

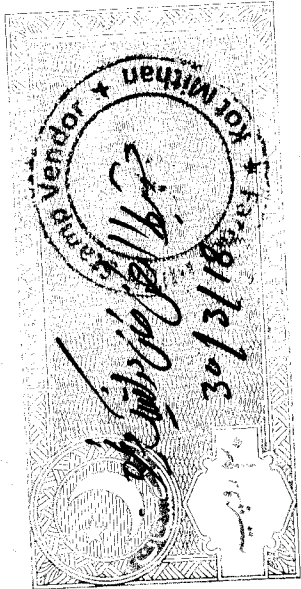
BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN,
ISLAMABAD.

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02/09/2018
-12

APPEAL/REPRESENTATION NO. _____/2018

1. Hafeez-Ur-Rehman Khan Drishak S/O Sardar Karam Elahi
Khan Drishak Caste Drishak, Voter Constituency No.NA-195,
Rajanpur-III, R/O Gulowali Mouza Wang P/O Mithan Kot
Tehsil & District Rajanpur, "**Block Code according to
Voter List 227051001, Silsla No. 157 Gharana
No.70**", CNIC No. 32403-7114911-7
Cell No.0300-8780576, 0345-8470333.

2. Sardar Muhammad Azmat Ullah Khan Drishak S/O Sardar
Abdul Kareem Khan Drishak Caste Drishak Voter
Constituency Kotla Dad Patwar Circle Rakh Kotla Eisan Voter
N.A 194 Rajan Pur -II R/O Rakh Kotla Eisan Tesil & District
Rajan Pur.
"**Block Code according to Voter list 227020503. Silsla
No. 297 Gharana No. 92**"
CNIC No. 32403-9203627-3
Cell No. 0333-6444444.



.....PETITIONER
VERSUS

1. Secretary Election Commission of Pakistan, Islamabad.
2. Additional Secretary (Admn./Election), Election Commission of Pakistan, Islamabad.

..... RESPONDENTS

APPEAL/REPRESENTATION UNDER SECTION 20(2)
OF ELECTION ACT 2017 AGAINST THE
DELIMITATION OF CONSTITUENCIES, NA-193
RAJANPUR-I, NA-194, RAJANPUR-II & NA-195

RAJANPUR-III, GAZETTE NOTIFICATION DATED
05.03.2018 ISSUED BY ELECTION COMMISSION OF
PAKISTAN/ RESPONDENT NO.2.

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02/04/2018

Respectfully Sheweth,

1. That the addresses of the parties are correct for the purposes of correspondence and other ancillary purposes.
2. That the brief facts giving rise to the instant appeal/ representation are that the appellant is permanent voter resident of Constituency NA-194 Rajanpur-II, Kot Mithan District Rajanpur and has had been contesting election from the referred Constituency and presently is a expected contesting candidate from referred Constituency NA-194 Rajanpur-II, District Rajanpur. Copy of voter list is attached as **ANNEX-A.**
3. That the delimitation of Constituencies of District Rajanpur NA-193 to NA-195 Rajanpur District has been ordered under the relevant provision of Election Act 2017 and many of the areas earlier part of the referred Constituencies have been either included or excluded from the referred Constituencies on account of the referred exercise of power vide impugned Notification dated 05.03.2018. Copy of Notification dated 05.03.2018 is attached as **ANNEX-B..**
4. That the impugned Notification dated 05.03.2018 issued by the respondent No.2 on behalf of Election Commission of Pakistan, Islamabad under the provision of Election Act, 2017 for delimitation of Constituencies NA-193 to NA-195 are contrary to

the lawful authority, domain and justified reasons and grounds specified in the relevant provision of section 20 & 21 of the Election Act, 2017.

5. That the only reason and cause for delimitation of any Constituency is to be done for the reason contained in the relevant provision of the Act which reads as under:-

"20. Principles of delimitation-(1). All Constituencies for general seats shall, as far as practicable, 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.

(3) As far as possible, variation in population of Constituencies of an Assembly or a local Govt. 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.

6. That the respondents authorities was under statutory obligation to maintain and kept in consideration the scope and powers contained in the relevant of section 20 of the Act but on where consideration it is to be noted & observed from the impugned delimitation order/ Notification dated 05.03.2018 that the

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compact block/ areas of the earlier delimitation of the Constituency have been not only disintegrated but the major areas of the Constituency have been included which are neither connected with the Constituency nor any aspect of public convenience has been taken into observation.

7. That the most of population and areas of earlier Constituency (delimited) under the impugned order/ Notification are at far distances and the local limits of the union councils or qanoongoi (QH) or patwar/revenue circle are disturbed and bifurcated without adverting to the provisions of relevant law and also the object and aim of the relevant provisions had also been overlooked.
8. That in the pervious 5 General Elections from 1985 to 1997 Rajanpur District was consisting of 3 Provincial seats/ Constituencies No. PP-204, PP-205 & PP-206 and 2 Seats of National Assembly/ Constituency No. NA-174 & NA-175, Rajanpur District. The delimitation of referred Constituencies was incompact block of the population/ areas maintaining the facilities of communication and public convenience and for the better purpose and welfare of the voters for all objective and aims in this regard according to law, rules and natural principles for general elections and its efficacy. Gazette Notification of pervious Halqa Bandi/delimitation of the Constituencies dated October 1st, 1988 is attached as **ANNEX-C**.

9. That presently the referred three Constituencies of Provincial Seats No.PP-204, PP-205 & PP-206 have been named as National Assembly Constituencies No. NA-193, NA-194 & NA-195 on account of population but the many of areas have been delimited whereas it was proper and equitable that the earlier delimitation of referred three Constituencies of Provincial Assembly ought have been maintained & continued for the existing three seats of National Assembly on account of increase of seats/ Constituencies of National Assembly, in this way the Homogeneity of the population, areas and units of local Govt. and administrative units have been disturbed and inconvenience and other impediments to general public/masses occurred.
10. That the Patwar Circle Bruce Abad, Patwar Circle Rakh Dama are under domain of Rajanpur Colony Qanoongoi circle which were already part of Constituency PP-206 and naturally these circles should remained part of the NA-195 Rajanpur-III whereas, the referred circles/areas have been included/delimited in the Constituency NA-194 Rajanpur-II and so through referred manner not only the population and Constituency of NA-195 Rajanpur-III has been disturbed and dislocated, the Constituency NA-194 Rajanpur-II has also been disturbed and inconvenience in general has occurred, so it is required and necessary the referred circles be remain part of Constituency NA-195 Rajanpur-III by excluding/delimitation of Constituency

of NA-194 Rajanpur-II and that would meet the relevant purposes.

11. That the Patwar Circle Naushehra Sharqi and Patwar Circle Shikar Pur which are part of Qanoongoi (QH) Kotla Eisan, these patwari circles are included/delimited in the Constituency NA-195 Rajanpur-III which is not feasible in any way, the MAP/site plane of District Rajanpur issued by the revenue department/Election Commission of Pakistan clears all the ground realities and further transpires the compactness of Constituency which were remained intact as part of the Constituency NA-194 Rajanpur-II as the referred circles were the part of NA-175 Rajanpur-II and on account of the same reasons and utilities and means of communication and convenience the referred areas are required to be remained part of the Constituency NA-194 Rajanpur-II and this is the sole way to maintain and achieve the objective and aims of delimitation of the Constituencies.

12. That circle/qanoongoi (QH) of Isra has been delimited in the Constituency of NA-194 Rajanpur-II which is far flung/remote area having no direct means of communication and approach of general population to the center of Constituency NA-194 Rajanpur-II and it would cause inconvenience to the general public and also cause disturbing to the existing boundaries of administrative units of the Constituency, so the referred area is also delimited contrary to the aims and objective of the relevant

provision of the statute/Act. The said circle/qanoongoi (QH) of Isran is to be delimited in the Constituency NA-193 Rajanpur-I to make/ensure the homogeneity and other cognate factors.

13. That the Qanoongoi (QH) Muhammad Pur is consisting of two revenue circles namely Muhammad Pur Patwar Circle & Haji Pur Patwar Circle which was the part of pervious Constituency PP-205 Rajanpur for the last 5 general elections but presently while converting the three Provincial Constituencies of Rajanpur into three National Assembly Constituencies/seats the areas of the referred Constituencies should have been kept intact/delimited to the Constituencies of National Assembly whereas, the referred Qanoongoi (QH) Muhammad Pur has been bifurcated /divided/delimited to the Constituencies NA-193 Rajanpur-I and Constituency NA-194 Rajanpur-II whereas, in lieu of Patwar Circle Isra the referred Qanoongoi (QH) Muhammad Pur should remain part of the Constituency of NA-194 Rajanpur-II and the referred Qanoongoi (QH)Isra is to be delimited in Constituency NA-193 Rajanpur-I being already/pervious part of the delimited Constituency. That would fulfill all the purposes in this regard, the population of the referred areas would remain incompact shape and even the population of the Constituencies would be maintained in the required manners. Copies of proposed delimitation/ Halqa Bandi of the Constituencies in the shape of proposal-I and Proposal-II are as **ANNEX-D & D/1**.

Moreover the Distance of ISRAN is just only 15 to 20 K/M from territorial boundary of Tehsil JamPur which is main constituency of N.A 193 and the whole area of 193 is a compact Block of N.A 193 and also ISRAN qanoongoe (QH) under the domain of Tehsil Jam Pur so it is natural that ISRAN will be the part of N.A 193 because the approach of communication is adjacent to Tehsil Jam Pur, while the distance of ISRAN qanoongoe (QH) from the territorial limit from N.A 194 is nearly about 80 to 90 K.M and the ground reality is that ISRAN would be the part of N.A 193 that will become of compact block of N.A 193 in lieu of ISRAN Muhammad Pur qanoongoe (QH) will become the part of N.A 194 Rajanpur No-II of District Rajan Pur should be the part of N.A 194 Rajan Pur so with this amendment N.A 194 will be a compact block which fulfill the all requirement of delimitation. Copies of proposed site plan and approved site plan are as **ANNEX-E & F.**

14. That the Patwar Circle Naushehra Sharqi and Patwar Circle Shikar Pur have been delimited in the Constituency PP-295 Rajanpur on this account the referred Patwar Circles/areas are to be delimited in the Constituency of NA-194 Rajanpur-II whereas the said Patwar Circles have been delimited to the Constituency of NA-195 Rajanpur-III, the said areas/Patwar Circles are liable to be delimited in the Constituency of NA-194 Rajanpur-II instead of Constituency NA-195 Rajanpur-III and

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the Patwar Circle Bruce Abad and Patwar Circle Rakh Dama are to be delimited to the Constituency of NA-195 Rajanpur-III by this exercise & delimitation not only all the purposes & objectives of delimitation be fulfilled & achieved but neither inconvenience is to be occurred nor ratio of population of both the Constituencies would be disturbed.

15. That the tribal area Khalchas and tribal area Chacha are already consisting of one and the same circle, now the referred areas are bifurcated/divided and the population /voter members of tribal area Khalchas consisting of 9,869 have been delimited to the Constituency NA-194 Rajanpur-II whereas, the referred tribal area Khalchas and Chacha are adjacent/contingent to Constituency NA-193 Rajanpur-I and even have remained part/delimited to the Constituency NA-193 (pervious PP-204) Tehsil Jampur and that would serve all the purposes and objective of delimitation of the respective Constituencies as is mentioned in the proposed (proposal-I & proposal-II) annexed with the instant appeal/representation.

16. That it is pertinent to mention here that notified map/ site plan of the District Rajanpur does not match with the actual map/site plan according to the original local qanoongoi (QH) limits of the District Rajanpur and on this account to the delimitation notification dated 05.03.2018 is contrary to law and abuses to the objective and aims of delimitation of the respective Constituencies of District Rajanpur.

17. That the proposal-I & Proposal-II (annexed supra) with regard to delimitation of the respective areas/ Constituencies of District Rajanpur if equated with the delimitation dated 05.03.2018, the proposals placed by the appellant are more feasible and practicable for the objectives and aims of delimitation of the respective Constituencies of District Rajanpur and the delimitation notified for the respective Constituencies are contrary to defined and contained rules and provisions and so on this account too, the instant appeal/representation is liable to be accepted/allowed.

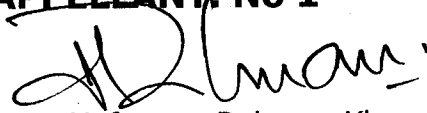
PRAYER:-

Under the afore-going peculiar facts and submissions, it is respectfully prayed that the instant appeal/representation may kindly be accepted and the delimitation order/Notification dated 05.03.2018 for the Constituencies of District Rajanpur be modified and delimited according to the proposals of the appellant (annexed as proposal-I & proposal-II) to maintain the delimitation order into conformity with the objective & aims of the relevant provision of Election Act, 2017 in the supreme interest of justice & equity.

Any other relief which this Hon,ble Election Commission of Pakistan deems fit and necessary may also be awarded to the petitioner.

27/04/2018

APPELLANT, No 1



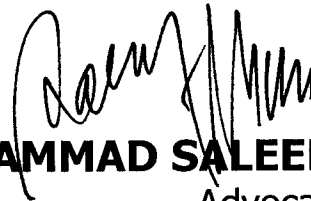
Hafeez ur Rehman Khan Drishak
S/O Sardar Karam Elahi Khan Drishak

APPELLANT, No 2



Sardar Muhammad Azmat Ullah Khan Drishak
S/O Sardar Abdul Kareem Khan Drishak

THROUGH:



MUHAMMAD SALEEM AFGHAN

Advocate High Court
29-District Courts, Rajanpur.
Cell No.0333-6440665

VERIFICATION:-

It is certified that the contents and averments of the memorandum of appeal/representation are correct according to instruction of the client per his knowledge and belief and nothing has been kept concealed.


APPELLANT

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN,
ISLAMABAD.

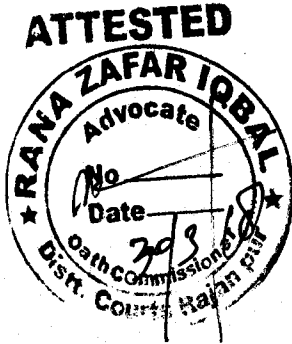
APPEAL/REPRESENTATION NO. _____/2018

Hafeez-Ur-Rehman Khan Drishak etc.

Versus

Secretary Election Commission of Pakistan etc.

Affidavit: Hafeez-Ur-Rehman Khan Drishak S/O Sardar Karam Elahi Khan Drishak Caste Drishak, Voter Constituency No.NA-195, Rajanpur-III, R/O Gulowali Mouza Wang P/O Mithan Kot Tehsil & District Rajanpur, "**Block Code according to Voter List 227051001, Silsla No. 157 Gharana No.70**", CNIC No. 32403-7114911-7
Cell No.0300-8780576, 0345-8470333.



That the above named deponent do here solemnly affirm and declare on oath as under:

1. That the contents of the petition are correct to the best of my knowledge and belief.
2. That nothing has been kept concealed or hidden.

حسب الیقین و ما فی الذمیر
30/3/18

H. Rehman
DEPONENT

VERIFICATION:

It is certified that the day 30th of March 2018 at Multan that the contents of the above affidavits are true and correct to best of my knowledge and belief.

H. Rehman
DEPONENT