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BEFORE THE ELECTION COMMISSION OF PAKISTAN ISLAMABAD

Election Delimitation Representation No. _____/2018

Sardar Usman Ahmad Khan Son of Sardar ~~Sardar~~^{Fateh} Muhammad Khan, Caste Buzdar Registered voter Bharti Shumali De-Excluded Area Dera Ghazi Khan.

PETITIONER

VERSUS

Delimitation Officer PP-286 Dera Ghazi Khan-II Dera Ghazi Khan.

RESPONDENT

**REPRESENTATION AGAINST THE
PRELIMINARY NOTIFICATION ON THE
RECOMMENDATION OF DELIMITATION
OFFICER DERA GHAZI KHAN BY THE
ELECTION COMMISSION OF PAKISTAN
DATED 05.03.2018 REGARDING PP-286
D.G KHAN-II.**

Humbly Sheweth,

1. That the respondent forwarded a preliminary delimitation of the Constituencies falling within District D.G Khan of the parliament according to which the Election Commission of Pakistan published the preliminary delimitation of the National Assembly Constituency as well as the provincial Assembly constituencies falling within the District D.G Khan. According to the preliminary delimitation notification there are eight constituencies delimited for provincial assembly while four constituencies delimited for National Assembly. The proposed number notified for Provincial assembly seats are 285 D.G Khan-I, 286 D.G Khan-II, 287 Dera Ghazi Khan-III, 288 Dera Ghazi Khan-IV, 289-Dera Ghazi Khan-IV, 290-Dera Ghazi Khan-VI, 291 Dera Ghazi Khan-VII and 292 Dera Ghazi

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Khan-VIII, almost all the Provincial Assembly constituencies have been allocated population ranging between 3,40,000 to 4,00,000, similarly the Election Authorities delimited the constituencies for National Assembly Bearing No. NA189 D.G Khan-I, NA 190 Dera Ghazi Khan-II, NA 191 Dera Ghazi Khan-III and NA 192 D.G Khan-IV and each National Assembly Constituency has been allocated population ranging between 6,78,000 to 7,40,000. According to the population of Qanoongoi Halqa and Patwar Circle mentioned in each details of Provincial Assembly Constituencies.

2. That the petitioner hales from the respectable family of Buzdar Tuman of Dera Ghazi Khan District De-Excluded area and his forefathers have been notified and declared as Tumadar for this area known as Tumendar of the area, Petitioner's grandfather Sardar Dost Muhammad Khan remained Tumandar till 1982 and thereafter the father of the petitioner Sardar Fateh Muhammad Khan became Tumandar from 1982 till date. He has been elected member Provincial Assembly of this Tuman three times till General Election 2013. Thereafter the Govt. of Punjab declared Fort Manro a part of de-excluded area as a Tehsil of De-excluded area of D.G Khan and the petitioner was first who was elected under the local Govt. laws as first and second Tehsil Nazim of the Fort Manro and presently since the father of the petitioner is not contesting the Election to PP-286 District Dera Ghazi Khan, which includes a part of De-excluded areas apart from settled area, therefore the family has decided and the petitioner has shown consent to contest the Election to the seat of Provincial Assembly PP-286 Dera Ghazi Khan-II falling within the constituency of NA-189 Dera Ghazi Khan-I.
3. That as per notification in the constituency of National Assembly 189 all the Qanoongoi Halqas and Patwar Circle of PP-285 Dera Ghazi Khan-I and of PP-286 Dera Ghazi Khan-II have been notified to be the electoral college of NA-189. Copies

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of the notifications of National Assembly Constituencies delimited provisionally and provincial assembly constituencies of District D.G Khan are attached as ANNEX-P/1 &P/6.

4. That the delimitation officer for the purposes of delimiting constituencies bearing NO.PP285 D.G Khan-I and PP 286 D.G Khan-II altogether ignored the mandatory provisions contained in Section 20 of the Election Act 2018, which are reproduced as Under:-

"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."*

The delimitation officer notified following Qanoongoi Halqa of Taunsa Tehsil as part of PP-285 D.G Khan-I:-

PP 285 D.G Khan-I

a) The following QH of Taunsa Tehsil:-

- i. Vehowa
- ii. Nutkani
- iii. Ratera
- iv. Addl Nari

b) The following QH of De-excluded area of D.G Khan Tehsil:-

- i. Bathi; and
- ii. Pughla Shumali

Of District D.G Khan

With a total number of population 3,65,525

(4)

Similarly the delimitation officer also notified the following Qanoongoi Halqa of Tehsil Taunsa for PP-286 D.G Khan-II with a total number of population 3,57,634

PP-286 Dera Ghazi Khan-II:-

a) The following QH of Taunsa Tehsil:-

- i. Taunsa:
- ii. Addl: Taunsa
- iii. Nari QH

b) MC Taunsa

c) The following QH of De-excluded area of D.G Khan Tehsil:-

- i. Barthi
- ii. Kharrar Bazdar, and
- iii. Fazla Kuch

5. That the delimitation officer absolutely as against the mandatory provision of law for delimitation as provided Under Section 20 of the Act illegally and wrongfully included **Additional Nari** Qanoongoi Halqa of Tehsil Taunsa within the Provisional Delimitation of PP-285 D.G Khan-I and similarly included **Nari** within the Provisional Delimitation of PP-286 D.G Khan-II according to the details of Population wise of both the Qanooni Halqas of PP-285 D.G Khan-I and PP-286 D.G Khan-II **Additional Nari** Qanoongoi Halqa have the population of 30,195 while **Nari** Qanoongoi Halqa have the population of 45,038.

As per details of Patwar Circle of Qanoongoi Halqa **Additional Nari** of PP-285 D.G Khan-I it has Basti Naseer PC, Balouch Khan, Basti Naseer, Basti Shah, Ghalli, Jarah, Lakho, Meer Kharr, Bolani, Patwar Circle Janpur, Kabir Shah Saddar Pur and Nari Janubi PC and Nari Shumali PC, Kachala, Nari Shumali and Wani and these Patwar Circles and Qanoongoi Halqa would have been delimited within the proposed Constituency of PP-286 D.G Khan instead of PP-285 Dera Ghazi Khan-I because for the simple reason Patwar Circle falling within Qanoongoi Halqa Nari, three Patwar Circles in a strip namely Bhamban, Aku Pur and Malik Pur,

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which fact is clear from the Provisional site plan of the constituency and as per Provision of law Nari Qanoongoi Halqa would have been included in PP-285 D.G Khan-I keeping in view the principal of compactness, contiguity, practicable, physical features, existing boundaries of Administrative unit and specially facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

6. That by perusal of the breakup and colored impact of those two constituencies namely PP-285 Dera Ghazi Khan-I and PP-286 D.G Khan-II it is most convenient to bring a slight change by delimiting Nari within the constituency of PP-285 D.G Khan-I especially when Qanoongoi Halqa Nari has the majority population of Qaisrani Tribe, which is more feasible to be delimited in constituency PP-285 D.G Khan-I and at the most one Patwar Circle Bhamban which falls within the Qanoongoi Halqa **Nari** may be attached to PP-286 and the tales with color yellow may be included in PP-286 keeping in view the principle of delimitation.

PRAYER:

It is therefore respectfully prayed that this representation may be accepted and the Provisional Delimitation of PP-285 Dera Ghazi Khan-I and PP-286 Dera Ghazi Khan-II of D.G Khan District may be accepted with the direction to delimit Additional Nari with PP-286 Dera Ghazi Khan-II, while Qanoongoi Halqa Nari may be detached and attached with PP-285 Dera Ghazi Khan-I.

THROUGH:-

PETITIONER

MIAN ABBAS AHMED

Advocate Supreme Court of Pakistan
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