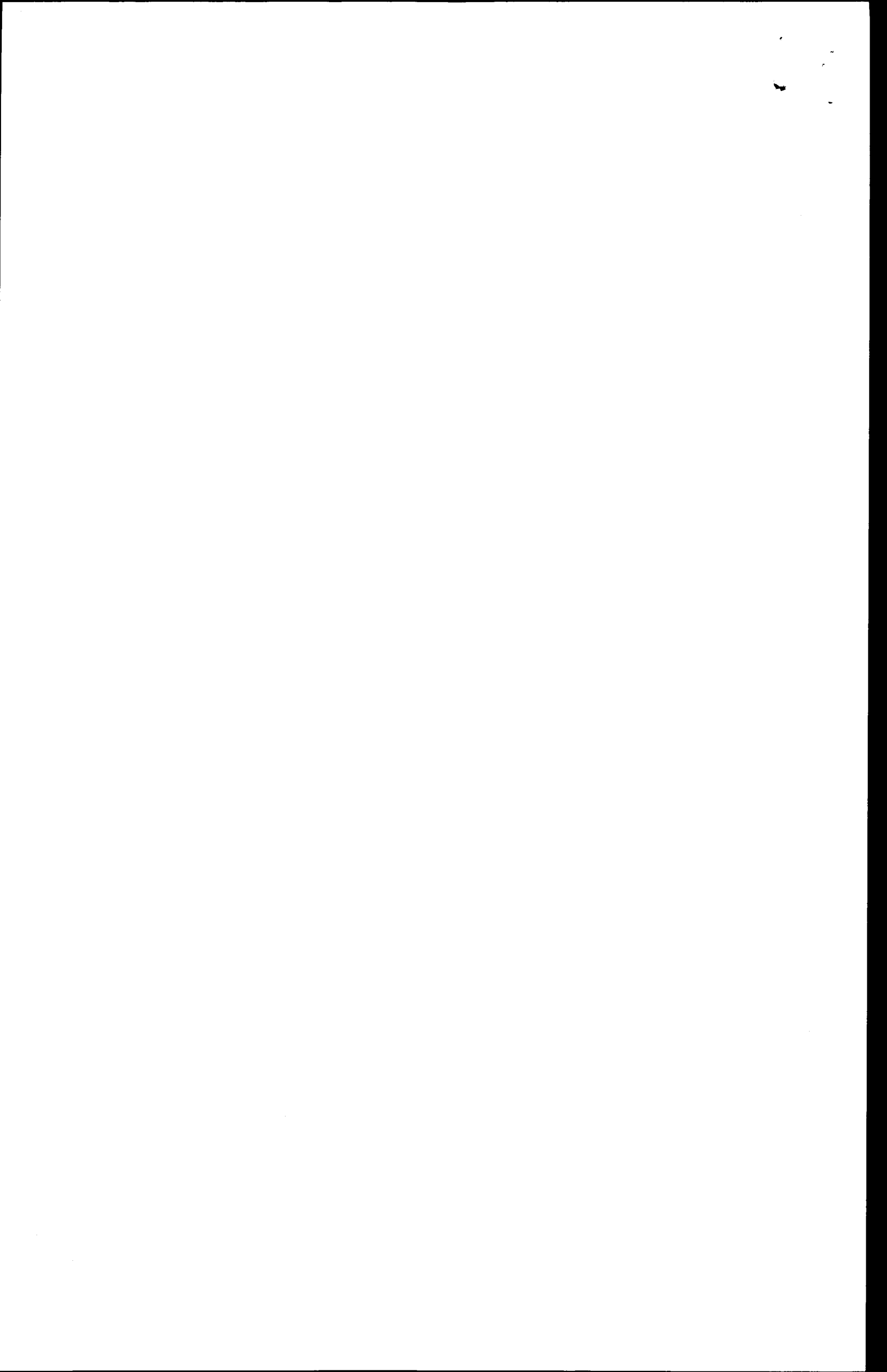
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No. 328/GB is comprised of Chak No. 326/GB, Chak No. 328/GB, and Chak No. 329/GB having population of 8,986. Hence, the total population of the above mentioned three Patwar Circles, as per the Provisional Results of 6th Census, is 42,075.

6. That, while proposing inclusion of above named three Patwar Circles in NA-112 Toba Tek Singh-II by way of proposed delimitation, the concerned Delimitation Committee has not only over looked and ignored the guiding principles of delimitation laid down in Section 20 of the Election Act, 2017 as well as the governing Election Rules of 2017 but has also failed to take into account and appreciate the formidable facts and considerations in this regard which call for inclusion of the said three Circles in the constituency NA-113 Toba Tek Singh-III; hence the instant Representation. The proposed delimitation of NA-112 Toba Tek Singh-II and NA-113 Toba Tek Singh-III is liable to be amended and altered so as to include the Patwar Circles of Pir Mahal Tesil i.e. (i). Chak No. 332/GB, (ii). Chak No. 327/GB, and (iii). Chak No. 328/GB in NA-113 Toba Tek Singh-III in consideration of the instant Representation and, *inter-alia*, on the following:

GROUND/OBJECTIONS

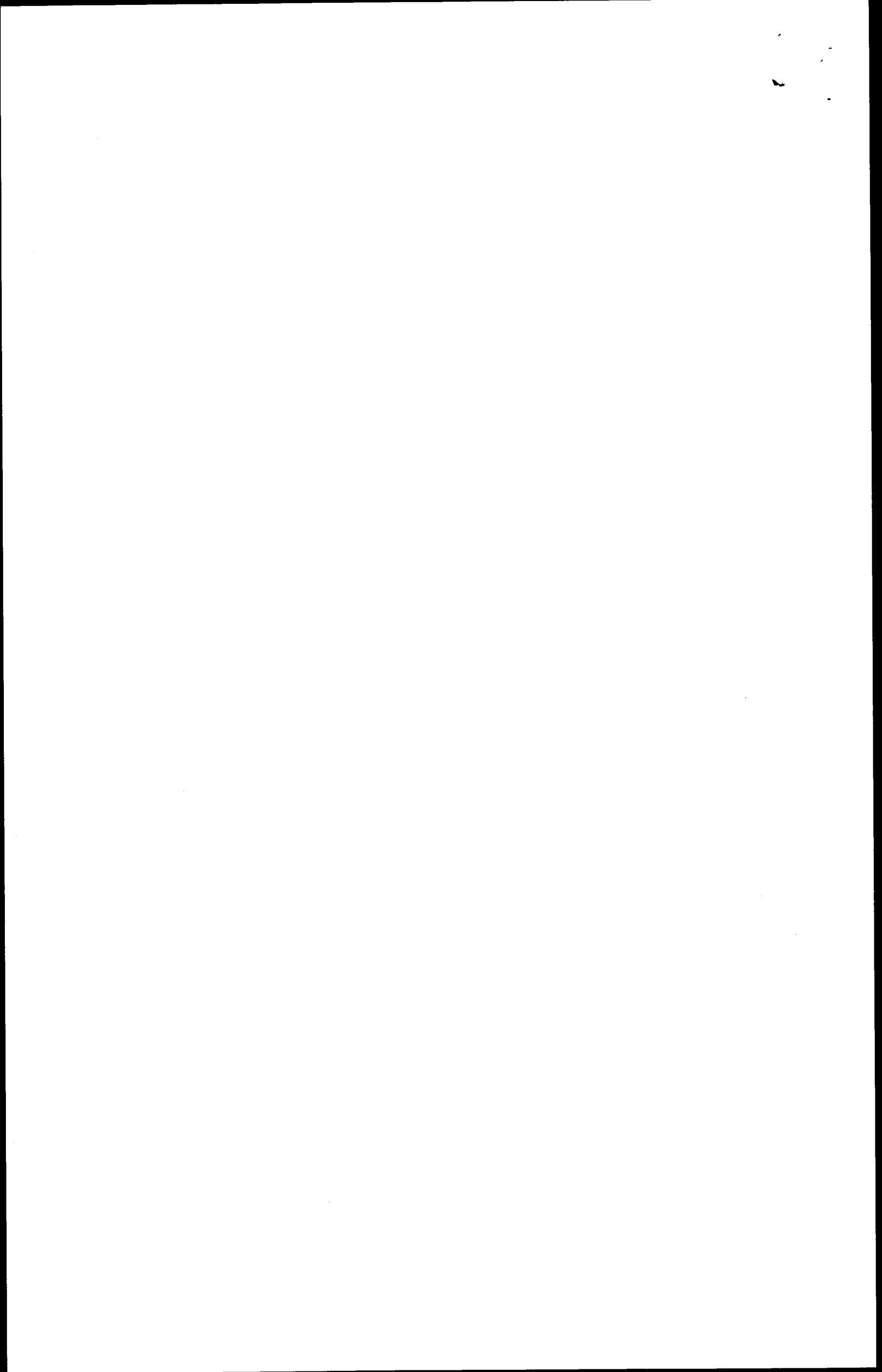
- i. That the proposed delimitation of NA-112 Toba Tek Singh-II and NA-113 Toba Tek Singh-III whereby the afore-mentioned three Patwar Circles of Pir Mahal Tehsil have been included in NA-112 Toba Tek Singh-II is contrary to the principles of delimitation of constituencies as envisaged through Section 20 of the Election Act, 2017 and the applicable Rule 10 of the Election Rules, 2017 as the most formidable considerations of physical features of the under reference Circles;



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existing boundaries of administrative units; means of communication; and public convenience have been utterly disregarded. Therefore, the proposed delimitation pertaining to NA-112 Toba Tek Singh-II and NA-113 Toba Tek Singh-III is liable to be modified by the Hon'ble Election Commission;

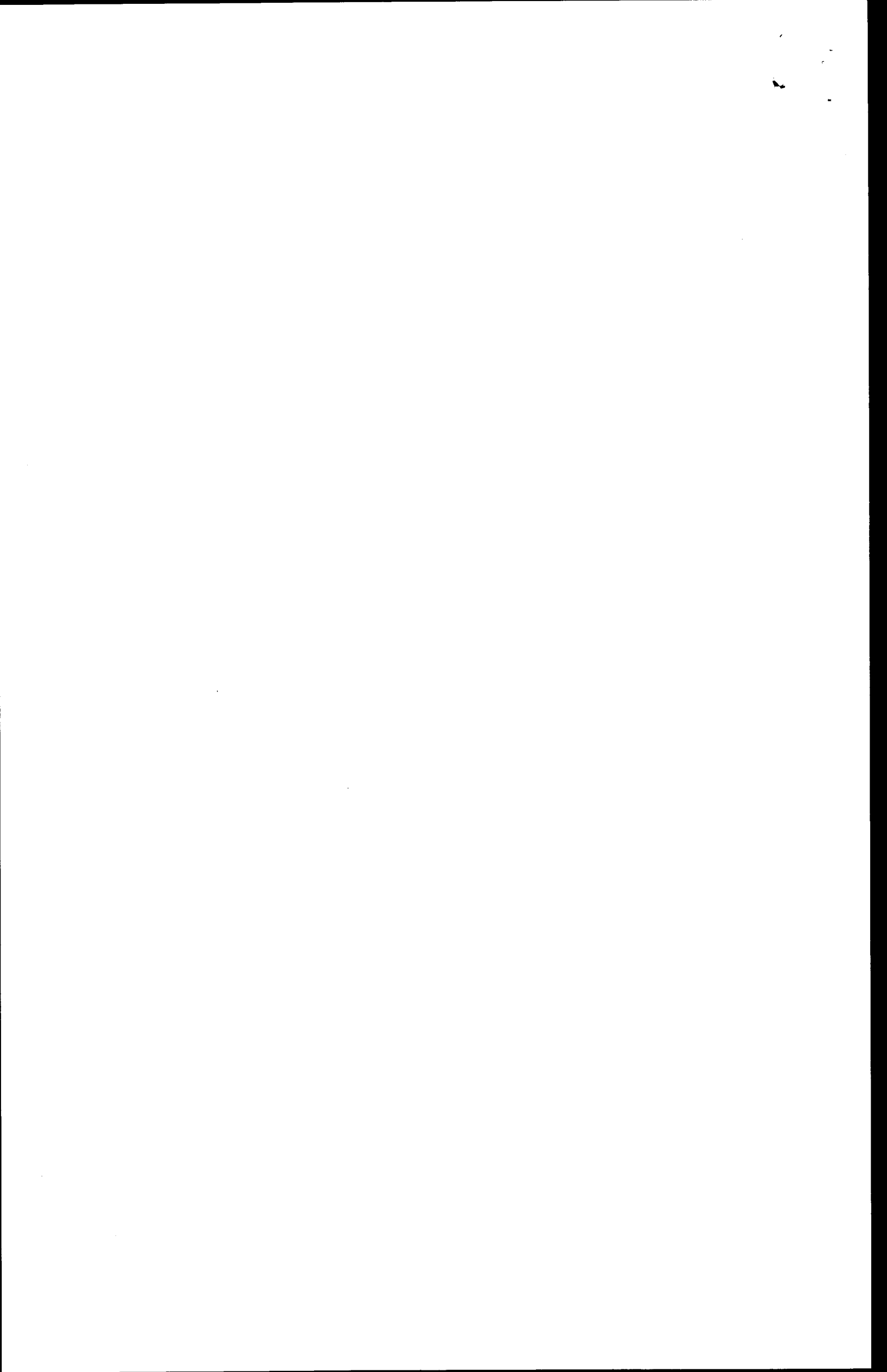
- ii. That, admittedly as a matter of fact and record, three Patwar Circles of Chak No. 332/GB, Chak No. 327/GB, and Chak No. 328/GB and their constituent Chaks form part of Tehsil Pir Mahal, District Toba Tek Singh, and falls within boundaries of Tehsil Pir Mahal as existing administrative and revenue unit. In the circumstances when the entire Pir Mahal Tehsil has been included and made part of NA-113 Toba Tek Singh-III, the exclusion of under reference three Patwar Circles of said Tehsil is neither practicable nor reasonable in any manner. According to the applicable provisions of Section 20 of the Election Act, 2017, and the guiding considerations embodied therein, due regard to the existing administrative and revenue boundaries of Tehsil Pir Mahal should have been given while carrying out the delimitation of respective constituencies. Therefore, the proposed inclusion of said three Patwar Circles in NA-112 is not sustainable under the applicable law, and the same is liable to be modified and amended while keeping in view the administrative and revenue boundaries of Tehsil Pir Mahal;
- iii. That, in the Year 2013, Pir Mahal Tehsil was created as sub-division of District Toba Tek Singh by the Government of Punjab through Notification dated 24.01.2013, with effect from 01.02.2013, and the three Patwar Circles in question were made part of Teshil Pir Mahal given their geographical location and compactness as part of Pir Mahal



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besides the historical connections. Therefore, the said aspect and historical background of joint and unified existence of these Circles and constituent villages/chaks with Pir Mahal and Kamalia have been grossly ignored and overlooked while carrying out the delimitation and proposing the inclusion of said Patwar Circles in NA-112 Toba Tek Singh-II, which constituency is essentially and predominantly comprised of Municipal Corporation and Qanugo Halqas of Toba Tek Singh;

- iv. That, besides the administrative cohesion and solidity of these Circles with Tehsil Pir Mahal in the past and being part of present administrative unit of Pir Mahal, even politically, the said area and Patwar Circles in question have been historically part of one and the same constituency i.e. NA-71 since 1970, which constituency is NA-94, at present comprising of Kamalia and Pir Mahal. Therefore, the villages/Chaks of three Circles under reference have always been sharing the same constituency with Tehsil Kamalia and Pir Mahal in the past, and the same are inseparable from each other given the political, social, and administrative homogeneity, cohesiveness, and uniformity amongst the same. Hence, the proposed delimitation in question offends the above highlighted considerations and factors to the detriment of the residents and voters of three Patwar Circles of Pir Mahal Tehsil who have been proposed to become part of the constituency NA-112 Toba Tek Singh-II arbitrarily and without evaluating the relevant factors/considerations in this regard;
- v. That, the proposed inclusion of Patwar Circles of Tehsil Pir Mahal in NA-112 Toba Tek Singh-II, is also derogatory to the principle of



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considering facilities of communication as the long time established means and facilities of communication connecting the area of said Patwar Circles to the rest of Tehsil and Sub-Division of Pir Mahal and Tehsil Kamalia have been ignored and overlooked. It is pertinent to mention here that since the time of colonization in this area, the main Railway Line connecting Shorkot, Pir Mahal, and Kamalia to Lahore is established which passes through the area of proposed constituency NA-113 Toba Tek Singh and the area proposed to be excluded from the said constituency. The said Railway Line passes through Patwar Circles 327 (NA-112) and its constituent Chak Nos. 313/GB, 312/GB, and 327/GB, which is also the main Junction and Railway Station where three Railway Lines approach and connect. The said Railway Line then connects through Patwar Circle 328 (NA-112) and its constituent Chak No. 328/GB, to Chak Nos. 330/GB (Rahlan), 331/GB (Lamba Pind) to Patwar Circle Chak No. 321 of Pir Mahal (all in NA-113) and then to Kamalia (NA-113). Similarly, another Railway Line passes through Patwar Circle 692 of NA-113 before it is connected to Main Junction Railway Station of Chak 327/GB in NA-112. Therefore, the proposed separation of Patwar Circles of Chak Nos. 327/GB and 328/GB from the rest of area of Pir Mahal, and inclusion of same in NA-112 Toba Tek Singh-II offends the primary consideration of facilities of communication and amounts to creating division between otherwise closely connected areas through aged long source of communication i.e. Railway. It is worth mentioning here that the Railway Junction Station at Chak No. 327/GB which has been excluded from NA-113 and made part of NA-112 carries great significance and

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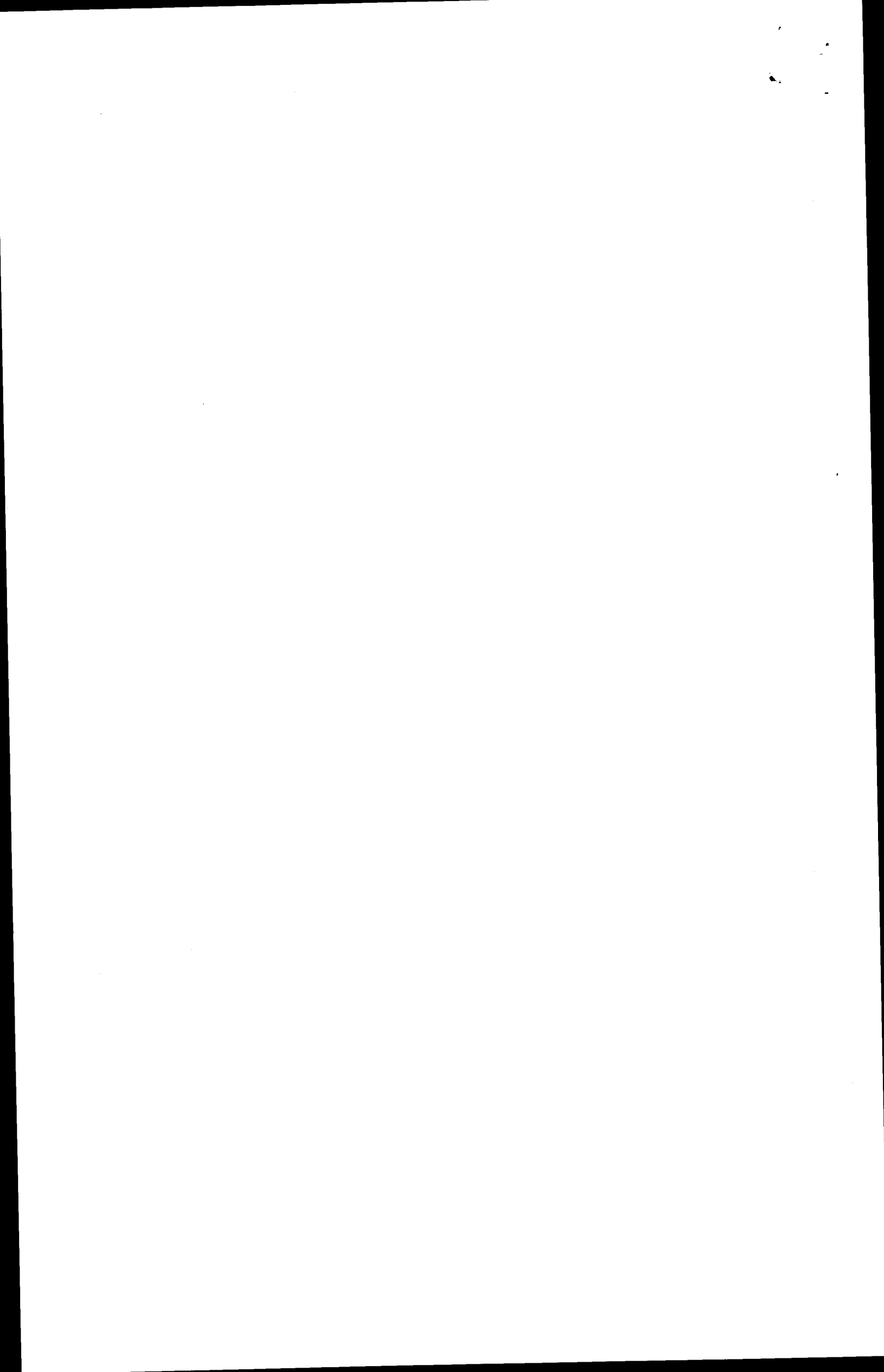
importance for the people of that area, and the division of area closely connected through the main Railway Line is derogatory to the principle of giving due regard to the means and facilities of communication in the area while carrying out the delimitation under the applicable law. Hence, the proposed delimitation in question is liable to be modified accordingly;

- vi. That, likewise, the **Main Road** connecting the areas excluded from NA-113 Toba Tek Singh-III and passing through areas included in NA-113 to **Tehsil Pir Mahal and Tehsil Kamalia** also runs parallel to the Railway Line, and the said Road passes through Patwar Circle 692 (NA-113) and Patwar Circles Chak 327/GB and 328/GB (NA-112) and connecting Chak No. 329/GB in NA-112 with Chak No. 331/GB (Lamba Pind) in NA-113 before it again passes through Patwar Circle Chak 332/GB in NA-112 and leading to Pir Mahal and Kamalia in NA-113. Therefore, it is fairly established that the proposed delimitation of constituencies under reference has been carried out in utter disregard of the most important means of communication in the area i.e. the Main Road and consequently, the people of constituencies shall be adversely effected and shall ultimately suffer if the proposed delimitation is finalized and not altered or modified in consideration of the physical location and connection of excluded areas with the proposed areas of NA-113 with respect to the Main Road connecting all of these areas.
- vii. It is necessary to add here that for the purposes of delimitation and being the relevant considerations in this regard, the **means/facilities of communication** are viewed and to be considered in the perspective of participatory role and sway of electorates in the affairs and

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development of the said facilities in a constituency and if any particular area having one particular and common existing facility of communication is divided in bits and pieces by way of adjusting and fitting into more than one constituencies then the participatory role and influence of the electorates with respect to the said facility will not only be impracticable having been disjointed but the same will come to naught. It goes without saying that the effective and meaningful participatory role and influence of electorates in any constituency is sine qua non of representative form of government. Therefore, the applicable law requires due regard to the facilities of communication being essential for development and growth while carrying out the delimitation, and the disregard for the same calls for modification and amendment in the delimitation in question;

- viii. That, the proposed delimitation is also opposed to **Public Convenience** which is one of the primary considerations of delimitation as prescribed in the governing provisions of Section 20 of the Election Act, 2017. As a matter of fact, the **Tehsil Head Quarter** of Pir Mahal Tehsil in NA-113 where all the concerned administrative offices and Tehsil Courts as well as Tehsil Hospital are situated, is at the distance of around 8.6 KM from area of Patwar Circle Chak No. 332/GB; around 20 KM from the area of Patwar Circle Chak No. 327/GB; and around 16 KM from Patwar Circle Chak No. 328/GB. Whereas, **Toba Tek Singh Tehsil** and **District Head Quarter** in NA-112 is at the distance of around 36 KM from area of Patwar Circle Chak No. 332/GB; around 30 KM from Patwar Circle Chak No. 327/GB; and around 30 KM from area of Patwar Circle Chak No. 328/GB. Hence, if the above-mentioned three



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Patwar Circles of Tehsil Pir Mahal are excluded from NA-113 Toba Tek Singh-III, as proposed in the Preliminary Report, the people of these areas will face a lot of inconvenience while politically aligning themselves in the constituency NA-112 Toba Tek Singh-II where none of their concerning offices of respective authorities and jurisdiction are situated. On one hand the people of said excluded areas shall lack the political interest or involvement in the constituency NA-112 where they have no administrative links or connections and even physically the facilities situated in NA-112 are too far away. On the other hand, the people of said excluded area shall not be able to politically participate or play any political role or to be represented in the constituency NA-113 where they are administratively, socially, and financially connected being also situated in very close proximity of these area. It is worth mentioning here that in the entire Tehsil Pir Mahal, there is **only One Boys College** which is established in **Chak No. 333/GB** being part of Patwar Circle Chak No. 332/GB, and in the circumstances when the said Patwar Circle including Chak No. 333/GB has been excluded from NA-113, the people of Tehsil Pir Mahal and its entire administrative unit are left with no Boys College. Hence, the proposed delimitation, if finalized and not amended, shall cause serious inconvenience not only to the people of area which is proposed to be included in NA-112 but also to the general public in NA-113. Therefore, in consideration of Public Convenience, the proposes delimitation is liable to be modified;

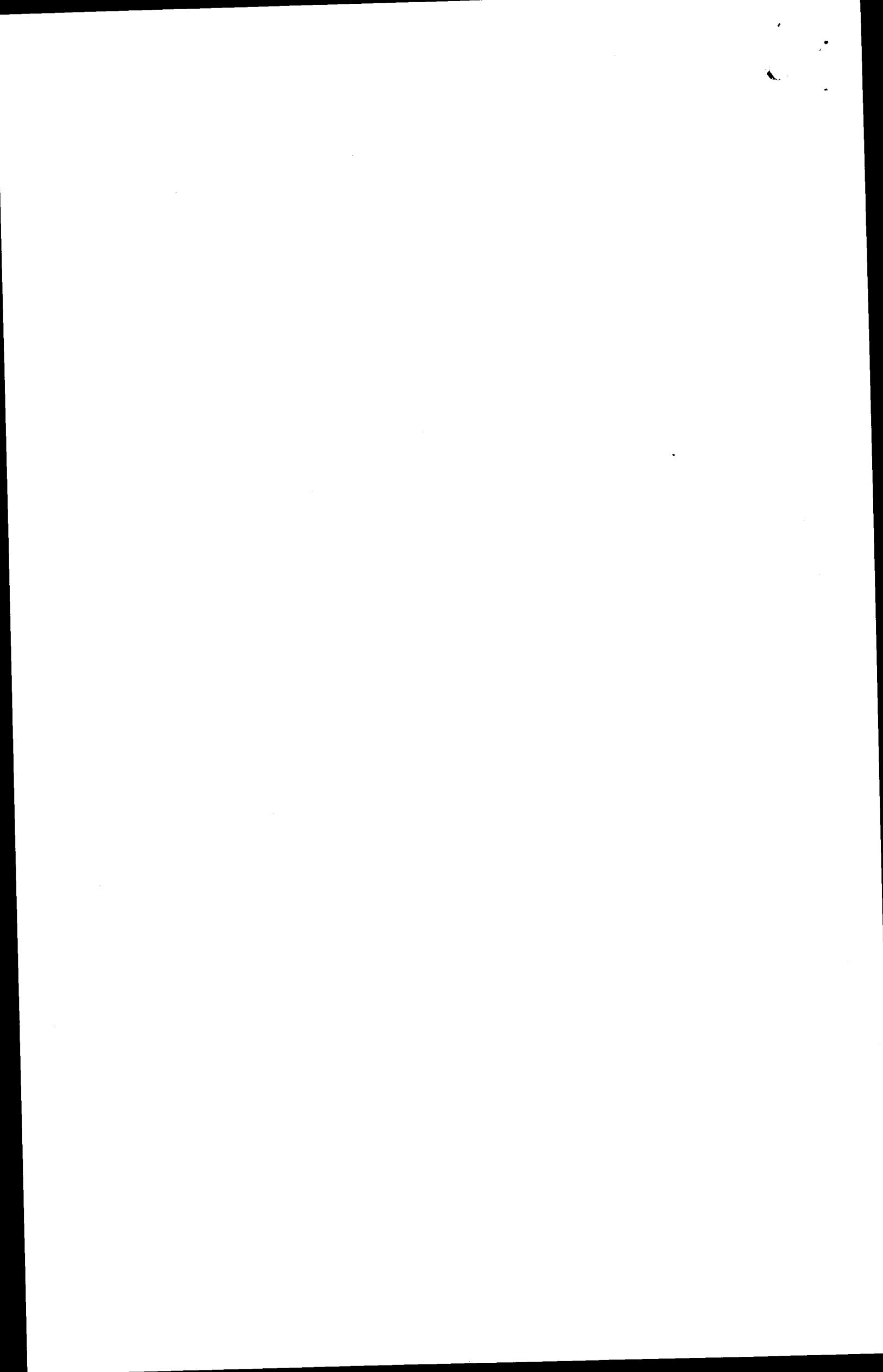
- ix. That, given the longstanding historical relationship and socio-political connections between the people/residents of three Patwar Circles in question with the people of Pir Mahal Tehsil, people on both sides have

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developed family relationships through nuptial bonds over the years. The said cognate factor is required to be necessarily considered for the purposes of delimitation. Besides that, the people and residents of three Patwar Circles under reference jointly with the people of Pir Mahal, form the political fabric of the area constituting NA-113 Toba Tek Singh-III; and therefore, in order to ensure homogeneity in the constituency NA-113, the proposed delimitation in question is liable to be modified;

Delimitation proposed by the Petitioners

- x. That, since the delimitation of subject constituencies, to the extent of proposed inclusion of three Patwar Circles of Pir Mahal Tehsil in NA-112, as proposed by the Hon'ble Election Commission through the Preliminary Report and List of Constituencies is devoid of relevant consideration as explained above, the Petitioners propose and accordingly request the Hon'ble Election Commission that three Patwar Circles of Pir Mahal Tesil i.e. **(i). Chak No. 332/GB, (ii). Chak No. 327/GB, and (iii). Chak No. 328/GB** may be included in NA-113 Toba Tek Singh-III instead of constituency NA-112 Toba Tek Singh-II. As a result of the same, NA-113 Toba Tek Singh-III shall be constituted of Tehsil Pir Mahal and Tehsil Kamalia in their entirety;
- xi. That, as explained and submitted above, the delimitation being proposed and requested by the Petitioners is practicable and the considerations governing the delimitation as prescribed in Section 20 of the Election Act, 2017, in particular including the physical compactness, existing boundaries of administrative units, facilities of communication and public convenience alongwith the cognate factors are present and



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existing with respect to the subject constituencies which necessitate the amendment and modification of proposed delimitation in a manner that the entire Tehsil Pir Mahal and Tehsil Kamalia be made and included in NA-113 Toba Tek Singh-III in accordance with law and in the interest of the electorates. It is necessary to state here that the population of constituencies is to be considered in conjunction with all other attending facts and circumstances in light of the provisions of Section 20 of the Election Act, 2017, which facts and circumstances in turn constitute overwhelming reasons for inclusion of afore-mentioned three Patwar Circles of Tehsil Pir Mahal in proposed constituency NA-113 Toba Tek Singh-III.

7. That, as per the requirement of Rule 12 of the Election Rules, 2017, the copies of duly marked maps, as obtained from the office of Hon'ble Commission at Lahore, and eight copies of this Representation alongwith equal number of said Maps are attached herewith. Similarly, in order to explain the delimitation of constituencies as being suggested and prayed by the Petitioners, the copies of Maps duly highlighting and identifying the limits of constituencies in the district are attached with this Representation. Further, copies of Google Maps of respective areas showing the distances of Tehsil Pir Mahal and Tehsil and District Toba Tek Singh from the areas of subject Patwar Circles are also attached herewith for the kind perusal of Hon'ble Election Commission.

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PRAYER

Wherefore, it is, respectfully prayed that the instant Representation may kindly be accepted and the delimitation of National Assembly constituencies in District Toba Tek Singh as proposed through Preliminary Report and List may be modified and amended in terms that three Patwar Circles of Pir Mahal Tesil i.e. (i). Chak No. 332/GB, (ii). Chak No. 327/GB, and (iii). Chak No. 328/GB may be included in NA-113 Toba Tek Singh-III instead of constituency NA-112 Toba Tek Singh-II, so as to ensure homogeneity in creation of constituencies.

Riaz-ul-Haq

Riaz-ul-Haq
s/o Haji Zia-ul Haq
r/o Chak No. 328/GB,
Tehsil Pir Mahal,
Distt: T.T. Singh
CNIC No: 33303-3139093-7
Vote Serial No. 299
Included in NA-112
Toba Tek Singh-II

M.A.S.

Muhammad Asghar
s/o Muhammad Tufail
r/o Chak No. 326/GB,
Tehsil Pir Mahal,
Distt: T.T. Singh
CNIC No: 33303-2150154-9
Vote Serial No. 226
Included in NA-112
Toba Tek Singh-II

PETITIONERS

Munir

Muhammad Munir
s/o Ali Muhammad
r/o Chak No. 332/GB,
Tehsil Pir Mahal,
Distt: T.T. Singh
CNIC No: 33303-2124134-9
Vote Serial No. 222
Included in NA-112
Toba Tek Singh-II

Through,

Jahanzaib Inam

(Jahanzaib Inam)
Advocate High Court

(Zaafir Khan)

Advocate High Court
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