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Before the Secretary, Election Commission of Pakistan,
Islamabad.

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Representation U/S 21(3) Elections Act 2017 read with
Rule 12 of Election Rules 2017 for alteration/modification in
the delimitations of Constituency NA 87, Hafizabad-I.

Respectfully Sheweth:-

1. That the Election Commission of Pakistan vide
Notification No.F-8(3)/2018-Elec-I dated 08.3.2018
published in the official Gazette the Draft list of Delimited
Constituencies of National as well as Provincial
Assemblies. The Constituency NA-87, Hafizabad-I was
notified as follow:

Hafizabad District : 1156957 (Population)

2. That the petitioner being elected Member of
National Assembly from existing NA-103, Hafizabad-II is
well aware of the physical, typographical geographical and

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territorial factors of the whole District and is aggrieved of the Draft Delimitation of NA 87, Hafizabad-I.

3. That the NA 87 consist of whole District of Hafizabad, whereas, prior to it the district consists of two National Assembly constituencies i.e, NA-102 and NA-103 which has now been reduced to one National Assembly Constituency.

4. That instant delimitation of NA-87 consisting of the whole district is illegal, unlawful, irrational contrary to the settled principles of delimitation provided by the Election Act 2017 and Election Rules 2017; hence liable to be set aside and requires modification/alteration on the following amongst other:-

GR O U N D S

- a) That while delimiting the titled Constituency the principles, laws, rules, guidelines and rational behind delimitations have been ignored.
- b) That District Hafizabad was created in 1993 and on

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its creation it was consisted of one National Assembly seat. Thereafter the census was conducted in the year 1998 and after delimitations number of seats were increased to two and NA-102 and NA-103 were allocated to the District Hafizabad. Now after elapse of Nineteen years the census was conducted in year 2017 and the number of seats was reduced to one inspite of 39% increase in the population of the District according the Sixth (6th) Population and Housing Census 2017.

- c) That the Constituency NA-87 is the largest constituency not only in the Province of Punjab but in the whole Pakistan with a major difference of population with all other Constituencies. The Quota per seat for Punjab is 780,266 but the population of 1156957 has been compressed into only one seat which is irrational, illegal and contrary to the settled election laws of the country. The Election

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Commission of Pakistan has admitted the District Hafizabad as Unique District in the Province being the largest National Assembly Constituency but despite admitting fact of uniqueness did not considered the factum rather ignored it without any plausible reason.

d) That the District Hafizabad has been neglected from true representation in the National Assembly on a mere technical ground that according to the Formula for quota per seat the share of Hafizabad is 1.48 which is below 0.5. This technical reason is negligible on many scores such as:-

- (i) Even on technical and mathematical basis the term 0.48 is read or consider on 0.5.
- (ii) The difference of 0.02 is very negligible. Even otherwise admittedly fraction of 0.49 was considered as one in District Swat. Similarly, the fraction of 0.52 was ignored in District Jhang but the same principle and guidelines were not followed in instant matter. Such an act of the Delimitation Committee is discriminatory which is against the settled principles of law, justice and equity.

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- e) That fraction of more than 0.5 to be counted as one seat and less than 0.5 may be ignored according to the rules provided for delimitations of the constituencies but this rule is not a hard and fast criteria. The commission may deviate from the principle in exceptional cases as in the instant matter and all such practice is within the four corners of laws. The principle and law prescribed in Section 20(3) Categorically bars the variation in population of the Constituency of an Assembly which is more than 10% but in the instant case the variation is about 30% from the constituencies allocated to the Province of Punjab and about 20% from the constituencies of the whole Pakistan. It is worth mentioning here that there is variation of more than 40% from many constituencies of National Assembly so on this score alone NA-87 is liable to be revised/ altered/modified by converting it into two

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Constituencies as before.

- f) It is worth mentioning here that any increase in number of Constituencies of District Hafizabad will definitely cause an increase in the overall number of Constituencies which is not permitted by law but it can very safely be balanced by reducing the number of seats from the districts whose seats have been increased by small margins and such reduction does not create any imbalance in the allocation of the seats or the variation of population within those districts. For example reduction of seats from Rawalpindi, Dera Ghazi Khan or Muzaffargarh will create no imbalance and the delimitations of the Constituencies will be within the parameters, principles of the Election laws of the country and guidelines provided by the Election Commission of Pakistan.
- g) That any deviation from the Formula for quota per seat is permitted in the law and the Election Act and

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Rules itself provide that variation from the quota per seat can be made to rationalize the purpose and object of delimitations. Similarly, the extension of any Constituency from the boundaries of the District is also permissible in exceptional circumstances.

- h) That NA-87 is a Constituency for general seat of National Assembly to elect the member by direct and free votes. Instant constituency spread over the length of more than 100KM covering area of 2367 square kilometre and population of 1156957. Its delimitation is violative to all the principles and parameters settled by the Elections Law and Rules such as distribution of population in geographical compact block, physical feature, facilities of communication, public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

- j) That the creation of such a huge constituency in both

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aspects i.e; area and population nearly makes it impossible to effectively communicate within the constituency and negate the object of administration, good governance and effective dealing of services not only for the Representative but also for the general public.

- k) That according to the principles of delimitation one National Assembly seat encompasses two Provincial Assembly seats but in case of NA-87 there are three Provincial Assembly seats with a share of 3.12 within the Constituency of NA-87 which is again violative to the law and rules and is liable to be modified / altered into two National Assembly seats.

- l) That the petitioner has serious objection qua the census result of 2017 of District Hafizabad. It is admitted fact that District Hafizabad is completely agricultural having biggest Rice Market in Asia. More than 80 percent population is agriculturist and larger

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number of people abode in their far off agriculture Units, beyonds the territories of villages. Such population has been ignored while conducting census in the rural areas of the district. This is one of the reason that overall growth in population from 1998 to 2017 is 57% but in case of District Hafizabad it is only 39%. It means that the calculated data of census 2017 lacks accuracy and the population is much less than the actual size. So this physical condition also require increase in number of seats of National Assembly.

- m) That the existing delimitation of NA-87 as notified is politically motivated against the interest of the general public and settled principles of the delimitation and contrary to the principles of good governance and better services depriving the residents of the District from true representation in the National Assembly.

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PRAYER:

In view of the submissions made above and keeping in view of the principles of delimitation settled by the Election Act and Rules for better services to the general public, and for keeping administrative, territorial, geographical homogeneity within the constituencies of National Assembly, the delimitations of the Constituencies NA-87 be set aside and be converted into two National Assembly Constituencies as existing at present in the form of NA-102 & NA-103 by down sizing the number of allocated seats to any other District of the Province of Punjab as proposed in para (f) of the titled Representation or any other District as deem fit and appropriate by the Election Commission of Pakistan.



PETITIONER

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75. سندھ ہائی کورٹ

MIAN SHAHID HUSSAIN BHATTI (MNA NA-103)
s/o Mian Asghar Ali Bhatti, r/o Jalapur Bhattian,
Tehsil Pindi Bhattian, District Hafizabad.

THROUGH COUNSEL:


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C.C. No.P-HZ-20164

Dated: 30.03.2018