

Before the Secretary to the Honourable Election Commission of Pakistan

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M/03/04/2018
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Representation under Rule 12 of the Election Rules, 2017 read with Section 21(2) of the Elections Act, 2017 for amendment, alteration and modification of the limits of constituencies of the National Assembly of Kasur District namely NA-139 and NA-140

Respectfully Sheweth:-

1. That the petitioner namely Muhammad Amin son of Manzoor Ahmed is resident and voter of Patwar Circle Wan Adhan, Tehsil Pattoki, District Kasur. He is an agriculturist by profession and participates in social activities for the benefit and assistance of the local residents of the area.
2. That the Preliminary Delimitation Report, 2018 proposes the delimitation of four (04) constituencies of National Assembly from District Kasur and the same has been published by this Honourable Commission. That the Preliminary Delimitation Report, 2018 proposes the delimitation of these four (04) constituencies as follows:

1. NA – 137 Kasur – I

(a) The following QHs of Kasur Tehsil

- 1) Mustafa Abad
- 2) Kasur – I
- 3) Kasur – II
- 4) Ganda Singh Wala
- 5) The following PCs of Bheela Hithar QH
 - (i) Bheela Hithar; and
 - (ii) Bhalla

(b) Mustafa Abad MC

(c) Kasur MC

Of Kasur District

Total Population 865491

2. NA - 138 Kasur - II

- (a) Raja Jang QH of Kasur Tehsil
- (b) Raja Jang MC
- (c) Kot Radha Kishan Tehsil
- (d) The following QH of Kasur tehsil
 - (1) Usman Wala
 - (2) Khudian
 - (3) Bheela Hithar excluding the following PCs:
 - (i) Bheela Hithar; and
 - (ii) Bhalla
 - (iii) Khudian MC

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Of Kasur District

Total Population 829492

3. NA - 139 Kasur - III

- (a) Chunian Tehsil
- (b) The following PCs of Pattoki - I QH of Pattoki Tehsil:
 - (1) Chak No. 034
 - (2) Chakoki
 - (3) Wan Adhan

Of Kasur District

Total Population 861992

4. NA - 140 Kasur - IV

- (a) Pattoki Tehsil excluding the following PCs of Pattoki - I QH
 - (1) Chak No. 034
 - (2) Chakoki
 - (3) Wan Adhan

Total Population 898021

3. That the delimitation of the constituencies namely NA-139 and NA-140 has not been done according to law and the principles enumerated therein. Therefore, the petitioner begs to place his suggestions for the delimitation of the said constituencies before this Honourable Commission.

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4. According to the humble opinion of the petitioner and grounds taken in the instant representation, three (3) PCs of Pattoki – I QH of Pattoki Tehsil namely PC Chak No. 034 (population 9717), PC Chakoki (population 16536) and PC Wan Adhan (population 10055) should be excluded from NA-139 and included in NA-140. Whereas, one Patwar Circle of Pattoki – II QH of Pattoki Tehsil namely PC Chak No. 003 (Mazid Theh) (population 32661) should be included in NA-139 after excluding the same from Na-140.
5. After approval of the suggestions made by the petitioner before this Honourable Commission, the constitution of these two constituencies would be as follows:

NA – 139 Kasur – III

- (a) Chunian Tehsil
(b) The following PCs of Pattoki – II QH of Pattoki Tehsil
(1) Chak No. 003 (Mazid Theh)

Of Kasur District

Total Population 858345

NA – 140 Kasur – IV

- (a) Pattoki Tehsil excluding the following PCs of Pattoki – II QH
(1) Chak No. 003 (Mazid Theh)

Of Kasur District

Total Population 901668

6. That the present constitution of the abovementioned two constituencies of National Assembly as proposed by the Delimitation Committee is not according to applicable law, rules and principles. Therefore, the petitioner, who is resident and voter of PC Wan Adhan, being aggrieved of the same craves for the gracious indulgence of this Honourable Commission for incorporation of the amendments suggested by the petitioner in paragraphs above in the final list of the constituencies on, inter alia, the following

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GROUNDS

- a. The legislature has enumerated the principles of delimitation in Section 20 of the Elections Act, 2017. Section 20 of the Elections Act is reproduced herein for ease of reference;

“20. Principles of delimitation.—(1) 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.

(2) For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribal Areas two or more separate areas may be grouped into one constituency.

(3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.

(4) If the limit of ten percent under sub-section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.”

- b. Similarly, Rule 10 of the Election Rules, 2017 reads as under;

“10. Draft proposals for delimitation of constituencies.— (1) A Delimitation Committee constituted under rule 9 shall, immediately after its constitution, proceed to obtain from Pakistan Bureau of Statistics, population data of last census officially published along with relevant maps showing therein census charges, census circles and census blocks along with description, relating to a Province, a district, an agency, or any other administrative or revenue unit as it may require.

(2) The Delimitation Committee shall also obtain district maps along with description, duly authenticated by Pakistan Bureau of Statistics, or, as the case may be, the district head of Revenue Department, prepared on a uniform scale as may be determined by the Commission indicating therein details of all administrative and revenue units in the district to the level of a Patwar Circle or, as the case may be, a Tapedar Circle, as well as prominent geographical and physical features, such as rivers and mountains and any other information as may be determined by the Commission or required by the Committee.

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(3) In preparing draft proposals for delimitation of constituencies, the Delimitation Committee shall follow the principles of delimitation as laid down in section 20, procedure given in this Chapter and the guidelines provided by the Commission from time to time.

(4) The constituency for an Assembly shall not ordinarily extend to more than one district except in exceptional circumstances for reasons to be recorded by the Delimitation Committee:

Provided that a Patwar Circle or, as the case may be, a Tapedar Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:

Provided further that in case of urban areas census circle shall not be broken under any circumstances.

(5) As far as possible, the delimitation of constituencies of an Assembly shall start from the Northern end of the district, or, as the case may be, the agency and then proceed clock-wise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable to the quota:

Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to that district or agency:

Provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit.

(6) For the purpose of preparation of draft proposals for delimitation, the Delimitation Committee may require assistance from any Federal, Provincial or, as the case may be, a Local Government Authority.

(7) After the draft proposals for delimitation of constituencies are finalized on Form-5, the Delimitation Committee shall send the same to the Commission, within the time specified and in the manner as may be determined by the Commission."

- c. That according to the Delimitation Report, 2018, the Delimitation Committee has included three (03) Patwar Circles namely Chak No. 034, Chakoki and Wan Adhan of Pattoki - I QH of Pattoki Tehsil in NA-139 in blatant violation of the above narrated principles

applicable to delimitation proceedings that too without application of mind.

Mazid Teh
03/09/2018

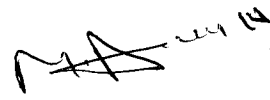
- d. Historically these three (03) Patwar Circles remained part of the constituencies which included the Pattoki city area because these three (03) Patwar Circles are geographically aligned with Pattoki City area i.e. almost all the roads and facilities of the communications from these Patwar Circles are directed towards Pattoki City. Whereas, Chunian Tehsil (forming almost complete NA-139) is on the other side of Railway line and there is not even a single railway crossing for these three Patwar Circles in the area therefore making it difficult for the population of these Patwar Circles to travel directly towards Chunian Tehsil and they can only reach to Chunian Tehsil by taking a route which goes right from the heart of NA-140. Therefore the proposal contained in the Delimitation Report, 2018 is violative of the principles of delimitation such as geographical compactness, facilities of communication and public convenience.
- e. Through the instant representation, the petitioner proposes the exclusion of the abovementioned three (03) Patwar Circles from NA-139 and inclusion of one (01) Patwar Circle of Pattoki – II QH of Pattoki Tehsil namely Chak No. 003 (Mazid Theh) because the same is located on the other side of the railway line and geographically adjacent to NA-139. Furthermore, this Patwar Circle remained part of the previous constituencies of the National Assembly consisting of major areas of Tehsil Chunian.
- f. That the local population of the area will be benefited if the suggestions made by the petitioner are incorporated by this Honourable Commission.

In light of the above submissions, the petitioner humbly prays that this Honourable Commission may be kindly pleased to accept this representation and the amendments / modifications suggested by the petitioner in paragraphs 4 and 5 above may graciously be made part of the final list of the constituencies.

Any other relief which this Honourable Commission may deem appropriate in the facts and circumstances of the case under law, justice and equity may also be granted.

MA/04/2018

Petitioner



Muhammad Amin s/o Manzoor Ahmed
Deenpur Doba, Wan Adhan, Tehsil Pattoki
District Kasur

Through



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Advocate High Court

Shahzad Siddique Alvi
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