

BEFORE THE HONORABLE ELECTION COMMISSION OF PAKISTAN

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12/04/2018

Representation under section 21(3) of the Elections Act 2017 read with Rule 12 of the Election Rules 2017

The petitioner, most respectfully, submits as under:

1. That the petitioner is citizen of Pakistan and is registered as voter in district Gujrat. (Copies of CNIC and voter certificate of the petitioner are annexed with this petition).
2. That it is well settled law that equality of population between constituencies of an Assembly is basic and paramount principle of delimitation. This principle has also been reiterated under section 20 of the Elections Act 2017. It has also been laid down in many judgments of the superior courts that delimitation of constituencies is an important and complicated matter. It needs great care and skillful handling. It may seriously affect the result of an election and may (if not properly done) make a fair election impossible. Delimitation of constituencies is the first and essential requirement for a valid election and its absence renders the whole process of elections invalid and void.
3. That it is matter of great concern that a large number of constituencies of National Assembly have been delimited in violation of this basic principle of equality of population. It is provided under section 20(3) of the Elections Act that as far as possible, variation in population of constituencies of an Assembly shall not ordinarily exceed ten percent. But it is evident from the draft proposals for delimitation of constituencies that the variation in population of many constituencies has far exceeded the limit of ten percent, as in case of some constituencies this variation is more than fifty percent. Although sub-section 4 provides that 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, but even in very exceptional case variation to the extent of fifty percent can not be justified. It seems that the delimitation committee has considered the Rule 10(4) very sacrosanct to the



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extent of delimitation of three provinces and many constituencies has been delimited in sheer violation of the core principle of equality of population just to keep the constituencies within the limit of district. This is inconsistent with provision of the Elections Act. Violation of the paramount principle of delimitation provided in Elections Act just to comply with a guidance given in rules is completely uncalled for and unlawful. This could not have been done without doing violence to the language of law and express intention of the legislature. Rules have been drafted in such a manner that has caused confusion. Rules must be drafted in such a manner that all the purposes of enacting the law and enforcing the scheme intended by legislature may be achieved without any confusion and ambiguity. This exceedance from the maximum permissible limit of population was not ineluctable, as the constituencies can be very easily delimited within prescribed limit of population by forming groups of districts in apposite cases. The delimitation committee has constituted groups of districts in province of Balochistan to delimit the constituencies, same principle can also be followed in other provinces to avoid violation of statutory provisions regarding equality of population.

4. That according to the notification issued by the Honorable Election Commission of Pakistan, the average population for the constituencies of National Assembly is 780266. The following constituencies have been delimited in violation of section 20 of the Elections Act:

- i. NA 17 Hari Pur (Population= 1003031)
- ii. NA 32 Kohat (Population= 993874)
- iii. NA 35 Bannu (Population= 1167892)
- iv. NA 55 Attock (Population= 960927)
- v. NA 56 Attock (Population= 922629)
- vi. NA 87 Hafiz Abad (Population= 1156957)
- vii. NA 114 Jhang (Population= 957220)
- viii. NA 121 Sheikhpura (Population= 919758)
- ix. NA 140 Qasoor (Population= 898021)
- x. NA 145 Pakpattan (Population= 911655)
- xi. NA 146 Pakpattan (Population= 912032)
- xii. NA 187 Layya (Population= 917701)

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- xiii. NA 188 Layya (Population= 906529)
 - xiv. NA 196 Jacob Abad (Population= 1006297)
 - xv. NA 197 Kashmor (Population= 1089169)
 - xvi. NA 220 Omar Kot (Population= 1073146)
 - xvii. NA 229 Badin (Population= 922910)
 - xviii. NA 232 Thatha (Population= 979817)
 - xix. NA 233 Jam Shoro (Population= 993142)
 - xx. NA 259 Dera Bugti etc (Population= 950056)
 - xxi. NA 268 Mastung etc (Population= 1083497)
 - xxii. NA 271 Kuch (Population= 909116)
 - xxiii. NA 12 Butgram (Population= 476612)
 - xxiv. NA 15 Abbot Abad (Population= 649410)
 - xxv. NA 33 Hango (Population= 518798)
 - xxvi. NA 37 Tank (Population= 391889)
 - xxvii. NA 67 Jhelum (Population= 546113)
 - xxviii. NA 94 Khushab (Population=622551)
 - xxix. NA 199 Shikar Pur (Population= 588185)
 - xxx. NA 262 Kachhi (Population= 386255)

In view of above, it is hereby very humbly prayed that, in order to rectify the abovementioned illegalities, the concerned constituencies may very kindly be reconstituted in accordance with law.

Petitioner

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Through:

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