



BEFORE THE HONORABLE ELECTION COMMISSION
OF PAKISTAN

Representation/Objection Petition No. /2018

- 1) Muhammad Jibrail Abbasi Son of Muhammad Saeed Abbasi, Resident of village Seer Gharbi Tehsil Hawalian, District Abbottabad.
- 2) Hafeez ur Rehman Abbasi Son of Aziz ur Rehman, Resident of village Batangi, Nagri Tutial, Tehsil and District Abbottabad.
- 3) Muhammad Sarfarz Abbasi Son Muhammad Abbas Khan, Resident of Village Taror, Nagri Tutial Teshil and District Abbottabad
- 4) Syed Sajjad Husain shah Gardezi Son of Syed Habib shah, Resident Samli Gali , Chahra Pani, Village Banwari Teshsil, District Abbottabad

Petitioners

Versus

The Delimitation Committee, through Secretary Election Commission of Pakistan

Respondents

REPRESENTATION for delimitation of the Constituencies of District Abbottabad, specially PK 37 under Section 21 of Election Act 2017 read with Election Rule 12 of Election Rules 2017 with all enabling provisions against the delimitation by the respondents.

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Respectfully sheweth,

- 1) That the petitioners are registered voter in the proposed constituency of PK 37 and through this instant representation submits their objection on the draft proposal of delimitation of PK 37 Abbottabad II.
- 2) That the petitioners are notable and law-abiding citizens of Pakistan and the petitioners held prominent political positions entrusted by the people of this constituency.
- 3) That Election Commission of Pakistan has published notification no. F-8(3)/2018-Elc-1 dated 05-03-2018 in the official Gazette for the information of public, preliminary report and the list of constituencies of National Assembly and Provincial Assemblies.
- 4) That the District Abbottabad population as per the recent Census of 2017 is 1332912 and has been allocated 2 National Assembly and 4 Provincial Assembly seats as per the formula adopted by Election Commission of Pakistan.
- 5) That the principle of delimitation envisaged in section 20 of election Act 2017, are reproduced as under;

“20 Principle 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 communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

(2) For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribal Areas two or more separate areas may be grouped into one constituency.

(3) *As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.*

(4) *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 order.*

6) That we can easily identify that principles of delimitation which law provides to be compiled with, respected and implemented in letter and spirit while delimiting the electoral constituencies so voters could be benefited and that principles are;

- a) Distribution of equal population
- b) Geographical Compactness
- c) Existing Boundaries of existing unites
- d) Communication facilities
- e) Physical features
- f) Public convenience and
- g) Such other cognate features which ensure homogeneity.

7) The procedure of delimiting the constituencies is provided in Sub-rules 3,4 and 5 of Rule 10 of 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:*

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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.

8) That petitioners have gone through the details of proposed constituencies of district Abbottabad and have seen demarcation of boundaries of all constituencies of the District on the official map of district obtained from office of Election Commission on payment of prescribed fee.

9) That anomalies in the delimitation are floating on the surface of official map released by Election Commission of Pakistan.

10) That the proposed delimitation of PK 37 includes Circle Bakote and cluster of union councils of circle Lora, there is no homogeneity in proposed PK 37 of Abbottabad district.

11) That the cluster of union councils of circle Lora of proposed PK 37 is only accessible through hill tracks to the rest of the constituency. There is no Metal or well paved road connecting the union councils of circle Lora to other areas of the constituency. It is only accessible through another district of province of Punjab via Murree and that is not the all-weather road and other possible way to reach circle Bakote is to use the Muzaffarabad AZAD Kashmir via Mansehra Road and it needs more than 10 hour travelling to connect union councils of Circle Lora to that part of constituencies hence the facilities of communication are poor or non-existent connecting circle Lora to rest of constituency.

12) That the cluster union councils of Circle Lora and Union councils of Circle Bakaote has no cultural and communications linkages, all trade and cultural ties of circle Lora are with circle Bagan so it is needless to mention that this will have significant bearing to election campaigns, accessibility and convenience of voters.

13) That aforementioned instances are prohibited under delimitation principle and falls squarely within the preview of "other cogent factors to ensure the homogeneity in creation of constituency" as envisaged in section 20 of Election Act 2017.

14) That keeping in view the principles enshrined in Election Act 2017 read with Rule 10 of Election Rules 2017, petitioners have drafted a proposal/suggestion for PK 37 and consequently for District Abbottabad for the consideration of Delimitation Committee/ Election Commission of Pakistan. The proposal suggestion has strictly been framed in compliance of principles of delimitation.

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Proposed Delimitation

Proposed/ Suggested delimitation of Abbottabad District.

Name of Constituency	Extent of Constituency	Population
PK 36, Abbottabad I	Proposed on the Map and detail of proposed constituency is attached.	311358
PK 37, Abbottabad II	Proposed on the Map and detail of proposed constituency is attached.	329314
PK 38, Abbottabad III	Proposed on the Map and detail of proposed constituency is attached.	363250
PK 39, Abbottabad IV	Proposed on the Map and detail of proposed constituency is attached.	319417

That the Above proposal has been supported with map and constituencies demarcated on map are geographically compact and population has been distributed almost equally. Whereas all the constituencies ensure complete homogeneity and public convenience. Communication Network has dully been kept in view while carving out all the constituencies of Abbottabad district.

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Prayer

In the view of the anomalies pointed out in above paragraphs petitioners very humbly pray that delimitation of District Abbottabad in general and PK 37 in particular may please be reviewed and recrafted on the basic principles under section 20 of Election Act 2017 and as alternate proposal for the delimitation of whole District submitted through this representation may graciously be accepted, approved and published in the final draft in best interest of Justice, for convenience of general public and fair and smooth election process. Any other better relief deemed just and proper, regarding the delimitation of constituencies and for conduct of fair election may also be granted.

Petitioners

Syed Sajjad Husain shah Gardezi

Muhammad Jibrail Abbasi

Hafeez ur Rehman Abbasi

Muhammad Sarfaraz Abbasi

Dated: 02 April 2018

through Counsel

Malik Akhtar Abbas

Advocate High court

Hasib H. Baig

Advocate

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Verification:

That the contents of the instant Representation/Objection Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable forum.

Petitioners

Syed Sajjad Husain shah

Gardezi

Muhammad Jibrail Abbasi

Hafeez ur Rehman Abbasi

Muhammad Sarfaraz Abbasi

Documents Filed

- 1) CNIC of Petitioners
- 2) Map of constituencies petitioners got from the office of respondent.
- 3) List of Constituencies PK 36 to PK 37 issued by Election Commission of Pakistan.
- 4) Petitioners annexed proposed map with proposed constituencies.
- 5) Proposed list of constituencies.