

1
M/Car
3/4/18
1-6

**BEFORE THE HON'BLE SECRETARY ELECTION
COMMISSION OF PAKISTAN ISLAMABAD**

Representation/Appeal No. _____ 2018

Khushi Muhammad, son of Abdul Ghafoor, resident of Mashmolah Bhambha Kalaan Court Chaudhry Khushi Muhammad Tehsil & District Kasur.

Appellant

VERSUS

Delimitation Committee Punjab, NA-138 Kasur II.

Respondent

**REPRESENTATION/APPEAL UNDER SECTION 21
RULE 12 READ WITH ALL ENABLING PROVISIONS
OF THE ELECTION ACT, 2017 AGAINST THE
DELIMITATION BY THE RESPONDENT**

Respectfully Sheweth:

1. That correct addresses of the parties are incorporated in the caption of the instant appeal for service of process and issuance of any notice / summons by this Hon'ble Authority.
2. That the brief facts leading to filing of instant appeal are that the appellant is a registered voter of NA-138 Kasur-II in Electoral Area / Census Block No. 192030103. Respondent has illegally and unlawfully excluded the QH namely Mustafa Abad, MC Mustafa Abad, QH Kasur I



2
M/HAR
3/2/18

area (PC) from it i.e Athilpoor, PC, Aurara, QH Raja Jang area (PC) from it Khara, Lakhneky from the NA-138 Kasure II and said area illegally unlawfully included into NA-137Kasure I. It is pertinent to mention here that the respondent illegally Included the QH Khudian MC Khudian, QH Usmanwala, PC namely Theh Shakhum, Kotly Ray Abubakar, Gagar, Tody pur, Tara Garr, Ghohar, Jorra of QH Bhela Hithar into the NA-138 Kasure II from the NA-137 Kasure I against the instructions issued for delimitation of constituencies of Provincial Assembly and National Assembly under The Election Act, 2017 and the rules made there-under.(Copies of voter certificate **(Annex-A)**,Map issued by the ECP **(Annex-B)**, Marked Map issued by Revenue Department, Proposed Marked Map **(Annex-C& C1)**Population Description Chart Original and proposed of Constituencies NA-138 Kasure I& NA-137 Kasure II**(Annex-D& D1)**, are attached herewith).

3. That the appellant prepared a proposed map and detail of equal distribution of population, compactness and public convenience of the adjacent constituencies' i.e. NA-138 Kasure I & NA-137 Kasure II as per law and rules. Copies of purposed Map and detail of population adjustment are attached as above.
4. That the impugned delimitation dated 05.02.2018 is illegal, unlawful and the same is



3
A/lan
31/1/18

liable to be set aside, inter alia, on the following:-

GROUND

- a) That the impugned delimitation is against the recognized principles of delimitation, including but not limited to the principles of equal distribution of population, geographical compactness, existing boundaries of administrative units, facility of communication and public convenience, even marked the two constituencies NA-138 Kasure I & NA-137 Kasure II in Horizontal shape instead of vertical by the respondent and it is therefore, liable to be declared illegal, unlawful and against the law and rules applicable thereto.
- b) That the respondent has illegally, unlawfully excluded the QH namely Mustafa Abad, MC Mustafa Abad, QH Kasure I area (PC) from it i.e Athilpoor, PC, Aurara, QH Raja Jang area (PC) from it Khara, Lakhneky and said area illegally unlawfully included into NA-137 Kasure I it is pertinent to mention here the respondent illegally Included the QH Khudian MC Khudian, QH Usmanwala, PC namely Theh Shakhum, Kotly Ray Abubakar, Gagar, Tody pur, Tara Garr, Ghohar, Jorra of QH Bhela Hithar into the NA-138 Kasure II against the instructions issued for delimitation of



4
M. H. Khan
5/4/18

constituencies of Provincial Assembly and National Assembly under The Election Act, 2017 and the rules made there-under and has thereby caused permanent inconvenience and confusion for the residents of the NA-138Kasure II.

- c) That above said proposed QH namely Mustafa Abad, MC Mustafa Abad, QH Kasure I area (PC) from it i.e Athilpoor, PC, Aurara, QH Raja Jang area (PC) from it Khara, Lakhneky from the NA-138 Kasure II are connected with NA-138 Kasure II and according to the 'Extent of Constituency' published by the respondent, it is not connected with the NA-138 Kasure II Therefore, it is more appropriate if the said Area is made part of NA-138 Kasure II in order to achieve the ends of geographical compactness and public convenience.
- d) That the impugned delimitation is a result of mala fide and political interference which has overlooked the principles of geographical compactness and public convenience, it is worth mentioning here the old map is also ignored and not considered at the time of delimitation.
- e) That the respondent illegally took the North from wrong side however the old map shows otherwise. That under the law, rules and instructions the respondent has no power



to delimit the constituencies anti Clock wise.

5
M/10/18
3/11/18

- f) That the respondent was duly bound to comply with the instructions for the delimitation of constituencies of Provincial Assemblies and National Assemblies and the same were not followed by him.
- g) That as per rules the name of NA-138 Kasur II should be NA-137 Kasur I according to The Election Act, 2017.
- h) That provisions / instructions for delimitation of constituencies of Provincial Assemblies and National Assemblies under The Election Act, 2017 and Rules made there-under have been flagrantly violated by the respondent.
- i) That the faulty, illegal and unlawful delimitation conducted by the respondent has disturbed the uniformity and compactness of the Provincial Assemblies and National Assemblies.
- j) That the respondent has illegally split more than 10% of Electoral Area / Census Blocks.
- k) That the respondent has no authority to detach the said proposed electoral area from the NA-138 Kasur II, therefore, he



has assumed the jurisdiction not vested in him.

6
Hafiz
27/1/18

PRAYER:


In view of the above submissions, it is most respectfully prayed that instant appeal / representation / objection petition may kindly be accepted and impugned delimitation may kindly be set-aside.

It is further prayed that Area of QH namely Mustafa Abad, MC Mustafa Abad, QH Kasure I area (PC) from it i.e Athilpoor, PC, Aurara, QH Raja Jang area (PC) from it Khara, Lakhneky are connected with NA-138 Kasure II be excluded from NA-137Kasure I and be included to the appropriate NA-138 Kasure II similarly the area i.e QH Khudian MC Khudian, QH Usmanwala, PC namely Theh Shakhum, Kotly Ray Abubakar, Gagar, Tody pur, Tara Garr, Ghohar, Jorra of QH Bhela Hithar be excluded from NA-138 Kasure II and be included in NA-137Kasure I, similarly the name of constituency NA-138 Kasur II should be NA-137 Kasur I in the supreme interest of justice, equity and fair play.

Any other relief which this Hon'ble Authority deems fit and appropriate under the circumstances may also be awarded to appellant.

Appellant

Through


HAFIZ MUHAMMAD SALEEM
Advocate High Court
7-Turner Road, Lahore

Dated: _____

