



**BEFORE THE ELECTION COMMISSION OF PAKISTAN,**  
**ISLAMABAD**

Representation No. /2018

Malik Aziz Hussain Jara S/o Malik Hussain Bakhsh Jara  
Resident of Village Jharkil Tehsil Noorpur District Khushab

.....Petitioner


Versus

Delimitation Committee Under Rule 9, Election Rules, 2017

.....Respondent

**REPRESENTATION UNDER SECTION 21(2) OF ELECTION ACT,**  
**2017 READ WITH RULES 12 OF ELECTION RULES, 2017 AGAINST**  
**PRELIMINARY REPORT SUBMITTED BY DELIMITATION**  
**COMMITTEE, REGARDING (CONSTITUENCY NO. NA-94,**  
**DISTRICT KHUSHAB-II), IN THE PROVINCE OF PUNJAB**

Humbly Sheweth:-

1. That the petitioner was elected as Nazim of Union Council No. 45 Jharkil District Khushab in the local bodies election held in 2000. Later the petitioner contested the general election held in year 2008 as a candidate of MPA from the constituency No. 42, District Khushab and now the petitioner is an elected member of District Council Khushab and want to participate in the coming general election as an MNA from NA-94.
  2. That the petitioner is a registered voter in constituency No. NA-94 khushab-II, and the petitioner's name appears in the electoral list pertaining to electoral area village jharkal block No. 04 Tehsil Noorpur District Khushab at Serial No. 34. The extract of the electoral list of the area is attached herewith as Annexure A for ready reference.
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3. That according to the preliminary report, submitted by Delimitation Committee, the proposed area, comprising of constituency No. NA-94, Khushab-II is comprised of following areas:-

- A) Municipal Committee Jauharabad
- B) Municipal Committee Hadali
- C) Municipal Committee Mitha Tiwana
- D) Following QH of Khushab Tehsil:
  - i) Girot
  - ii) Mitha Tiwana
  - iii) Jauharabad; and
  - iv) Noorpur Thal TehsilOf District Khushab.

It may be pertinent to mention here, that the petitioner's name appears in this constituency and in the past he has been contesting from this constituency. This constituency is comprised of 622,551 registered population according to the National Census of 2017.

Copy of Map of District Khushab issued by Election Commission of Pakistan is attached here as **Annexure B.**

4. That the Delimitation Committee of the Election Commission has erroneously disconnected Municipal Committee Khushab and unnaturally connected it with NA-93, which is totally against the principles of Delimitation laid down in the Gazette of Pakistan, Extra, October 2, 2017 (part I).

5. That the District of Khushab consists of geographically and culturally two types of areas; consisting of two constituencies namely NA-93, (Khushab-I) and NA-94, Khushab (II). These two constituencies mentioned above were identified and demarcated as NA-69 (Khushab-I) and NA-70 (Khushab-II) in the General Election of 2002 to 2013. For reference purpose the constituency NA-69 (present No. NA-93) was comprised of following areas:

- a) Soan
- b) Mohar
- c) Mitha Tiwana
- d) Quaidabad

And the total population of the area mentioned above was 451,584, whereas NA-70 (present No. NA-94, Khushab-II) was comprised of following areas:

- a) Municipal Committee Khushab
- b) Municipal Committee Jauharabad
- c) Municipal Committee Hadali
- d) Noorpur Thal Tehsil

It had a population of 454,127. The difference of population between the two constituencies in year 2013 was only 3,000.

**6.** That on the basis of fresh national census, which was held in the year 2017, the new constituencies of National Assembly of District Khushab were carved out malafidely, without any legal need, in order to give advantage to some notable political personalities of the area and to give a political shock and surprise to their opponents, thus the said areas were given new number as NA-93 and NA-94, with proposed changes by respondent. (A)

**7.** That it is pertinent to mention here, that the principles laid down for delimitation as per section 20 of The Gazette of Pakistan, Extra- October 2, 2017 Part-I is reproduced here:

*"20. Principles of Delimitation.- (1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of the communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies."*

BUT the delimitation committee of the election commission disconnected Municipal Committee Khushab and unnaturally connected it with NA-93 which is totally unnatural connection according to the ground realities, some un rebuttable points are very important to mention here:

(i) As per notification dated 29<sup>th</sup> December, 1983, Government of Punjab (Revenue Department), the city of Jauharabad (now Municipal Committee Jauharabad) was declared Headquarter of District Khushab (copy of notification dated 29<sup>th</sup> December, 1983 is attached here as **Annexure C**).

(ii) That as per notification attached as Annexure B, the district of Khushab has its district headquarter at Jauharabad, thus the cities of Khushab and Jauharabad are politically, socially, historically, geographically and administratively are one unit, connected and homogeneous; and called as twin cities, even district level offices of different departments are located in both cities Khushab and Jauharabad (Twin Cities). This natural unity has been disturbed with the application of gerrymandering which is considered odd both politically and morally in national as well as international levels.

(iii) That a big number of population of Moza Khushab as per revenue record is now a part of municipal limits of Municipal Committee Jauharabad in shape of colonies i.e. Naich Colony, Sujra Colony, Ulfat Colony etc. (Part of proposed NA-94). So, the disconnection of Municipal Committee Khushab from adjoining city of Municipal Committee Jauharabad is unnatural against the principles of natural justice and equity and specially against the scheme and principles of delimitation.

(iv) That, as per ground reality which may be shown through map (**Annex B**), the city of Khushab proposed by delimitation committee as NA-93 is too far away from other part of proposed NA-93 because the public and candidates of proposed NA-93 can not move to other parts of NA-93 without crossing a big distance of NA-94 that is against the principles of physical features, facilities of communication and public convenience and other cognate factors as mentioned in Section 20 of The Gazette of Pakistan, Extra, October 02, 2017 (Part I).

8. That according to section 20(3) of the Gazette of Pakistan, reproduced here:

"(3) as far as possible variation in population of constituencies of an assembly or a local government shall not ordinarily exceed 10%."

If the constituencies of District Khushab NA-69 (now proposed NA-93) and NA-70 (Now proposed NA-94) are kept intact then the situation is as under:

(i) Population of NA-69 (now NA-93) = 611,580

(ii) Population of NA-70 (now NA-94) = 669,719

Difference between I and II = 58,139

The percentage of the difference between (I) and (II) is less than 10%.

So, there was no need to change existing areas of population of NA-69 and NA-70, except only in number, as NA-93 and NA-94. The proposed changes in areas of population by the Delimitation Committee in NA-69 (now NA-93) and NA-70 (now NA-94) are useless, unnecessary and against the principles of delimitation as laid down in Section 20.

Proposed constituencies of NA-93 and NA-94 are shown in two different colors in Map of Khushab District, which is attached here as **Annexure-D** for kind perusal of Election Commission of Pakistan as first proposal.

9. That according to the rule 10 (3):

*"In preparing draft proposal for delimitation of constituencies, delimitation committee shall follow the principals of Delimitation as laid down in Section 20, procedures given in this Chapter and the guidelines provided by the Commission from time to time."*

and rule 10 (4):

*"Provided that Patwar Circle or as the case maybe, Tapedar Circle shall be the basic unit for delimitation and shall not be broken under any circumstances."*

*"Provided further that in case of Urban Areas census circle shall not be broken under any circumstances."*

BUT the Delimitation Committee did not follow these basic rules, even broken Moza Khushab in two parts and distributed it in NA-93 and NA-94, which is unnatural and against the law, and equity.

10. That the petitioner very respectfully propose that the Khushab City, which is now attached with NA-93, should be excluded from there and included in NA-94 on the basis of reasons mentioned in previous paragraph and Municipal Committee Mitha Tiwana alongwith Qanun Goi of Mitha Tiwana, may be excluded from NA-94 and be part and parcel of NA-93, since the historic and natural alignment of the area and even on the basis of 2013 General Election, it has always been considered as one geographical and ethnic unit. Mathematical, presently the difference of population between NA-93 and NA-94 is  $658785 - 622551 = 36234$ , whereas according to the propose reconstitution and realignment of constituency difference of population approximately remains 36,197 which is approximately same. Khushab should be included in NA-94, having a population of 119,400 approximately, whereas Municipal Committee Mitha Tiwana along with Mitha Tiwana Qanun Goi has a population of 83111 and that should be excluded from NA-94 and be included in NA-93, so that the population difference remains the same, in the population which is a very important factor for carving out a constituency in the eye of law and practice.

For above said second proposal, proposed constituencies of NA-93 and NA-94 are shown in two different colors in Map of Khushab District which is attached as **Annexure E**.

### PRAYER

In the above circumstances, it is most respectfully prayed that Honorable Election Commission of Pakistan may graciously bring the necessary alteration / changes, which has been propose by the Delimitation Committee in its preliminary report, to meet the ends of justice, fair play and equity for the citizens of Khushab City, who

were emotionally disturbed with the proposals of Delimitation Committee.

Any other relief which this Honorable Election Commission may deem appropriate in the circumstances may also be given to the petitioner, who has filed this representation in his representative capacity.

Petitioner

*Malik Aziz Hussain Jara*

*Through Counsel and Authorize Agent*

**Malik Zahid Altaf Awan**  
**Advocate High Court**

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