

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD

Representation No. _____/2018

In the matter of de-limitation of constituencies:

Tahir Sadiq s/o Sardar Muhammad Sadiq
(CNIC.37101-9851207-1)
Bahather, Tehsil Fateh Jang
District Attock, Punjab

_____Petitioner

Representation under § 21(3) of the Election Act, 2017 r/w the Provisions of Chapter-III, Part.A of Election Rules, 2017 on behalf of Petitioner for making appropriate amendments, alterations or modification in the Preliminary List of Proposed Constituencies of Distt Attock (Proposed NA-55 & NA.56 (Attock-I & II))

The Petitioner respectfully submits as follows:

1. The Petitioner namely Tahir Sadiq is the former member of the Provincial Assembly Punjab and Former District Nazim Attock, Punjab. He is known for his long-standing political stature. His son is the incumbent Member of the National Assembly from Attock and his daughter is the incumbent District Chairperson District Attock. He is also a registered voter of the proposed constituency.
2. As far as relevant and material to the titled presentations, it is submitted that **Article 51** of the Constitution provides that there shall be **342** of the National Assembly, including seats reserved for women and non-Muslims. According to this Art.51, **141 General Seats** and 33 reserved seats for Women have been allocated to the Province of Punjab for **National Assembly**. According to Art.106 of the Constitution, **297 General Seats**, 66 Reserved Seats for Women and 8 Seats Reserved for Minority have been allocated to the **Province of Punjab for Provincial Assembly**.
3. As far as District Attock Punjab is concerned, since 2002, it had three National Assemblies Constituencies - NA.57 (Attock-I), NA.58 (Attock-II) and NA-59 (Attock-III). While for the Provincial Assemblies it had been allocated five Provincial Constituencies - PP.15 to PP.19 (Attock-I to Attock-V).
4. Now according to the Preliminary Report on Proposed Constituencies issued by this Hon'ble Commission after the publication of the Census Report for 2017, Province of Punjab has been divided into 141 territorial constituencies for National Assembly on the Census of 2017. The so-called *quota* per seat in respect

of each National Assembly seat has been determined in relation to Punjab as under:

Total Population of Punjab: 110,017,465

Total Seats for National Assembly of Punjab: 141

Quota Per Seat: $110,017,465/141 = 780,266$

5. Based on the aforesaid population and seat quota with a variation of about 10% as provided in § 20 of the Election Act, 2017, two seats/constituencies have been proposed for District Attock out of 141 seats allocated to the entire Province of Punjab. Thus there is a 'reduction' of one National Assembly Constituency in District Attock. However, there is no reduction in the Provincial Assemblies seats (earlier five seats and now proposed five seats as PP.1 to PP.5 (Attock-I to Attock-V). As far as relevant here to the NA Seats, the two proposed constituencies (NA.55 and NA.56) have been drawn up, accordingly to Form.5 as under:

1) NA.55, Attock-I - (Population, 960,927)

2) NA-56, Attock-II - (Population, 922,629)

6. District Attock has six Tehsils namely (i) Tehsil Attock, (ii) Tehsil Fateh Jang, (iii) Tehsil Hassan Abdal, (iv) Tehsil Hazro, (v) Tehsil Jand, and (vi) Tehsil Pindi Gheb. The entire population of District Attock is 1,883,556 and based on this population two seats have been allocated to District Attock. Therefore, it is submitted that the 'proposed constituencies' in which amongst others, there is a difference of almost forty (40) thousand in the population of the constituencies, if finalized by this Hon'ble Commission, would adversely affect the rights and interests of the general public of the area for several reasons as, *inter alia*, summarized hereinafter. Hence, this representation for appropriate adjustment and modification in the Proposed Constituencies namely NA.55 and NA.56 (Attock-I and Attock-II respectively).

7. Art.222 of the Constitution provides that 'Parliament may by law provide for, (a) the allocation of seats in the National Assembly as required under Art.51 (3) and (4) of the Constitution, and (b) the delimitation of constituencies by the Election Commission of Pakistan. It is thus, constitutional obligation of this Hon'ble Commission to delimit the constituencies in accordance with law. Now, Section 17 of the Election Act, 2017 provides that '*Election Commission shall delimit the constituencies after every census officially published*'.

8. To de-limit a constituency, the broader principles have been summarized in § 20 of the Election Act, 2017 that as far as practicable, be delimited having regard to the (i) distribution of population in geographically compact areas, (ii) physical features, (iii) existing boundaries of administrative units, (iv) facilities of communication and public convenience and (v) other cognate factors to ensure homogeneity in the creation of constituencies. It has also been provided that '*as far as possible, variation in population of constituencies of Assembly shall not ordinarily exceed ten percent*'.

9. In this view especially in view of proportionate population for each constituency, compactness of the area and general convenience of the people, it is suggested as under:

(a) **National Constituency NA.55, Attock-I**, shall be drawn up on the population of Tehsil Attock, Tehsil Jand and Tehsil Pindi Gheb excluding the 11 PCs of Khour HQ of Tehsil Pindi Gheb namely, (1) Amdal, (2) Bawera, (3) Dhok Mela, (4) Ganda Kas, (5) Gulial Khouran, (6) Kamrial, (7) Khour, (8) Maghian, (9) Makial, (10) Maluwala and (11) Pind. With the aforesaid areas as a whole, the population of NA.55, Attock-I would come upto 938,639 in a geographically compact area with close links and convenience of the people.

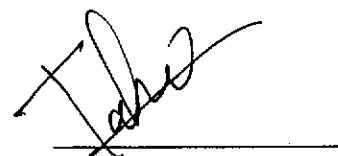
(b) **And National Constituency NA.56, Attock-II**, shall be drawn up on the population of Tehsil Hazro, Tehsil Hassan Abdal and Tehsil Fateh Jang. This constituency shall also include the abovementioned PCs of Khour HQ of Tehsil Pindi Gheb namely, (1) Amdal, (2) Bawera, (3) Dhok Mela, (4) Ganda Kas, (5) Gulial Khouran, (6) Kamrial, (7) Khour, (8) Maghian, (9) Makial, (10) Maluwala and (11) Pind. This way the population of NA.56, Attock-II will come upto 944,917.

10. It is submitted that it is settled law and international practice in delimitation of the constituencies that 'totality of circumstances' to be taken into account also known or called as 'redistricting standard'. Accordingly, in view of the 'totality of circumstances' standard, the best presentation is what has been suggested hereinabove. It may be added that, *inter alia*, it is the constitutional right of the general public of the area under Article.17 to have "real representatives". In case, the 'proposed constituencies' are not reviewed, altered and modified as

suggested, the rights and interests of the people of the area would be adversely affected and prejudiced. This would not be warranted in law.

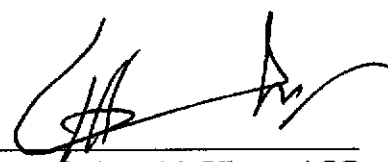
11. Hence, this presentation before the Hon'ble Commission of Pakistan for directions as suggested hereinabove. The Petitioner craves leave of this Hon'ble Commission to take up additional pleas and make further submissions and suggestion, if need be, during oral hearing of the titled presentation in the interest of justice.

It is therefore most respectfully prayed that the Hon'ble Commission may kindly be pleased to consider and allow the titled presentation and finalized NA.55 (*Attock-I*), and NA.56 (*Attock-II*) as suggested hereinabove and may further be pleased to make all appropriate adjustment, amendment, alteration and modification to the Proposed Constituencies in the interest of justice.



Tahir Sadiq

Through



Barrister Gohar Ali Khan, ASC

Dated: 31-03-2018