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BEFORE, THE ELECTION COMMISSION OF PAKISTAN

REPRESENTATION UNDER SECTION 21 OF THE ELECTION ACT, 2017 READ WITH  
RULE 12 OF THE ELECTIONS RULES, 2017 AND OTHERS ENABLING PROVISIONS  
CHALLENGING THE PRELIMINARY PROPOSAL PERTAINING TO THE DELIMITATION  
OF THREE CONSTITUENCIES OF ISLAMABAD (ICT) NA-52, NA-53 AND NA-54

Respectfully Sheweth:-

1. That the instant representation is being filed by Mr. Ahmed Osama Tahir S/O Abdul Ghaffar Tahir R/O House No 1615, Main Double Road, Sector I-10/1, Islamabad (the "Applicant"). The Applicant after fulfilling all the codal formalities and requirements has been registered as a voter by the relevant authority and currently is a registered voter member of NA-54, Series No 12, Block Code No 501130508 and is competent to file the instant representation. The applicant is well known political worker who believes in democratic process and always endeavored to play his due role in the prosperity of the democratic process under the law.

(copy of voter list and CNIC is attached as annexure "A" and "B")

2. That in consequence of the fresh census and electoral reforms etc. which have culminated into the realization of the fact that the constituencies and the population ratio has been miserably imbalanced and maintaining the proper ratio is real concept of Doctrine of Representation. This realization has resulted in to the introduction of the new constituencies at National and Provincial level across the country. As it is an admitted fact that creating of constituencies is directly linked with the population of a specific

area therefore this basic Doctrine which is the root of creation of constituencies is also linked with the delimitation process and therefore the same has been adopted by the Election Act, 2017 (the "Act") and Election Rules, 2017 (the "Rules") for the purposes of delimitation.

3. That the recent exercise of delimitation conducted by the election commission of Pakistan (ECP) culminated through a notification No F.8(3)/2018-Elect-I dated 05-03-2018 issued by ECP under section 21(1) of the Act read with rule 11 of the Rules is not in accordance with the principles as laid down in the relevant provisions of the Act and Rules with respect to delimitation to the extent of three constituencies of Islamabad that is NA-52, NA-53 and NA-54 including but not limited to the principle of ratio of population, contiguity, closeness, homogeneity, compactness and administrative fairness.

However, being voter member of NA-54, the Applicant challenges the proposed delimitation which by its very nature will also consequently engulf the other two constituencies as well.

4. That through the instant representation, being aggrieved of the notification as mentioned in the preceding paragraphs, the applicant seeks correction/modification/alteration/fresh delimitation in the National Assembly Constituencies of Islamabad inter alia on following grounds;

● GROUND S;

- I. That the population of the Federal Capital as per the last census is 2,001,579 and the seats for the National Assembly allocated to federal capital are three, hence the quota as per formula for each constituency is 6,67,193.

That the population as per the proposed delimitation for constituency of NA-52, 53 and 54 are 7,00,744, 6,700,83 and 6,30,152 respectively witch is against the principle laid down in Section 20 of Election Act, 2017 and Rule 10(5) of the Election Rules, 2017.

The later speaks as;

“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 closed as may be practical to the quota” (Emphasis Provided)

It is imperative to note that the Quota settled for each National Assembly seat in Federal Capital is 6,67,193 and as per the propose delimitation the population NA-54 is 6,30,152, therefore, the difference is of 37,041 which is 5.55 % less than the Quota settled for each National Assembly seat of Federal Capital and likewise the proposed delimitation population of NA-52 is 7,00,744 which is 5.02% greater than the Quota. However, the proposal presented by the applicant is the finest way out of the rows mentioned in the representation in hand.

- II. That moreover as per the 'principles' of delimitation, envisaged in Section 20 (3) of the Act, the variation in the population of constituencies of the an Assembly or a local government shall not ordinarily exceed 10%, However, surprisingly the delimitation committee miserably failed to appreciate that as per their proposal the variation in population on NA-54 and NA-52 exceeds 10% (7,00,744-6,30,152 = 70,592). This disparity of population amongst two constituencies is against the intent of legislature, hence, the same is liable to modified/ altered on this score alone.
- III. That the proposed delimitation of NA-54 as per notification issued by ECP is in sheer violation of the 'principles of delimitation' envisaged in section 20 of the Act, particularly neither the population has been disturb in 'geographically compact' area nor the physical features, existing facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies of federal capital has been appreciated.
- IV. That in addition to preceding paragraph, rule 10 (5) of the rules has floated by not starting the delimitation process of constituencies of federal capital from the northern end and in zigzag manner.
- V. That bare perusal of provisions of the Act and the Rules promulgated there to reveals that same has not been adhered to in the proposed delimitation, hence, Under Rule 12(2) of the Rules, the present applicant /petitioner submits the detail of how the constituencies of national Assembly of federal capital may be delimited in following attached annexure

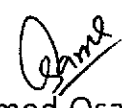
PROPOSAL

That the proposal is attached is as annexure P with representation along with all the necessary documents.

PRAYER;

Its is therefore humbly requested that the instant representation may kindly allowed and any of the proposed changes hereinabove may kindly be incorporated to ensure the delimitation of NA-52,53 and 54 is in conformity with the statutory provisions and the rules made thereunder.

APPLICANT



Ahmed Osama Tahir  
61101-2425287-7  
0301-5057007