

To,

Election Commission of Pakistan  
through its Secretary,  
Constitution Avenue, Islamabad.

2

9/30/07/2018  
2-5

**REPRESENTATION TO THE COMMISSION U/S 21(3) OF THE ELECTIONS ACT,  
2017 IN RESPECT OF DELIMITATION OF NA-15 AND NA-16**

**Background**

1. That, by way of background, the petitioner is a registered voter in the proposed constituency of NA-15 and through instant representation submits his objections concerning the delimitations of two constituencies of the National Assembly in Abbottabad i.e. NA-15 and NA 16.
2. That the principles of delimitation are enunciated in section 20 of the Elections Act, 2017 that provide, *inter alia*, the delimitation ought to have regard to the distribution of the 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.
3. That further, as far as possible, the delimitation of constituencies of National Assembly, as envisaged in the Election Rules, 2017 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 remain as close as may be practicable to the quota.
4. That in addition, 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.
5. That the proposed NA-15 (Abbottabad-I) has a population of 649,410 and NA-16 (Abbottabad II) has a population of 683,502.
6. That the preliminary report carrying proposals regarding delimitation of the aforementioned two constituencies was published on 05.03.2018. As such, the instant representation is filed within the statutory time period of 30 days.

(2)

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13/03/2018

### Grounds

- A. That the proposed delimitation includes Circle Bakote and the entire cluster of union councils and village councils that are part of it in NA-15. The entire area was earlier part of (now) NA-16 (Abbottabad -II).
- B. That the aforementioned area predominately comprises the ethnic/tribal denomination of *Abbasis* reducing the *Karals* in the constituency of NA-15 (old NA-18) into a numerical minority leaving little or no chance for a candidate favored by *Karals* or inclined towards *Karals* to be returned to the National Assembly.
- C. That the past voting trends of Abbottabad are indicative that strong ties of *baradari* or tribal leanings inform the voting choices of the populous in general elections. *Ex facie*, there is certainly no prohibition or bar in democracies regarding primary or secondary influence on the voting patterns so long as there is a level playing field for all the candidates.
- D. That, however, to reduce level playing field arbitrarily, in such a manner, that an evenly demarcated constituency in terms of demography which is representative of all the major ethnic and tribal dominations, placing *Abbasis* in an overwhelming majority, is a textbook example of gerrymandering that cannot be condoned by the Election Commission being repository of constitutional powers under Article 218 read with Article 222 of the Constitution of Islamic Republic of Pakistan, 1973 to conduct free, fair and transparent elections jealously guarding the principles of one man, one vote.
- E. That the aforementioned instance of gerrymandering is prohibited under the principles of delimitation and falls squarely within the purview of "other cognate factors to ensure homogeneity in the creation of the constituencies" as envisaged in section 20 of the Elections Act, 2017.
- F. That the area of Circle Bakote now annexed with NA-15 is only accessible through a non-metallic road via Governor House to the rest of the constituency. There is no carpeted/metallic or well paved road connecting the Circle Bakote to the rest of the constituency. The only other access is through Murree (Bariyan, Punjab). The area is completely cut off from the rest of the constituency during the four months of the winter. Hence, the facilities of communication are poor or non-existent connecting Circle Bakote to the rest of the constituency.
- G. That Circle Bakote is separated from NA-15 by Miranjani; which at 2,992 meters (9,816 ft) in elevation, is the highest peak of Hazara Division. Due to such terrain

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and physical features, Circle Bakote cannot, by any reasonable classification, be considered an area geographically compact and one with the rest of NA-15.

- H. That due to the aforementioned objections, the area of Circle Bakote has no cultural or communication linkages to the rest of the constituency. Needless, to state this will have a significant bearing on the election campaigns and voting patterns.
- I. That, it appears, the manner in which the delimitation has been carried out by removing from NA-15, areas of Jhangran, Havellian, Kokal, Kassai Kalan, Chamhad and Thanna flouts the principles so enumerated regarding the **delimitations that any proposed delimitation must start from the Northern end of the district and then proceed clock-wise, in zigzag manner, keeping in view that population among the constituencies of an Assembly remain as close as may be practicable to the prescribed quota.**
- J. That it appears the delimitation has been made by arbitrarily and haphazardly dividing the constituencies into urban and rural units respectively with all the tehsil headquarters now included in NA-16. This is against the principle of delimitation that had to take into account the existing administrative units.
- K. That the proposed delimitation is so manifestly unreasonable that the tehsil Havellian headquarter is in NA-16 (Abbottabad-II) whereas the entire Havellian city with app. 90% of the area of the Havellian, is in NA-15 (Abbottabad-I).

#### Proposed delimitation

- I. That the area comprising Circle Bakote, including areas of Plak, Riyala, Berod Klan etc. should be again made part of the new NA-16. It has an approximate population 2,32,000 people.
- II. That the area comprising Havellian, Langran, Jhangran, Thanna, Sultan Pur, Kokal, Kassaki Klan and Chammad be annexed yet again with NA-15. The said area comprises population of 2,00,000 people.
- III. That the Commission, if it deems appropriate, may hold independent inquiry into the demographics and population distribution of the areas and may, if it considers necessary, summon any record or witness for the disposal of the instant representation

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27/03/2018

**PRAYER**

In view of the foregoing, it is respectfully prayed:

- A. Register the representation filed in Form 6 pursuant to rule 12(6) of the Election Rules, 2017;
- B. The proposed delimitation of the two constituencies of NA-15 and NA-16 may kindly be altered or modified in view of the objections hereinabove;
- C. The proposal of delimitation provided hereinabove may kindly be accepted with Circle Bakote made part of NA-16 and the areas identified in the second clause of proposed delimitation may kindly be included in NA-15; and
- D. Any other and better relief, deemed just and proper, regarding the delimitation of the constituencies may also be granted.

  
Applicant

**Azhar Farooq**

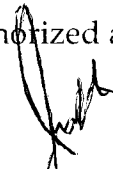
NIC No.13101-3456803-9,

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Through his authorized agent



**Ummar Ziauddin**

LLM Berkeley, Barrister of Lincoln's Inn

Advocate High Court

27.03.2018