

To

The Hon'ble Secretary
Election Commission of Pakistan,
Islamabad.

20/07/2018
1-16

Subject:- REPRESENTATION/OBJECTION IN RESPECT OF
CONSTITUENCIES PB-28 QUETTA-IV PB-29
QUETTA-V PB-25 QUETTA-I PB-31 QUETTA-VII
AND PB-33 QUETTA IX (BALOCHISTAN QUETTA
CITY)

Respected sir,

The applicant/objector Abdul Khaliq Hazara, Chairman
Hazara Democratic Party (HDP) most respectfully submits as under:-

1. That the applicant/objector is law abiding citizen of
Pakistan and Chairman Hazara Democratic Party (HDP), which is a
sole and leading Political party of Hazara tribe living in Quetta
Balochistan since 100 and 100 decades. Hussain Ali Yousufi, the slain
Chairman of the Hazara Democratic Party.

2. That it would be appropriate to highlight the brief resume
of Hazara tribe. The Hazara tribe have been serving their services in
every field, Pak Army, Civil Services etc. Before independent Hazara
Pioneers was a pioneer infantry regiment of the British Indian Army.
They were formed in 1904 at Quetta from Hazara tribe. They were
disbanded in 1933. In 1904, Lord Kitchener, who at that time
was Commander-in-Chief in India, directed Major C. W. Jacob to raise
a battalion of Hazara Pioneers. Prior to this, the only Hazaras in the
Indian Army were those enlisted in the 124th and 126th Balochistan
Infantry, as well as a troop in the Guides Cavalry. The 106th Hazara
Pioneers were raised at Quetta in 1904 by Major C. W. Jacob; a nucleus

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 was formed by drafts from the 124th Duchess of Connaught's Own Balochistan Infantry and the 126th Balochistan Infantry. The Battalion was composed of eight companies of Hazaras, and their permanent peace station was at Quetta. The Second World War saw more Hazaras enlisted by the British Indian Army. Some thrived: one of them was General Muhammad Musa Khan, who led Pakistan in the 1965 war against India, and served as Commander in Chief of the Pakistani Army from 1958 to 1968 Other prominent Hazara Pak Army soldiers are, Air Marshal Sherbat Ali Changezi (R), who fought in 1965 & in 1971 wars retiring as Air Marshal of the PAF. Flt Lt Samad Ali Changezi (SJ) who was martyred in 1971 war, Major Muhammad Ali (Shaheed Kargal Sector), Major Jawad, and many other Hazara while serving the Pak Army sacrificed their lives for the country. Saira Batool, one of the first female PAF pilots is also a Hazara.

3. That the Hazara tribe has also been rendering services in sports, produced National and international sportsmen namely Syed Abrar Hussain Shah, a former Olympic boxer, Mr. Asghar Changezi, International boxer, Qayum Changezi, and others.

4. That majority of the Hazara people are peacefully living at Alamdar road, Quetta city (PB-28 Quetta-IV). The population of Quetta City is based upon multi-national and the Hazara tribe is winning their seat for Provincial Assembly known as PB-28 Quetta-IV (old PB-2).

5. That since the last about 18 years, genocide and target killing of Hazara tribe is continued in Quetta and uptill now about 2000 innocent people have been targeted / murdered and about 3000 were

injured without any rhyme or reason. The entire business activities and movement of the Hazara people have been curtailed and limited to their residential areas i.e. Alamdar road, or Hazara Town Brewery Quetta, and cannot work as businessmen in the central business area of Quetta city Hazara students are limited towards their residential areas and cannot attend Colleges University. Hazara tribe is so vulnerable community

6. That HDP is a representative political party of the entire Hazara community, having its primary objective of a conducive environment for its respectable members, and public at large where they can run their activities in most efficient and smooth manner for earning their livelihood as well as contributing optionally towards the national exchequer.

7. That HDP is deeply concerned with the fundamental and legal rights of community and public at large guaranteed by the Constitution of Islamic Republic of Pakistan 1973. HDP is also deeply interested in the jurisdiction of the Courts of Pakistan and for the establishment of the Rule of Law.

8. That majority of people of Hazara tribe are living at Quetta city, PB-28 Quetta-IV (old PB-2), PB-27 Quetta-III (old PW-6) Hazara Town, Brewery Quetta and PB-29 Quetta-V (old PB-1) Quetta. As per electoral list (2013), the total strength of voters of people of Hazara tribe were 43600 in PB-28 Quetta-IV (old PB-2), (Annexure-A).

9. That 2017 census was not carried out in a proper and transparent manner as many people of Hazara tribe have not been

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 included in the census without any lawful justification and deprived them from their fundamental rights guaranteed in the Constitution of Islamic Republic of Pakistan, 1973, Election Act 2017 and Election Rules 2017.

10. That it may be pertinent to mention here that PB-28 Quetta-IV (old PB-2) was consisting upon 265628 population and as per census of 2017, (Annexure-B- and Annexure-C) and Delimitation as per provision of Section 20 of the Election Act 2017 vide Notification dated 5th March 2018 issued by the Election Commission of Pakistan, Islamabad (Annexure-D) is consisting upon the following census charges of Metropolitan Corporation Quetta:-

<u>Name of Constituency</u>	<u>Population</u>
PB-28 Quetta-IV.	
i) Charge No.9 excluding Circles No.6 & 7	110042
ii) Charge No.8 excluding Circles No.1 & 2	90177
iii) Charge No.7 excluding Circle No.2, and	56731
iv) Circle No.2 of charge No.10 of Quetta District	8678

11. That the people of Hazara tribe live in charge No.7 PB-28 Quetta-IV mentioned hereinabove and as per so-called census, the total population of charge No.7 has been shown as 68921, whereas the total population of charge No.8 shown as 108119. The circle No.2 of charge No.7 having population 12,990 has been excluded, thus the same should be re-included/incorporated in Charge No.7. Further the circles No.1 and 2 of charge No.8 having population 18942 should also be included/incorporated in PB-28 Quetta-IV. So the following amendment/change in PB-28 Quetta-IV is required to be made:-

8/23/2019

(A) **THE CIRCLE OF CHARGE TO BE INCLUDED/INCORPORATED PB-28 QUETTA-IV**

<u>Name of charge & Circle</u>	<u>Population/</u>
i. Charge No.7 Circle No.2	12119
ii. Charge No.8 Circle No.1	8388
iii Charge No.8 Circle No.2	9554
iv. Charge No.2 Circle No.1	10463
Total new population	222787

12. All the above circles to be included/incorporated in charge No.7 PB-28 Quetta-IV are very close/adjacent/contingent particularly Charge No.2 of Circle 1 known as Hazara Mughal Housing Society (16 Acres and Gulistan Town Contt: Quetta). It is prime objective of the census and delimitation that the same should be in accordance with law. The principles are to the effect that all constituencies shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative unities, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of the constituencies.

(B) **THE CIRCLES OF CHARGE TO BE EXCLUDED FROM PB-28 Quetta-IV**

<u>Name of charge & Circle</u>	<u>Population/</u>
i. Charge No.9, Circle No.III	11891
ii. Circle No.IV	21550
iii. Circle No.V	16546
iv. Circle No.VIII	15664
v. Circle No.IX	9107

vi. Charge No.10 Circle No.II 8678

Total excluded population 83436

13. All the above mentioned circles to be excluded form PB-28 Quetta-IV are so far away from the constituency PB-28 Quetta-IV, and existing of the same, not only the HDP, but the entire voters and public at large of the said constituency would suffer irreparable loss, hardship and inconvenience, therefore, the same should be excluded from PB-28 Quetta-IV and to be included in the following constituencies:-

PB-29 QUETTA-V

<u>Name of Charge & Circle</u>	<u>Population</u>
Charge No.9 Circle III	11891
Charge No.9 Circle-IV	21550
Charge No.9 Circle-V	16546
Charge No.9 Circle No-VIII	15664
Charge No.9 Circle No-IX	9107

Total population 250102

Since the above mentioned circles are close/adjacent/contingent to the PB-29 Quetta-V, therefore, the same should be included in the said constituency i.e. PB-29 Quetta-V.

That the following circles of charge are required to be excluded from PB-29 Quetta-V

FROM PB-29 QUETTA-V.

<u>Name of Charge & Circle</u>	<u>Population</u>
Charge No.7 Circle-II	12119

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Charge No.8 Circle-I	8388
Charge No.8 Circle-II	9554
Charge No.2 Circle-I	10463
Total population	40595

That the following circles are required to be included in PB-25 Quetta-I, having total Population 237598:-

“Patwar Circle Durrani-II of Qanungo Halqa Saddar of Saddar Tehsil of Quetta District population 16757 and 14485 to be included/incorporated in PB-25 Quetta-I Total population 268840”

The following circles are required to be included in PB-31 Quetta-VII having total population 247459.

PB-31 Quetta-VII

Name of charge & circle	Population
Charge No.10 Circle-II	8678
Total Population	256137

The following circles are required to be included in PB-33 Quetta-IX having total population 223504:-

PB-33 QUETTA-IX

Patwar Circle Durrani-III of Qanungo Halqa Saddar of Saddar Tehsil of Quetta District population 13006 to be included/incorporated in PB-33 Quetta-IX, new total population 236510.

Copy of the Notification dated 25.10.2017, issued by the Board of Revenue Balochistan, Quetta with regard to notifying/re-

arranging the new Kanungo Circles of Tehsil City Quetta, Tehsil Saddar, Quetta and Tehsil Kuchlak is filed and marked as Annexure-D.

14. That the above mentioned amendments/changes are very much necessary and if the same are not made/down, then there is serious apprehension that fair and transparent of forthcoming general election (2018) would not be expected as the people of Hazara community being unsafe and vulnerable would not be able to embark upon their election campaign in charge No.9 of PB-28 Quetta-IV as in the said charge/area many people of Hazara had been targeted / murdered without any rhyme or reason. For obvious deteriorated law and order situation, there is serious apprehension to the lives and properties of Hazara community, if they visited in the following circles and charge of PB-28 Quetta-IV:-

<u>Name of charge & Circle</u>	<u>Population/</u>
i. Charge No.9, Circle No.III	11891
ii. Circle No.IV	21550
iii. Circle No.V	16546
iv. Circle No.VIII	15664
v. Circle No.IX	9107
vi. Charge No.10 Circle No.II	8678
Total excluded population	83436

For your kind convenience, and perusal, copy of the Map is attached herewith as Annexure-F.

Being aggrieved of the impugned census, delimitation vide Notification No.F.8(3)/2018-Elec-I: dated 05th March 2018 issued by

the Election Commission of Pakistan, therefore, the applicant/objector prefers this objection on the following amongst other grounds:-

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GROUND S

- A. That the impugned census, and delimitation is against law, facts and natural justice, thus liable to be declared as null and void.
- B. That the concerned staff of Census have not conducted proper and transparent census in the constituency in question and overlooked/ignored many people and voters by not including their names in the census, thus the impugned census to the extent of constituencies in question is liable to be declared as null and void.
- C. That the above mentioned amendments/changes are very much necessary and if the same are not made/down, then there is serious apprehension that fair and transparent of forthcoming general election (2018) would not be excepted as the people of Hazara community being unsafe and vulnerable would not be able to embark upon their election campaign in charge No.9 of PB-28 Quetta-IV as in the said charge/area many people of Hazara had been targeted / murdered without any rhyme or reason. For obvious deteriorated law and order situation, there is serious apprehension to the lives and properties of Hazara community, if they visited in the abovementioned circles and charge of PB-28 Quetta-IV.

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That according to the electoral list 2013, the total strength of voters of people of Hazara tribe were 43600 in PB-28 Quetta-IV (old PB-2), whereas in 2017 censuses, the total population of charge No.7 of PB-28 Quetta-IV has been shown 68921. It may be pertinent to mention here that in the said charge, apart from Hazara, community, many other communities are also living permanents and having their voters there. It is common sense that the population/voters are being increased day by day, but in the case in hand, the population/voters of Hazara community have decreased and deprived them from their fundamental rights, therefore, the same should be enhanced keeping in view increasing of the ratio of population, but the impugned census and delimitation having been conducted and made in utter violation of the facts and circumstances highlighted hereinabove, which has caused grave mis-carriage of justice, thus liable to be declared as null and void.

E. That furthermore the areas mentioned hereinabove, which are far away from each other has been notified in PB-28 Quetta-IV, which is also illegal, unlawful, against the fundamental rights and interest of the inhabitants of the area, which further caused grave mis-carriage of justice to petitioner/objector as well as other inhabitants of the area, and deprived them from their fundamental rights, thus the

impugned census and delimitating are liable to be declared as of no legal effect.

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- F. That according to the provisions of Election Laws, the Census staff and other concerned quarters should have called the petitioner/objector, other voters, notables and their representative, provided them opportunity of hearing, getting their comments, than to have notified the delimitation, thus the impugned census and delimitation have been issued in utter violation of the Election Laws and Constitution of the Islamic Republic of Pakistan, 1973, hence the same having no legal sanctity and liable to be declared as null and void.
- G. That the impugned census and delimitation is neither based upon clockwise or anti-clockwise and carried out in utter violation of the Principles of delimitation and Constitution.
- H. That in view of the present impugned censuses and delimitation, there is serious apprehension of untoward event to the lives and properties of Hazara tribe. Further the people of said community would not be able to move and visit the areas/circles of the PB-28 Quetta-IV mentioned hereinabove, which has to be excluded. The forthcoming general election would lead towards confrontation. It is settled principle of election Laws and Rules that for conducting general election, a good

atmosphere is required so that any incident may not be ensued.

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J.

That the impugned census and delimitation not only illegal and nullity in the eyes of law, but also repugnant to the provisions of under Article 2-A, 4, 25 and 37 of the Constitution of Islamic Republic of Pakistan 1973, as such, the same is liable to be declared has no legal sanctity and authenticity.

K.

That it was incumbent upon the staff of Census to have carried out the actual census included all the members of Hazara tribe, and it is legal obligation of the State to equally treat all the citizens including the petitioners as provided under Article 25 of the Constitution, which pronounces that all citizens are equal before the law and are entitled to equal protection of law. This Article enshrines the basic concept of the Islamic faith and is known as the golden principle of modern jurisprudence. Though it is also postulated therein that this Article does not prohibit the State from making reasonable classification pertaining to various classes of citizen since equal protection of law does not envisage that every citizen is to be treated alike in all circumstances, but it contemplates that person similarly situated or similarly placed are to be treated alike. Further such classification must be based on reasonable distinction or reasonable basis and, hence a classification, which is arbitrary and not

found on any rational basis is no classification as to warrant its exclusion from the mischief of Article 25, but on the contrary, in the case in hand, Hazara tribe is being deprived from their fundamental rights, which is sheer discrimination and without any lawful justification, hence the impugned census and delimitation is liable to be declared as of no legal effect.

L. That the impugned census and delimitation are also violative of Article 2-A of Constitution, wherein social justice and economic justice is guaranteed to every citizen of Pakistan.

M. That the Census staff and other concerned quarters have also failed to discharge their Constitutional obligations mandated under Article 37 and 38 of the Constitution including:-

- i. Make provision for securing just and humane condition of work, and
- ii. To secure the well being of the people by raising the standard of their living.

N. That the impugned census and delimitation have resulted in denial of social and economic justice to the people of Hazara tribe; lowering of their standard of living and making endeavour for their social and economic uplift in the society.

P. That the impugned census and delimitation also amounts to denial of fundamental rights and violative of Article 9 of the Constitution, wherein the word " LIFE" has not

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been used by the legislature in the sense of vegetative life, but it would also include all such rights and amenities and facilities which are necessary for leading proper and comfortable life, worth of citizen of a free country, therefore, your Honor may be pleased to enforce their such fundamental right to lead life comfortably and in dignified manner.

Q. That the impugned census and delimitation is tainted with malafide and a classic example of negating the provisions contained in Article 3 of Constitution under which it is the Constitutional obligation of the State functionaries including respondents to ensure elimination of all forms of exploitation and gradual fulfillment of the fundamental principle.

R. That it may be pertinent to mention here that in Balochistan province, there are many other constituencies having less than 200000 populations (Annexure-F).

S. That there are various other points of law, which shall be urged before this Hon'ble court with kind permission at the time of arguments.

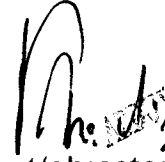
It is, therefore, respectfully prayed that:-

- i. To declare the impugned census 2017 incorporated in Form-5 to the extent of PB-28 Quetta-IV as null and void.
- ii. The impugned delimitation vide Notification No.F.8(3)/2018-Elec-I: dated 05th March 2018

issued by the Election Commission of Pakistan, may also be declared as null and void to the extent of PB-28 Quetta-IV.

- iii. The above mentioned amendments/changes may please be made in the constituencies mentioned hereinabove immediately.
- iv. Or in alternate, the previous position of PB 28 Quetta-IV may please be restored (Old PB-II).
- v. Until and unless the aforesaid relieves are granted in favour of applicant/objector, the forthcoming general election 2018 may not be carried out in PB-28 Quetta-IV.
- vi. Any other relief, which may deem fit and proper in the circumstances of the case may also be awarded.

Dated 24.03.2018


 Applicant/objector
M. Iqbal HAZARA
CHIEF MANAGER
Hazara Democratic Party

30/03/2018

To

The Hon`ble Secretary
Election Commission of Pakistan,
Islamabad.

Subject:-

REPRESENTATION/OBJECTION IN RESPECT OF
CONSTITUENCIES PB-28 QUETTA-IV PB-29
QUETTA-V PB-25 QUETTA-I PB-31 QUETTA-VII
AND PB-33 QUETTA IX (BALOCHISTAN QUETTA
CITY)

I Abdul Khaliq Hazara, Chairman Hazara
Democratic Party (HDP) adult Muslim, resident of Alamdar road,
Quetta do hereby solemnly affirm and state on oath that the contents of
representation/objection are true and correct to the best of my
knowledge and belief and nothing has been concealed therefrom.

Dated 29.03.2018

Deponent

Abdul Khaliq Hazara
ABDUL KHALIQ HAZARA
CHAIRMAN
Hazara Democratic Party