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

M.O. No. _____ / 2018

Sajid Ali Son of Zulfiqar Ali Resident of P/O Peer Kot Sadhiana Mouza
Bindi Patowana Kalan Tehsil and District Jhang.

OBJECTOR / PETITIONER

**MEMORANDUM OF OBJECTION UNDER SECTION 21 (3) OF THE
ELECTION ACT, 2017 READ WITH RULE 11 (4) OF THE ELECTION
RULES, 2017**

It is respectfully submitted as under that:

1. That the Objector/Petitioner is as a law abiding citizen, a man of noble instinct, profound sincerity and enjoying the prestigious and respectable status in the society. The objector Petitioner is a voter member of District Jhang and is also expected candidate from the constituency PP-124 and PP-125.
2. That the Election Commission of Pakistan (**ECP**) had issued preliminary report of draft proposals for the delimitation of constituencies for National Assembly as well as for the Provincial Assemblies. The ECP has also invited constituents to file representations / objections upon the said proposals.
3. That the principles for delimitation were ignored while constituting the constituencies of District Jhang and unnatural bifurcation of administrative units i-e QH Massan is attached with Tehsil 18 Hazari creating huge difficulty for the public creating illegitimacy in proposed delimitation which is required to be rectified.

**PROVINCIAL ASSEMBLY CONSTITUENCIES UNDER THE
NUMBER PP-124,PP-125,PP-126,PP-127,PP-128,PP-129 AND
PP-130 (Jhang)**

4. That the objector/petitioner has thus proposed a geographically compact and more reasonable and rational proposal for the provincial constituencies with the numbers of PP-124, PP-125, PP-126, PP-127, PP-128, PP-129 and PP-130 which is also fulfilling the requirements of population as under;

PP-124,PP-125,PP-126,PP-127,PP-128,PP-129 AND PP-130

Constituency	Included Admin Units	Population	Excluded Admin Units	Population
PP-124 Changes	QH Massan	43436	Kheewa PC	12075
			Mukhiana PC	11037
			Satiana PC	10347
			Kharora Baqir	5960
Total		43436		39419
PP-125	Bahar Gharbi PC QH Marnewala	9301	QH Massan	43436
	Bahar Sharki PC	4930		
	Dagri PC	15323		
	Kot Bahadar PC	5880		
Total		35434		43436
PP-126	Hahib PC Jhang II	5896		

	Patowana PC	6278		
Total		12174		
PP-127	Kheewa PC	12075	Hahib PC Jhang II	5896
	Mukhiana PC	11037	Patowana PC	6278
	Satiana PC	10347		
	Kharora Baqir	5960		
Total		39419		12174
PP-128	Kot Deewan PC	5815		
	Kot Khaira PC	17208		
	Mansoor Sial PC	7980		
Total		31003		
PP-129			Dab Kala PC	3192
			Dab Kalan PC	7470
			Jalalpur Kamlana FC	10201
Total				20863
PP-130	Dab Kala PC	3192	Bahar Gharbi PC QH Marnewala	9301
	Dab Kalan PC	7470	Bahar Sharki PC	4930
	Jalalpur	10201	Dagri PC	15323

	Kamlana PC			
			Kot Bahadar PC	5880
Total	2	20863		35434

5. That the above proposal is made on the basis of clockwise circulation of the PPs and are making adjacent PPs in a clockwise way and similarly with the same clockwise movement next to adjacent constituencies.
6. That the earlier impugned primary delimitation was in contrary to the clockwise movement.
7. The QH Massan Having 11% population of about 43436 have been included in MC 18 Hazari remaining 89% population in pp 125 which is not geographically compact with QH Massan as the River Jehlam between these two areas is a barrier in communication , travelling and transportation.
8. That there is no bridges to connect QH Massan directly with MC 18 Hazari and the road distance from other side is far away at about 70km.
9. That historically QH Masaan was part of Tehsil Jhang and have never been a part of the constituency of Tehsil 18 Hazari.
10. That even otherwise the attachment of QH Masaan with the pp-124 is geographically more compact and feasible for the people of the vicinity.
11. That the area of QH Masaan is adjacent to the pp-124,127 and 126 having no direct linkage with the pp-125 where it is added presently.

12. That the voters and population of the said units do see convenience and wish to associated with their previous historic constituencies and by virtue of instant proposal of the objector/petitioner the constituencies will remain compact and in accordance with the requisite criterion.

GROUNDS:

- a. That the principles lay down by the legislators is based upon the distribution of population in geographical compact area, physical feature, facilities of communication and public convenience as narrated in section 20 of the Election ACT, 2017 which is reproduced for ready reference:

"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 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."

- b. That this Hon'able commission is vested with powers under the elections laws including Act and Rules of 2017 as to rectify the delimitation of constituencies after considering the representations of the objectors/applicants under sub clause (4) of section 21.
- c. That the people of the above mentioned constituencies including objector/petitioner has every right to be leaded by candidate of their choice amongst reasonable territory within the population in

geographically compact areas and facilities of communications there convenience ensuring the homogeneity in the delimited constituency.]

- d. That the legislator have also specifically intended to facilitate the tribal areas in accordance with their customs and tribal sections even if the their limits are comprising of two or more separate areas which is expressly narrated in the sub section (2) of section 20 of the Election Act, 2017 which is as under;


"20. (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."

- e. That the actual gist and rational behind the democratic process under fundamental rights protected under the constitution is on the basis of rational appropriate and customize delimitation.
- f. That it is vested duty of this Hon'able Commission to rectify the delimitation of the elections constituency which are against the elections laws, norms, customs, rational and convenience of the public.
- g. The Impugned Report does not contain any spec of legal reasoning, which is therefore erroneous and not sustainable in the eyes of law.
- h. The Delimitation Committee misconstrued the matter in complete departure with law and did not advert to the procedure for the delimitation of constituencies provide under the law and proceeded to pass whimsical proposal the Impugned Report, thus committing illegality, hence the instant Representation.
- i. That there are material errors, irregularities and illegalities found in the exercise of functions of Committee, which shows the whole exercise to be tainted with professional error floating on the surface of the proposal challenged under this Petition, which is liable to be set aside.
- j. The Delimitation Committee erred in law in proposing the Impugned Report as the valuable rights of the Petitioner are involved in the case, which could not be denied for whimsical reasons and the substantive loss may occur to the Petitioner if this Petition is not accorded with, hence, the Petition merits Admission.

PRAYER:


In the circumstances it is respectfully prayed that the instant Memorandum of Objection Petition may kindly be allowed and delimitation of District Jhang may kindly be rectified, considering the objections of the objector in terms;

- i. The area of QH Massan may kindly be included in the constituency in pp-124 by excluding the same from the constituency of pp-125.
- ii. The areas of Pc's Kheewa, Mukhiyana, Satiyana and Kharora Bakir excluded from the constituency pp-124 and placed in the adjacent pp-127.
- iii. The areas of Pc's Bahar Gharabi, Bahar Sharaq, Dagri, Kot Bahadur be excluded from pp-130 and included in pp-125.
- iv. The Patwar circle of kot Deewan , Kot Kheera and Mansoor Sial be included in pp-128.
- v. Any other relief which this Hon'ble Commission thinks just may also be ordered for the rederassal of the grievance of the Petitioner.


Through

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OBJECTOR / PETITIONER


MUHAMMAD ASIF JAVED
Advocate

Nosheen Aslam
Advocate

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AFFIDAVIT

I, Sajid Ali Son of Zulfiqar Ali Resident of P/O Peer Kot Sadhiana Mouza
Bindi Patowana Kalan Tehsil and District Jhang, do hereby solemnly
affirm and declare on oath that the contents the accompanied petition are
true and correct to the best of my knowledge and nothing has been
concealed therein.


DEPONENT

Verified on oath on ____ day of April, 2018 that the contents of above
Affidavit are true and correct to the best of my knowledge and belief and
nothing material has been concealed or misrepresented therein.


DEPONENT