

**BEFORE THE ELECTION COMMISSION OF PAKISTAN
ISLAMABAD**



Representation No: _____ / 2018

BILAL FAISAL Son of Sardar Muhammad, Resident of Ward No.16, Mohallah Gharab Talagang, Tehsil Talgang, District Chakwal [**PP-23 Chakwal – III**].

PETITIONER

VERSUS

THE DELIMITATION COMMITTEE FOR PUNJAB, [District Mandi Bahauddin]
Provincial Election Commission, Punjab, 10 - Court Street, Lahore.

RESPONDENT

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REPRESENTATION:

Under Section 21(3) of the Election Act 2017 read with Rule 12 of the Election Rules 2017, against the Impugned Delimitation of the Constituencies of District Chakwal [*mainly PP-23 Chakwal – III & PP-24 Chakwal – IV*], carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections.

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RESPECTFULLY SHEWETH: -

1. That the addresses of the parties as given in the head note of the titled petition are correct for the purposes of their service, etc.
2. That the petitioner being resident and registered voter of District Chakwal (*PP-23 Chakwal – III*), have a right to object to the delimitation of his constituency, for the purposes of the ensuing General Election in the District Chakwal, on general seats. *Copies of the CNIC and Voters Extract Certificate are ANNEXURES – A/1 and A/2 respectively.*

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3. The respondent Delimitation Committee has unilaterally prepared the Preliminary Delimitation and List of Constituencies, therefore, it was full of errors and omissions. Moreover, the mandatory provisions of delimitation under section 20 of the Election Act 2017 and Rule 10 of the Election Rules 2017 i.e., 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, have been grossly violated. Hence, the impugned preliminary delimitation is not sustainable. *Copies of the "Preliminary List" Published for delimiting the Constituencies of "Chakwal"; and the Marked Map published by the ECP on the basis of delimitation carried out by the respondent Delimitation Committee are ANNEXURES - B and C respectively.*

4. The petitioner is aggrieved of the Impugned Preliminary Delimitation of the Constituencies of District Chakwal [mainly PP-23 Chakwal - III] carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections. Therefore, he wishes setting aside of the impugned Preliminary Delimitation; and issuance of the Final Report and List of Constituencies, only after revising the Impugned Delimitation / Preliminary List of the newly delimited Constituency, by making / incorporating necessary amendments, alterations, and modifications, as proposed by the petitioners, as follows:

PRELIMINARY LIST OF PP-23 CHAKWAL - III by the Delimitation Committee	
<p>a. Balkasar QHs of Chakwal Tehsil excluding following PCs: (1). Mureed PC;</p> <p>b. The following areas of Kalar Kahar Tehsil: (i). Kallar Kahar MC; (ii). Bhoochal Kalan QH (iii). Kalalr Kahar QH excluding the following PCs: (a). Khai; (b). Karooli; (c). Khandoola; (d). Kherpur; and (e). Khokhar Bala,</p> <p>c. Talagang MC:</p> <p>d. The following QHs of Tehsil Talagang: (i). Talagang Sharqi; and (ii). Talagang Garbi.</p> <p>of Chakwal District.</p>	Total Population: 3,80,370.
PRELIMINARY LIST OF PP-24 CHAKWAL - IV by the Delimitation Committee	
<p>a. Lawa Tehsil.</p> <p>b. The following QHs of Talagang Tehsil:</p>	

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- (i). Jhatla QH;
 - (ii). Kot Sarang QH
 - (iii). Mayal QH
 - (iv). Multan Khurd QH; and
 - (v). Tamman QH.
- of Chakwal District.

Total Population: 3,68,991.

SUGGESTIONS / PROPOSAL

That in order to rectify above mentioned illegalities and infringements of principles of delimitation, following suggestions are made:

Areas Proposed to be Included in PP-23 Chakwal – III:

(After exclusion from PP-24 Chakwal – IV.)

- a. The following QH of Tehsil Talagang:
 - (i). MC Talagang;
 - (ii). Tala Gharbi QH;
 - (iii). Tala Sharqi QH;
 - (iv). Multan Khurd QH;
 - (v). Kot Sarang QH;
 - (vi). Jhatla QH including the following PCs:
 - (a). Adlaka;
 - (vii). Tamman QH;
 - b. QH Pichnand of Tehsil Lawa excluding the following PCs:
 - (i). Darot PC;
 - (ii). Kot Shamas PC;
 - (iii). Pichnand – I PC;
 - (iv). Pichnand – II PC;
 - c. QH Balkassar of Tehsil Chakwal including following PCs:
 - (i). Balkassar PC;
 - (ii). Dharbi PC;
 - (iii). Mureed PC;
 - (iv). Kallu Jo PC;
 - (v). Bhekari Kalan PC;
 - d. The following QHs of Tehsil Talagang:
 - (i). Talagang Sharqi; and
 - (ii). Talagang Garbi.
- of Chakwal District.

Total Population: 3,72,912.

Areas Proposed to be Excluded from PP-23 Chakwal – III:

(By inclusion in PP-24 Chakwal – IV.)

- a. Kalar Kahar Tehsil;
- b. The following QH of Tehsil Lawa:
 - (i). MC Lawa;
 - (ii). Lawa QH;
 - (iii). Pichnand QH including following PCs:
 - (a). Darot PC;
 - (b). Kot Shamas PC;
 - (c). Pichnand – I PC;
 - (d). Pichnand – II PC;
- c. The following QHs of Tehsil Talagang:
 - (i). Mayal QH;

(ii). Jhatla QH excluding the following PCs:

(a). Adlaka.

of Chakwal District.

Total Population: 3,72,400.

WITH THE PROPOSED EXCLUSION & INCLUSION:

Total population of PP-23 Chakwal – III:

Reduced from 3,80,370 to 3,72,912.

Total population of PP-24 Chakwal – IV:

Enhanced from 3,68,991 to 3,72,400.

JUSTIFICATION:

1. Talagang is the Headquarter of Tehsil Talgang, however, with the impugned delimitation, the Talgang Headquarter has been separated from its own rest of the Tehsil and made a part of PP-24 constituency comprising the major portion of Tehsil Lawa.
2. The main Inter-Provincial Highway crossing through the district Chakwal, separates / divides the areas of Tehsil Lawa and Tehsil Talagang, as a natural boundary between the two areas, therefore, they are two natural separate constituencies, with Inter-Provincial Highway falling between them, however, therefore, including Talagang Headquarter in Tehsil Lawa by separating it from rest of its Tehsil Talagnag has not only resulted in breaking the administrative unit of Tehsil Talagang but also unnatural and violative of principle of geographical compactness, besides, resulting in inconvenience to the residents.
3. The impugned delimitation is unnatural and Administrative Units of all the Tehsils have been broken, disturbing all the Headquarters of Tehsils as well as the District Headquarter.
4. The impugned delimitation has resulted in carving out constituencies in odd shapes - Now PP-23 separates the PP-24 from PPs 21 & 22 by due to its odd stretch right from North end of the District to South end of the whole District, as a result of gerrymandering.
5. The Chakwal District comprises of hilly terrains and major portion of QH Balkassar of Tehsil Chakwal i.e., Warwal PC; Sidhar PC; Karsal PC; Mengan PC; Roopwal PC; and Moolwal PC have been made part of PP-23, whereas, due to mountains and river Dharabi and Nallah Dehwal, there is no communication approach of this area to connect with Tehsil Talagang of the same PP-23. Hence, this part of PP-23 is not accessible from other parts of the same PP-23, and the residents and the candidates would have to cross over to other constituencies for the purposes of reaching / accessing the are of their own constituency.
6. The residents of PP-24 would have to cross the whole PP-23, in order to reach District Headquarter Chakwal, Whereas, if the petitioner's proposal is accepted, all the four constituencies of the District Chakwal would be equally divided and not only become four geographically compact areas but would also link all the four constituencies with the Inter-Provincial Highway as all of them would fall on the Highway and would be connected through this Highway.
7. Due to mutual exchange i.e., inclusion / exclusion as proposed, both the constituencies would become homogeneous due to distribution of population in geographically compact areas, physical features, existing

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boundaries of administrative units, facilities of communication and public convenience and other cognate factors.

Copy of the petitioner's Proposed Shaded Map; the Petitioner's Proposed List of Constituencies, and the Relevant Census Report, are ANNEXURES – D, E and F respectively.

5. That in order to make the impugned delimitation consistent with the law, and the rules, it would be appropriate to revise the impugned delimitation as per the **proposal / suggestions** of the petitioner. **Hence, this Representation.**


6. The **Impugned Preliminary Delimitation**, carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections, **is liable to be set aside**; and the **Final Report and List of Constituencies** is required to **be issued only after revising the Impugned Delimitation / Preliminary List of the newly delimited Constituency, by making / incorporating necessary amendments, alterations, and modifications, as proposed by the petitioners, inter-alia on the following:**

GROUND

- (a) The **Impugned Preliminary Delimitation**, carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections, **is unsustainable**, for being **carried out in violation** of the **object and spirit** as well as the **mandatory requirements and principles** of delimitation laid down under the **Law and the Rules**. Hence, liable to be set aside.

- (b) That in order to make the impugned delimitation consistent with the law, and the rules, it would be appropriate to revise the impugned delimitation as per the **proposal / suggestions** of the petitioner.


- (c) The impugned delimitation has been carried out, **without giving due regard to the foremost principles of delimitation**. Moreover, the **mandatory provisions** of delimitation under **section 20 of the Election Act 2017 and Rule 10 of the Election Rules 2017** i.e., 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, **have been grossly violated**. Therefore, the impugned preliminary delimitation is **full of errors and omissions**, hence, not sustainable.

- (d) As required under **Rule 10(5)** of the Election Rules, 2017, the delimitation was required to start from the Northern end of the district and then proceed **clock-wise in zig-zag manner**, however, the Preliminary Report and Marked Map prepared by the Delimitation Committee reflects that the said provision has been grossly violated.
- (e) That **neither any representations were invited or considered nor any inquiry was conducted or any evidence recorded before preparing and publishing the preliminary report and list of constituencies**, as **mandatorily required** under **Section 21 (1)** of the Election Act 2017, which has resulted in a preliminary delimitation totally **alien to the ground realities**.
- (f) The **failure** of the Delimitation Committee **to exercise the power and authority vested** in them under the Law and the Rules, has rendered the whole exercise of impugned delimitation / Preliminary Report and List of Constituency etc., as **null and void**.
- (g) That in order to **disenfranchise the petitioner and oust him from the electoral process**, the impugned delimitation has been conducted illegally and malafidely to **deliberately delimit / bifurcate the constituency in order to dilute his majority and ousting him from the electoral process**, which amounts to **pre-poll rigging**. Hence, the petitioner has been discriminated which is not only illegal and unconstitutional but also violative of the principles laid down by the hierarchy of the judgments of the superior courts of Pakistan.
- (h) The impugned delimitation is **politically motivated** to give undue advantage to the local MNAs and MPAs and malafidely cause political damage and deprive the constituents of this area from electing the local representatives of their own choice. The notification of the Preliminary Delimitation itself **exhibits substantial difference / variation in the population**. Whereas, the marked MAP shows **odd shaped wards with substantial variation in sizes**.

- (i) That, the impugned acts / delimitation / notifications are illegal, perverse and tantamount to abuse of law authority as well as the **infringement of constitutional and fundamental rights of the petitioner** ensured under the Constitution of Pakistan. Hence, are void, unfair, unjust, unwarranted, arbitrary, malafide, illegal, unconstitutional and ineffective qua the rights of the petitioner.
- (j) That the impugned delimitation shows that the same have been finalized and published by the Delimitation Committee **on political pressure, and in just mechanical obedience to the illegal dictates of the political bosses, without application of their independent mind** and without even realizing that the said delimitation is not only illegal but also against the public interest. Hence, they failed to discharge their duties as per exigencies of their statutory responsibilities and acted in excess of their lawful authority and in violation of law and the constitutional mandate. Therefore, the conduct of the respondents are violative of the dictates of the Hon'ble Supreme Court laid down in Zahid Akhtar's case reported as (PLD 1995 SC 530) titled: "Zahid Akhtar - Vs. - Government of Punjab and 2 others", as well as the case reported as (2008 SCMR 105) titled: "Iqbal Hussain - Vs. - Province of Sindh and others." and needs to be judicially reviewed by this Hon'ble Court, as they have acted in mechanical obedience to the illegal, unwarranted and whimsical directions of their political bosses.
- (k) That in order to ensure fair, free and transparent elections as well as to guard against the corrupt and illegal practices, it is the duty of the the Election Commission of Pakistan to ensure that the impugned delimitation is carried out strictly in accordance with the **mandatory Principles** of Delimitation provided under the provisions of **section 20** of the **Election Act, 2017** read with the **Rules 8 and 10** of the **Election Rules**.
- (l) That the impugned delimitation has been **conducted in oblivion of the Law and Rules, which smacks malafide on the part of the respondent Delimitation Committee and also clearly reflects ulterior considerations and extraneous reasons as well as connivance and collusion with the petitioner's political opponents and the predetermination to politically victimize the petitioners and other prospective candidates**. Hence, the impugned acts / decisions /




delimitation are clear disregard of the law laid down in **PLD 1969 SC 14**, and **2011 SCMR 11**, wherein, it has been held that: "*Manner of exercising of power in violation of law is also termed as malafide.*". Hence the impugned acts / delimitation are liable to be set aside on this ground also.

- (m) That, the impugned acts and orders / preliminary delimitation are illegal, perverse and tantamount to abuse of law, authority as well as the **infringement of valuable rights of the petitioner**. Therefore, the same are void, unfair, unjust, unwarranted, arbitrary, malafide, illegal, unconstitutional and ineffective qua the rights of the petitioners.
- (n) That the valuable rights have already been created in favour of the petitioner, who cannot be deprived of his valuable rights, without due course of law.
7. That the impugned delimitation and the Preliminary List are not sustainable, hence, need to be judicially reviewed by this Hon'ble Authority.
8. That in order to make the impugned delimitation consistent with the law, and the rules, it would be appropriate to revise the impugned delimitation as per the proposal / suggestions of the petitioner. **Hence, this petition / representation.**
9. That the Petitioner is personally aggrieved in this matter, besides however, a large number of other persons / voters / constituents / prospective candidates are also interested in the subject matter of this writ petition. Therefore, this matter also involves the public interest.
10. That grave miscarriage of justice has been done to the petitioner, and if the relief sought for in the titled representation / petition is not granted the petitioner shall also suffer irreparable loss.
11. That the petitioner has no other alternate remedy available for redressal of his grievances, therefore, he is left with no other alternate, efficacious and expeditious remedy except to invoke the jurisdiction of this honourable Authority.

PRAYER:

In view of the submissions made above it is respectfully prayed that the titled petition may graciously be accepted, and the **Impugned Preliminary Delimitation** of the **Constituencies of District Chakwal**



[mainly PP-23 Chakwal – III & PP-24 Chakwal – IV], carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections, **may graciously be set aside / quashed.**

It is further prayed that **the Final Report and List of Constituencies may please be issued only after revising the Impugned Delimitation / Preliminary List of the newly delimited Constituencies of District Chakwal [mainly PP-23 Chakwal – III & PP-24 Chakwal – IV], by making / incorporating necessary amendments, alterations, and modifications, as proposed by the petitioners**

Any other relief which the petitioner is found to be entitled in the circumstances of the case may please also be granted.


PETITIONER

THROUGH:



(MUBEEN UDDIN QAZI)

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Dated: 31.03.2018

CERTIFICATE:

1. Certified as per instructions that this is the first Representation on the subject noted above.


ADVOCATE

BOOKS:

1. The Constitution of Pakistan, 1973.
2. The Election Act 2017.
3. The Election Rules, 2017.