

**BEFORE THE ELECTION COMMISSION OF PAKISTAN**

**REPRESENTATION/OBJECTION PETITION UNDER SECTION 21(2) OF THE ELECTION ACT, 2017, READ WITH RULE 12 OF THE ELECTION RULES, 2017, AGAINST DELIMITATION OF CONSTITUENCIES OF NATIONAL ASSEMBLY OF PAKISTAN OF DISTRICT SIALKOT.**

Respectfully Sheweth;-

**Subject Matter of the Objection Petition,-**

That by the submissions, facts, grounds and prayer hereinafter, in essence, through the instant Representation/Objection Petition, the petitioner is aggrieved of and seeks correction in the Constituencies of district Sialkot, published *vide* ECP's Notification No. F.8(3)2018-Elec-1, dated the 5<sup>th</sup> March, 2018, under Section 21(1) of the Election Act, 2017 (hereinafter to be referred as "the Act"), read with Rule 11 of the Elections Rules, 2017, (hereinafter to be referred as "the Rules"), as **Preliminary List of Constituencies (the Impugned List)**. The claim in the titled Representation is, *inter-alia*, premised on violation of the well established Principles of Delimitation of Constituencies, administrative fairness, constitutional and statutory obligations, duties and violation of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan-1973, (hereinafter to be referred as "the Constitution"). The impugned Constituencies published in the Preliminary List *vide* Notification referred to above are Gerrymandered, without application of independent mind, beyond jurisdiction without observing the procedure laid down under Section 21(1)*ibid.* and evidently incipient, arbitrary, unreasonable, unfounded, tenuous, speculative, irrational, unsubstantiated and illegal, the same is violative of the Constitution and the **Principles of Delimitation of Constituencies** enshrined in the Act.

That the instant Representation / Objection Petition has arisen out of the

following necessary facts;

1. That I, Kaleem Sarwar S/O Muhammad Sarwar NIC # 34601-7183218-7 R/O Kot Chadu P/O Jameke Cheema, Bheelo Mahar, Tehsil Daska , District Sialkot is bona-fide resident and registered voter of Constituency No. NA-74 Sialkot-III, of district Sialkot, as proposed in the Preliminary List of Constituencies by the election Commission of Pakistan.
2. That the Election Commission of Pakistan has published Preliminary List of *National* Assembly Constituencies of district Sialkot along-with others districts, by the ECP vide ECP's Notification No. F.8(3)2018-Elec-1, dated the 5<sup>th</sup> March, 2018. (Annexure-A).
3. That Sialkot district comprising Four Tehsils, i-e, Sialkot, Pasrur, Sambrial and Daska with Total Population of 3,893,672, in terms of Provisional Results of Census-2017 released by the Census Organisation.
4. That 5 constituencies of National Assembly of Pakistan have been allocated to the district of Sialkot.
5. That Quota for each National Assembly Constituency comes to 778,734 with Maximum upper limit of Population of 817,000 and Maximum Lower limit of Population of 739,000. (Summary of District & Quota is at Annexure-B).
6. That the ECP has delimited the National Assembly Constituencies of district Sialkot as following;-

<b>NA-72 Sialkot-</b>	Pasrur Tehsil Excluding the following PCs of Sakanwind QH:	840,881
	a) Bassu Punnun	-7,728
	b) Gaythlian	-4,265
	c) Harwens Pur	-6,487
	d) Hossa Jajjah	-7,105
	e) Kila Subha Singh No. 1	-12,591

	f) Kila Subha Singh No. 2 g) Maloke No. 1 h) Maloke No. 2, and i) Uddofatah of Sialkot district	-7,472 -5,664 -3,698 -7,859
	<b>Total Population of the Constituency</b>	<b>778,012</b>
NA-73 Sialkot-II	1) SaukanWind QH of Pasrur Tehsil excluding the following PCs: a) Bhure Ke, b) Chuhra Munda, c) Miro Bhadyar, d) Pejoke, e) Saukanwind, and f) Thatha Bajwa ,and 2) Daska Tehsil excluding Mirza Goraya QH, of Sialkot District	99,044 -3,070 -5,761 -5,879 -5,657 -10,054 -5,754 846,933 -145,294
	<b>Total Population of the Constituency</b>	<b>764,508</b>
NA-74 Sialkot-III	1) Mirza Goraya QH of Tehsil Daska 2) Sambrial Tehsil 3) Khambran Wala QH of Sialkot Tehsil, and 4) The following PCs of Sialkot-II QH of Sialkot Tehsil: a) Ugoki b) Ballan wala c) Bhagwal No. 1 d) Ganjian Wali Kalan e) Jorian Kalan f) Moman No.1 and g) Murad Pur No. 2 of Sialkot District	145,294 411,200 61,659 44,270 26,493 13,197 17,016 14,795 14,896 25,323
	<b>Total Population of the Constituency</b>	<b>774,143</b>
NA-75 Sialkot-IV	1) Municipal Corporation Sialkot 2) Sialkot Cantonment and 3) The following PCs of Sialkot-II QH of	591,668 64,184

	<b>Sialkot Tehsil:</b> a) Murad Pur-I b) Bhagwal No. 2 c) Adalat Garh I and d) Adalat Garh II of Sialkot District	73,237 21,347 48,841 24,046
	<b>Total Population of the Constituency</b>	<b>823,323</b>
<b>NA-76 Sialkot-V</b>	(a) Sialkot Tehsil excluding The following:	1,794,658
	1) Sialkot Municipal Corporation	-591,668
	2) Sialkot Cantt,	-64,184
	3) Khambran Wala QH and 4) Sialkot-II QH	-61,659 -323,461
	of Sialkot District	
	<b>Total Population of the Constituency</b>	<b>753,686</b>

7. That the Map of District Sialkot marked with National Assembly Constituencies by the Election Commission of Pakistan does not reflect the actual position and boundaries of the contituencies as mentioned in the Impugned Notification dated the 5th march, 2018 .
8. That the Petitioner has illustrated and pointed out the mistakes and errors done by the Committee tasked with the preparation of draft list of constituencies, which reflects that some Islands have been created while delimiting the National Assembly contituencies of district Sialkot. ECP marked map of National Assembly Constituencies, with illustration by the Petioner, can be seen at Annexure-C.
9. That The Constituency Nos. NA-73 Sialkot-II, NA-74 Siakot-III and NA-76 Sialkot-V are neither compact nor contiguous, rather comprising two parts which are located away from eachother.
10. That Two Patwar Circles of QH Budha Goraya, namely Matteke and Richhara included in the Constituency No. NA-73 Sialkot-II, are not contiguous and situated more than the distance of 5KM from rest of the

Constituency, as both the PCs are separated by Mirza Goraya QH from rest of the Tehsil and have no land link and adjacency with the constituency in which they have been included.

- 11. That Budha Goraya QH comprising PCs;- I. Kanwanlit, II. Mondeke, III. Jandukey, IV. Lurhiki, V. Malomahay VI. Gujjarke-1, VII. Gujjarke-2, VIII. IX. Matteke, and X. Rachhara. (Annexure-D)
- 12. That two Patwar Circles of Budha Goraya QH namely, Matteke Nagra and Richhara are not Contiguous with rest of the Patwar Circles of the QH Budha Goraya and surrounded by Mirza Goraya QH of daska Tehsil, Gunna Kalan QH of Sialkot Tehsil and Pasrur-1 & Pasrur-II QHs of Pasrur Tehsil having no boundary contiguity and adjacecy with rest of the areas of its own QH Budha Goraya and the Constituency No. NA-73 Sialkot-II.
- 13. That inclusion of two Patwar Circles Matteke and Rachhara of Budha Goraya QH in NA-73 Sialkot-II has bifurcated the constituency into two separate parts and both the PCs lying as an Island in the center of other three constituencies.
- 14. That similar case is with the Patwar Circle Justerwal, of Kotli Loharan QH, the Patwar Circle is located in the middle of Khambranwala QH which is forming part of NA-74 Sialkot-III, alongside River Chenab and has no adjacecny with its QH Kotli Loharan But the Kotli Loharan entire QH has been included in Constituency NA-76 Sialkot-V.
- 15. That disparity of population is at high side and Priciple of equal distribution of Population between the contituencies of the district has been ignored and just apportionment of people and land has not been kept in mind which the pre-requisite of delimitation of electoral constituencies.
- 16. That the impugned List of Constituencies published on 5th March, 2018 are unsustainable inter-alia on the following grounds among others;-

- 4) Distribution of Equal Population,
- 5) Geographical Compactness,
- 6) Physical Features,
- 7) Existing Boundaries of Administrative Units,
- 8) Facility of Communication,
- 9) Public Convenience, And
- 10) Homogeneity,

i) That procedure for delimiting constituencies has been provided under Sub-rules 3 to 5 of Rule 10 of the Election Rules, 2017, reproduced as under-

*“(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:*

*Provided that a Patwar Circle or, as the case may be, a Tapedar 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.*

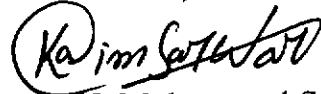
- j) That keeping in view the principles as enshrined under the Election Act, 2017 read with Rule 10 of the Election Rules, 2017, it transpires that no constituency can be created in parts or in the shape of various Islands. Furthermore equal distribution of population and geographical compactness are the most important principles of delimitation and creation of constituencies in violation of Principles are nullity in the eyes of law.
- k) That a plausible proposal/suggestion has been prepared to rectify the errors and serious mistakes occurring in the constituencies for the consideration of this Hon'ble and August Commission. The proposal / suggestion has strictly been framed in compliance of principles of delimitation in their entirety and totality. **(Proposal is at Annexure-E)**
- m) That suggestion is submitted to avoid gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted, meets the requirements of law and based on **Principles of Delimitation of Constituencies** for the conduct of free, fair and just elections in district Sialkot as envisaged under the Constitution. Furthermore, just and fair creation of electoral constituencies is the prerequisite of just and fair elections, if the constituencies are gerrymandered, the election's results cannot attain legitimacy which resultantly injure the credibility of Parliament and Legislative bodies.

n) The above proposal has also been supported with map and extent of constituencies. The constituencies demarcated on the map, are geographically compact areas and the population has been distributed almost equally. **(Annexure - F)**

**PRAYER,-**

It is, therefore, very humbly Prayed that proposal / suggestion submitted at **Annexure-E**, may kindly be considered on merits and any type of gerrymandering and illegality may be checked and avoided to ensure creation of just and legal constituencies for conduct of free, fair and just election in accordance with the constitution and the law and to give level playing fields to all candidates and to promote the essence of democracy and also to attach legitimacy with the elected representatives of the Parliament and provincial Assemblies..

Petitioner,



Kaleem Sarwar S/O Muhammad Sarwar,  
R/O Kot Chadu P/O Bhelomahar,  
Tehsil Daska , District Sialkot

Through

Raja Rizwan Abbasi ,  
Advocate, High Court  
Flat No. 2, Block No. 23, PHA Appartments, G-7/1  
Islamabad

**VERIFICATION**

Verified on oath on this-----day of March, 2018 at Islamabad that the contents of the above Representation / Objection Petition are true to the best of my knowledge and belief.



**Petitioner**

*Rajin Sathoo*