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**BEFORE THE HON'BLE CHAIRMAN ELECTION COMMISSION OF
PAKISTAN, ISLAMABAD.**

APPEAL/REPRESENTATION NO. _____/2018

1. Muhammad Abdullah S/O Atta Muhammad Caste Badani R/O Basi Badani P/O Khas Khair Pur Sadat Tehsil Alipur District Muzaffargarh. Voter Constituency PP-277 & NA-186.
2. Irshad Hussain S/O Rasool Bakhsh Caste Badani R/O Fateh Pur Janobi Tehsil Alipur District Muzaffargarh.

.....**APPELLANTS**

VERSUS

1. Secretary Election Commission of Pakistan, Islamabad.
2. Additional Secretary (Admn./Election), Election Commission of Pakistan, Islamabad.
3. District Election Commission of Pakistan, Muzaffargarh.

.....**RESPONDENTS**

**APPEAL/REPRESENTATION UNDER SECTION 20(2)
OF ELECTION ACT 2017 AGAINST THE
DELIMITATION OF CONSTITUENCY PP-276 & PP-277
DISTRICT MUZAFFARGARH, GAZETTE
NOTIFICATION DATED 05.03.2018 ISSUED BY
ELECTION COMMISSION OF PAKISTAN.**

Respectfully Sheweth,

1. That the addresses of the parties are correct for the purposes of correspondence and other ancillary purposes.
2. That the brief facts giving rise to the instant appeal/representation are that the appellants are permanent voter

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resident of Constituency PP-276 & PP-277 District Muzaffargarh, and presently are expected contesting candidate from referred Constituency PP-277 District Muzaffargarh. Copy of voter list is attached as **ANNEX-A**.

3. That the delimitation of Constituencies of District Muzaffargarh PP-276 & PP-277 has been ordered under the relevant provision of Election Act 2017 and many of the areas earlier part of the referred Constituencies have been either included or excluded from the referred Constituencies i.e. Mouza Fateh Pur Janobi-I & II were excluded from PP-276 and included in PP-277, while Mouza Ghalwan-I & II were excluded from PP-277 and included into PP-276 on account of the referred exercise of power vide impugned Notification.
4. That the impugned Notification issued by the respondent No.2 on behalf of Election Commission of Pakistan, Islamabad under the provision of Election Act, 2017 for delimitation of Constituencies PP-276 & PP-277 are contrary to the lawful authority, domain and justified reasons and grounds specified in the relevant provision of section 20 & 21 of the Election Act, 2017.
5. That the only reason and cause for delimitation of any Constituency is to be done for the reason contained in the relevant provision of the Act which reads as under:-

practicable, 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.

(3) As far as possible, variation in population of Constituencies of an Assembly or a local Govt. 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 the respondents authorities was under statutory obligation to maintain and kept in consideration the scope and powers contained in the relevant of section 20 of the Act but on where consideration it is to be noted & observed from the impugned delimitation order/ Notification that the compact block/ areas of the earlier delimitation of the Constituency have been not only disintegrated but the major areas of the Constituency have been included which are neither connected with the Constituency nor any aspect of public convenience has been taken into observation.
7. That the most of population and areas of earlier Constituency (delimited) under the impugned order/ Notification are at far

or patwar/revenue circle are disturbed and bifurcated without advertent to the provisions of relevant law and also the object and aim of the relevant provisions had also been over-sighted.

8. That in the previous 5 General Elections from 1985 to 1997 Rajanpur District was consisting of 2 Provincial seats/ Constituencies No. PP-260 & PP-261. The delimitation of referred Constituencies was incompact block of the population/ areas maintaining the facilities of communication and public convenience and for the better purpose and welfare of the voters for all objective and aims in this regard according to law, rules and natural principles for general elections and its efficacy.
9. That presently the referred two Constituencies of Provincial Seats No. PP-260 & PP-261 have been named as PP-276 & PP-277 on account of population but the many of areas have been delimited whereas it was proper and equitable that the earlier delimitation of referred three Constituencies of Provincial Assembly ought have been maintained & continued for the existing two seats, in this way the Homogeneity of the population, areas and units of local Govt. and administrative units have been disturbed and inconvenience and other impediments to general public/masses occurred.
10. That earlier Mouza Fateh Pur Janobi-I & II, Mouza Ghalwan-I & II are included in PP-260 which is now named as PP-276 but now through impugned notification for delimitation the

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from PP-276 and included the same in PP-277 while the Mouza Ghalwan-I & II is adjacent area of the PP-276 and is too far away from PP-277, the boundary of the said Mouza also did not attach with the PP-277 while the same was attached with PP-276, the respondents at the time of delimitation of the said Mouza did not consider the same and deprive the appellants as well as public at large of the area from their fundamental rights.

11. That now through impugned notification for delimitation the respondents authorities excluded the Mouza Fateh Pur Janobi-I & II from PP-277 and included the same in PP-276 while the Mouza Fateh Pur Janobi-I & II is adjacent area of the PP-277 and is too far away from PP-276, the boundary of the said Mouza also did not attach with the PP-276 while the same was attached with PP-277, the respondents at the time of delimitation of the said Mouza did not consider the same and deprive the appellants as well as public at large of the area from their fundamental rights.

12. That it is pertinent to mention here that notified map/ site plan of the District Muzaffargarh does not match with the actual map/site plan according to the original local qanoongi limits of the District Muzaffargarh and on this account to the delimitation notification is contrary to law and abuses to the objective and aims of delimitation of the respective Constituencies of District Muzaffargarh. Copy of Map is attached as **ANNEX-B**.

13. That if the Mouza Fateh Pur Janobi-I & II is not excluded from constituency PP-276 and included in PP-277 and Mouza Ghalwan-I & II is not excluded from constituency PP-277 and included in PP-276 then the appellants as well as public at large of the above said Mouzas were deprive from their fundamental rights.

PRAYER:-

Under the afore-going peculiar facts and submissions, it is respectfully prayed that the instant appeal/representation may kindly be accepted and the delimitation order/Notification for the Constituencies of District Muzaffargarh be modified and Mouza Fateh Pur Janobi-I & II is excluded from constituency PP-276 and included in PP-277 and Mouza Ghalwan-I & II is excluded from constituency PP-277 and included in PP-276 in the supreme interest of justice & equity.

Any other relief which this Hon,ble court deems fit and necessary may also be awarded to the petitioner.

THROUGH:

APPELLANTS

MUSHTAQ HUSSAIN BIDANI

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Shadman Colony, Multan.
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VERIFICATION:-

It is certified that the contents and averments of the memorandum of appeal/representation are correct according to instruction of the client per his knowledge and belief and nothing has been kept concealed.

APPELLANT