
**BEFORE THE WORTHY SECRETARY, ELECTION
COMMISSION PAKISTAN, ISLAMABAD**

Sardar Mir Baz Muhammad Khan Khetran, S/o Sardar Mian Khan Khetran R/o Mir Daudabad Chappar, Tehsil & District Bar Khan, Balochistan (CNIC 5610161774879), Voter Block Code No. 459030304 Serial No. 175, Chappar, Tehsil and District Bar Khan)

.... PETITIONER/APPLICANT

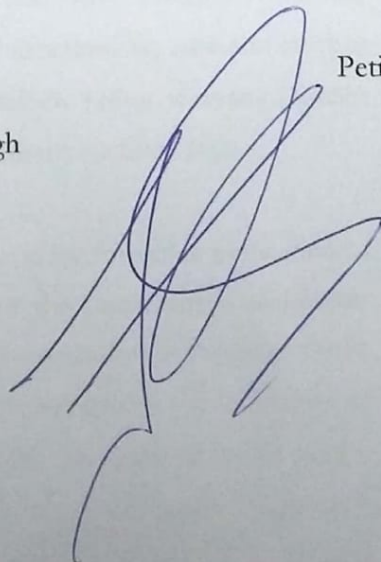
**REPRESENTATION UNDER SECTION 21(3) OF ELECTION
ACT 2017 READ WITH RULE 12 OF THE ELECTION RULES
2017 AGAINST THE DRAFT PROPOSAL OF DELIMITATION
OF CONSTITUENCIES ISSUED VIDE NOTIFICATION
DATED 05-03-2018 IN RESPECT OF BAR KHAN – KOHLU –
SIBBI – DERA BUGTI – LEHRI NOW NA – 259
(BALOCHISTAN)**

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Through

Petitioner



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BEFORE THE WORTHY SECRETARY, ELECTION
COMMISSION OF PAKISTAN

SARDAR MIR BAZ MUHAMMAD KHAN KHETRAN, S/o Sardar Mian Khan Khetrان, R/o Mir Daudabad, Chappar, Tehsil and District Bar Khan, Balochistan (CNIC 5610161774879, Voter Block Code No. 459030304 Serial No. 175, Chappar, Tehsil and District Bar Khan)

. . . . Petitioner/Applicant

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SIBBI-DERA BUGTI CUM LEHRI NOW NA-259
(BALOCHISTAN)

Respectfully Sheweth,

1. That since 1988 up-until the General Elections held in 2013, the NA - 263 (Now NA - 259) comprised of three (03) Districts namely; Bar Khan, Musa Khel and Lora Lai.
2. That as per the said composition, the said three Districts contained population of people belonging to different ethnicity, race and culture since District Bar Khan comprises of Baloch Tribes whereas District Musa Khal and Lora Lai consisted of different Pashtun Tribes.
3. That after the population census of 2017 and the formulae given therein and as mandated under Article 51(5) of the Constitution of Islamic Republic of Pakistan 1973, the Election Commission of Pakistan (ECP) started to conduct Delimitation of constituencies of National & Provincial Assemblies in accordance with the provisions of newly enacted Election Act 2017 (Act of 2017) and the Election Rules 2017 (Rules of 2017) made thereunder.

4. That while exercising powers under Rule 10 of the Election Rules 2017, the ECP, vide Notification Dated 05-03-2018 has issued proposed new composition of the Provincial Assembly & National Assembly.
5. That as per the draft proposals ("Impugned Proposals"), the District Bar Khan has been merged with District Dera Bugti, District Kohlu, District Sibbi and District Lehri to form one constituency with the nomenclature of NA - 259 (Balochistan).

The details of NA - 259 is reproduced hereunder:

NA - 259

District	Area of District	Population
Bar Khan	3408 Sq. Kms	171556
Dera Bugti	10159 Sq. Kms	312603
Kohlu	7610 Sq. Kms	214350
Sibbi		135000
Lehri		115975

Total Population: 950056

6. That the Petitioner/ Applicant is a political worker, voter member of the instant constituency and have been previously elected as Member National Assembly from the said area, hence he is prejudiced by its formation in the manner abovementioned; therefore the impugned proposals are liable to be set-aside inter-alia on the strength of the following amongst other grounds:

GROUND:

- I) That the impugned proposed draft for delimitation of constituencies of National & Provincial Assembly issued vide the notification is in violation of Sections 20, 21 and 22 of the Election Act 2017 and Rule 10 & 12 of the Election Rules 2017 made thereunder.

II) That Section 20 of the Election Act 2017, prescribes the Principles of delimitation, which is reproduced hereunder:

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.

As per Section 20 supra, while making the impugned draft proposals for delimitation, the geographical compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and homogeneity in the creation of constituency must be considered as relevant parameters for carrying out delimitation. However, in the present case, these pre-requisite conditions have been fully ignored and due to the said ad-hoc exercise of the Committee, the now NA - 259 has been formed with irrational considerations and in this way of the manner, the said constituency of National Assembly now comprising of five districts has become one of the largest constituency in terms of

both area and population; which requires interference by this August Commission.

- III) That, in addition, Rule 10 of the Election Rules 2017 provides the mechanism for implementation of Section 20 of the Election Act 2017. The Rule 10 of the Election Rules 2017 is reproduced hereunder:

10. Draft proposals for delimitation of constituencies:

(1) A Delimitation Committee constituted under rule 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.

(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:

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Provided that a Patnam Circle or, as the case may be, a Topadar 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.

14) That as per Rule 9(3) of the Rules 2017, the ECP was also mandated to issue 'guidelines' to conduct the delimitation in order to guard the same from any influence so that elections could be conducted in free, fair and just manner. However the ECP did not issue any such guidelines until the entire process was nearing its end; therefore the draft delimitation have been issued on the entire whims and desires of the officials of the delimitation committee.

V) That as mentioned above, vide the impugned draft proposals the District Bar Khan has now been included with District Dera Bugti, District Kolhu, District Lehri and District Sibbi to form one constituency i.e. NA - 259. As a result of this ad-hoc exercise as well as pure whims & desires of the Committee and lack of guidelines and propriety, the area of NA - 259 from one end of its boundary to the other consists of more than 500 Kms. which alone shall cause great convenience to the local public and would also adversely affects the rights of the voters, thus the outcome of the elections. *Copy of the map of the province of Balochistan is attached herewith as Mark A.*

VI) That it is also relevant to note that population quota for a single constituency out of the total 16 constituencies in National Assembly in the Province of Balochistan, vide Notification Dated 05-03-2018, is 771546. It be noted that the lowest population in one constituency of National Assembly in the Province of Balochistan is NA - 262 Kachhi Gum Jhal Magsi and the population of the said constituency is 386255. In another constituency i.e. NA - 260 Nasirabad which consists of only District Nasirabad, the population is 492609. It be appreciated that boundaries of both NA - 260 and NA - 262 touch the boundaries of NA - 259, however the Committee instead of increasing the areas & populations of the said two constituencies i.e. NA - 260 and NA - 262, made NA - 259 one of the largest in the entire Province of Balochistan. The said acts of the Committee are disproportionate and unlawful.

VII) That keeping in view the above said dilemma, the delimitation committee has completely ignored the provisions of the Elections Act 2017 as well as Election Rules 2018, made thereunder.

VIII) That keeping in view, the above mentioned impropriety and violation of the Law as well as the Rules made thereunder, the applicant proposes as under:

PROPOSAL OF THE PETITIONER/APPLICANT:

PROPOSAL I

Proposed composition of NA - 259, NA - 260 and NA - 262

- I) That it is proposed that NA - 259 should comprise of the following Districts:

District	Population
Bar Khan District	171556
Kolhu District	214350
Sibbi District	135000

Total Population: 520906

- II) That the remaining area/districts included in the constituency, proposed by the Committee, i.e. District Dera Bugti population of 312603 should be included in NA - 260 Nasirabad and District Lehri population of 115957 should be made part of NA - 262 Kachi Cum Jhal Magsi.

- III) That in this way of the manner, by inclusion of District Dera Bugti in NA - 260 Nasirabad, the population of NA - 260 shall become 805212 whereas after the inclusion of District Lehri in NA - 262 Kachi Cum Jhal Magsi, the population of said constituency shall become 502230.

It is relevant to note that by resorting to the instant proposal submitted by the Petitioner, the proposed constituencies of National Assembly shall be more compact and their homogeneity shall be preserved. Furthermore the distances within the constituencies &

their areas, as proposed, shall be lesser than as present, which shall in turn be more convenient for the local public.

Copy of the Proposal I is attached as Mark B

PROPOSAL II

Proposed composition of NA - 258, NA - 259, NA - 260 and NA - 262

- 1) That presently NA - 258, as proposed by the Committee, consists of the following Districts:

District	Population
Musa Khel	167017
Lora Lai	244400
Dukki	153000
Harnai	97017
Ziarat	160422

Total Population: 821856

- II) That the District Musa Khel (Population - 167017) alongwith District Bar Khan and District Kohlu should form one constituency with the nomenclature of NA - 259 in the following manner:

NA - 259 Musa Khel Cum Bar Khan Cum Kohlu
(Proposed by the Petitioner/Applicant)

District	Population
Musa Khel	167017
Bar Khan	171556
Kohlu	214350

Total Population: 552923

The said proposed constituency is practical and proportionate and it restores the previous constituency in the area. The said constituency, if accepted comprises of people of the same language, culture and customs.

III) That if District Musa Khel is excluded from NA - 258, as proposed the population of NA - 258 shall become 645839 which shall then consist only of the following Districts;

- i) Lora Lai
- ii) Dukki
- iii) Hamai
- iv) Zarat

IV) That District Dera Bugti be included in NA - 260 (Nasirabad) and the population of NA - 260 shall become 805212.

V) That corollary thereto, the District Sibbi and District Lehri should be included and should form part of NA - 262. Kachi Gunn Jhal Magsi and after inclusion of Districts Sibbi and Lehri in NA - 262, the population of the said constituency shall become 637230.

Copy of Proposal II is attached as Mark C.

7. That the above mentioned proposals are suggested keeping in view the provisions of the Act & Rules made thereunder as well as compactness, language, homogeneity, transportation and convenience and welfare of the local public.

PRAVER:

It is therefore respectfully prayed that in lieu of the facts narrated above, the instant representation may graciously be accepted and the proposed drafts of the constituencies of National Assembly (in Balochistan) submitted by the Petitioner/Applicant may graciously be accepted.

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Any other relief, which this Honourable Commission, may deem fit and proper in the circumstances, may graciously be granted.

PETITIONER,
Through Counsel(s)

SHAH KHAWAR
Advocate Supreme Court of Pakistan



HASAN RASHID QAMAR
Advocate

SHAH KHAWAR
Advocate Supreme Court of Pakistan

Hassan Rashid Qamar
Advocate