

Handwritten signature and date: 02/04/2018 with a circled number 1.

BEFORE THE ELECTION COMMISSION OF PAKISTAN

Representation No-----/18

Sardar Zulfiqar Hayat Khan son of Dr. Sikander Hayat Khan,
R/o Main Hazara Road, Hassanabdal City, District Attock.

.....Petitioner

VS

1. Chief Election Commissioner, Pakistan
2. Delimitation Committee, PP-3, District Attock, Election Commission of Pakistan

.....Respondents

**MEMORANDUM OF OBJECTIONS UNDER SECTION 21(3)
OF THE ELECTION ACT 2017 READ WITH RULE 12 OF THE
ELECTION RULES 2017 AND OTHER ENABLING
PROVISIONS OF LAW AGAINST DELIMITATION OF PP-3,
ATTOCK-3**

Respectfully Sheweth;

1. That Government of Pakistan conducted population census in 2017 wherein considerable raise in population of Pakistan has been recorded. Consequently, the Election Commission of Pakistan carried out delimitation of almost all the National and Provincial Assembly constituencies in Pakistan purportedly in

Handwritten signature and date: 01/09/2018

Handwritten circled number: 2

accordance with the increased population and to serve the needs of given population in every constituency.

2. That in this regard, the Hon' able Election Commission of Pakistan vide Notification No. F8(3)2018-Elc-I dated 5th March 2018 published, in official gazette, for information of general public, preliminary report and the list of newly delimited constituencies in respect of the National Assembly and the Provincial Assemblies.
3. That the petitioner is the Hon' able citizen of Pakistan, registered as voter member at Hasanabdal. The petitioner is an advocate by profession and a candidate for Punjab Provincial Assembly from PP-3 in the forthcoming general elections 2018.
4. That the petitioner being aggrieved of aforementioned delimitation of his constituency (hereinafter called as the impugned delimitation) made by the Election Commission of Pakistan seeks amendment of delimitation of provincial constituencies in District Attock inter-alia on the following grounds:

GROUND:

1. That the impugned delimitation as published in the preliminary report and the initial list have been made in gross violation of Section 20 of the Election Act 2017 and the Rules 10 and 12 of the Election Rules 2017.

H/09/09/2018

3

2. That the impugned delimitation has been conducted entirely against the recognized principles of delimitation. It is further submitted that subject constituencies have been delimited in absolute disregard to 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. That the impugned delimitation is based on malafidies, political influence and has completely dishonored the concept of public convenience and an easy opportunity of communication between the public and their representatives.
4. That according to the Notification mentioned herein above, the existing provincial constituencies in District Attock consist of following PC's and QH's of District Attock:

1) PP-1 Attock-I

a) Attock Tehsil excluding following PC's of QH Attock- 1:-

- i) Chhoi Garyala
- ii) Surag Salar

b) QH Attock-II excluding the following PCs:-

- i) Boota
- ii) Akhori

of District Attock

(Total Population: 396447)

11/01/2018

(4)

2) PP-2 Attock-II

- a) Tehsil Hazro:-
b) The following PC's of QH Burhan of Tehsil Hassanabdal:-
i) Khodda
ii) Islam Garh
iii) Kohlia
of District Attock
(Total Population: 369889)

3) PP-3 Attock-III

- a) Tehsil Hassanabdal excluding the following PC's of QH Burhan:-
i) Khodda
ii) Islam Garh
iii) Kohlia
b) Fateh Jang MC;
c) QH Bahter of Tehsil Fateh Jang;
d) The following PC's of QH Fateh Jang:-
i) Fateh Jang
ii) Jaffar
iii) Gaggan
of District Attock
(Total Population: 380539)

4) PP-4 Attock-IV

- a) Tehsil Pindigheb excluding QH Surag:-
b) The following QH of Fateh Jang Tehsil:-
i) Malal;

11/01/2018

5

c) QH Fateh Jang of tehsil Fateh Jang excluding the following

PCs:-

- i) Fateh Jang
- ii) Jaffar
- iii) Gaggan

(Total Population: 355248)

5) PP-5 Attock-V

a) Tehsil Jand:-

b) The following PCs of QH of Attock 1 of Tehsil Attock:-

- i) Chhoi Garyala;
- ii) Surag Salar, and

c) The following PCs of DH Attock II:-

- i) Boota
- ii) Akhori

d) QH Surag of Tehsil Pindigheb;
of Attock District

(Total Population: 381433)

5. That the petitioner hereby proposes the following delimitation for PP-1, PP-2, PP-3, PP-4 & PP-5.

PP-1 Attock-V

a) Attock Tehsil excluding following PC's of QH Attock- 1:-

- i) Chhoi Garyala
- ii) Surag Salar
- iii) Golra
- iv) Gondal

b) QH Attock-II including the following PCs:-

M/04/2018

6

- i) Boota
 - ii) Akhori
- of Attock District

PP-2 Attock-V

- a) Tehsil Hazro:-
 - b) The following PC's of Tehsil Attock:-
 - i) Gorla
 - ii) Gondal
- of Attock District

PP-3 Attock-V

- a) Complete Tehsil Hassanabdal:-
 - b) Fateh Jang MC;
 - c) QH Bahter of Tehsil Fateh Jang;
- of Attock District

PP-4 Attock-V

- a) Tehsil Pindi-gheb excluding QH Surag:-
 - b) The following QH of Fateh Jang Tehsil:-
 - i) Malal;
 - c) QH Fateh Jang of tehsil Fateh Jang including following PCs:-
 - i) Fateh Jang
 - ii) Jaffar
 - iii) Gaggan
- of Attock District

11/02/2018



PP-5 Attock-V

- a) Tehsil Jand:-
 - b) The following PCs of QH of Attock 1 of Tehsil Attock:-
 - i) Chhoi Garyala;
 - ii) Surag Salar, and
 - d) QH Surag of Tehsil Pindigheb;
- of Attock District

5. That the proposed amendment in delimitation of all the above mentioned constituencies and PP-3 in particular are fair, appropriate, essential and unbiased for the following reasons:

REASONS:

1. That in 2017, census was conducted whereby population of District Attock was recorded as 1883556 as compared to previous population of Attock i.e. 1274935. It is pertinent, that in the impugned delimitation, the NA seats have been once again reduced from three seats to two seats, whereas, the number of provincial seats remained five as these were before, however, material undue disparities reflect in the impugned delimitation which amount to infringing the basic formula of delimitation prescribed in the Election Act and Rules of 2017
2. That the exclusion of PCs of QH Burhan i.e. Khodda, Islam Garh and Kohlia of Tehsil Hassanabdal from PP-3 and their inclusion in PP-2 is not justified, whereas the same

8/10/09/2018

(P)

should be included in PP-III in view of following considerations:

i) The petitioner holds a strong and potential political support and vote bank in the above mentioned PC's of QH Burhan which should have been considered in view of principles given in Section 20 of Election Act 2017, therefore, exclusion of above mentioned PC's is a loss to petitioner, hence not lawful.

ii) The petitioner's family is into electioneering process for last forty years and he holds and enjoys very strong linkages and social relations with the public in the above said PCs and by their exclusion from PP-3, the petitioner would be deprived from his strong public support which amounts to violation of settled principles and best prevailing international electioneering practices.

iii) The public in these PCs have very good opportunity to reach their representative in shape of petitioner being in the same vicinity, however, removal thereof from PP-3 has deprived the public from the said opportunity which would affect them adversely being against the principles of facility of communication and public convenience.

iv) The excluded three PC's are at least 40 kilometers away from Tehsil Headquarter Hazro and in case these PCs are excluded from PP-3 i.e. constituency of petitioner, it would be a great problem for people residing in these areas in future.

Handwritten signature and date: 01/01/2018

Handwritten number 9 inside a circle

3. That inclusion of PCs of QH Fateh Jang i.e. Fateh Jang, Jaffar and Gaggan of Tehsil Fateh Jang in PP-3 is not reasonable and the same should be excluded from PP-3, and included in PP-IV in view of following reasons:

i) The said PCs are more than 40 kilometers away from petitioner's home town which involves long road distance and travelling, therefore, their inclusion in PP-3 is one of the biggest hurdle for petitioner during campaign as well as after elections.

ii) The petitioner does not have easy access and opportunity of electioneering in these PCs which have been included in his constituency PP-3 against the logical principles of distribution of population in geographically compact areas, existing boundaries of compact units, public convenience and facilities of communication.

iii) The public of these PCs would face difficulty from easily approaching the petitioner during and after the elections being more than 40 kilometers away from his locality which is violation of settled principles of law.

4. That the proposed formation of PP-3 is right in the manner that suits the public in accordance with the principles given in Section 20 of Election Act 2017. The said formation supports the needs and convenience of voters of the constituency and fulfills the requirements of principles of electioneering also which has been defied in the impugned delimitation.

12/04/2018

10

5. That the proposal presented by the petitioner is based and supported by the actual and physical conditions of PCs and QHs as shown in the map. The constituencies proposed by the petitioner contain geographically compact areas and the population has been distributed almost equally among all. In addition, all the proposed constituencies ensure complete homogeneity and facility of communication between people and their representatives.
6. That as suggested by the petitioner in the proposed delimitation, the readjustment of PCs would have no adverse effect on the equation of population in the referred constituencies which is right in accordance with the relevant principles.
7. That the impugned delimitation has flouted the principles as laid down in the election laws and guidelines which emphasize due consideration to take all conceivable care to keep intact the administrative boundaries of Tehsil and Qanungo Halqas unless it is necessary to avoid manifest disproportion of population amongst various constituencies in the same district. It is submitted that, in the impugned delimitation, PCs and QHs have been damaged and scattered to different constituencies to benefit the interest of specific prospective candidates which is against the concept of fair and free elections.
8. That the impugned delimitation is also assailed on the grounds which, inadvertently, are not taken up presently in this petition but will form the part of the present

11/09/2018

(11)

grounds during the arguments, or any later stage before any legal forum, if any and required.

IN view of the factual and legal position as contended hereinabove, the impugned delimitation may kindly be set-aside and the delimitation proposed by the petitioner may kindly be allowed as the same has been proposed keeping in view all the considerations and principles laid down in the election laws and rules as well as public convenience and compactness of boundaries which shall ensure the fair and free elections as well as positive and better opportunity of electioneering to all the candidates.

Zulfiqar

Petitioner

Sardar Zulfiqar Hayat Khan

CNIC: 37103-2092809-7, Silsila NO. 208

Cell: 03005323295 Gharana NO. 70

Phone: 057-2522794 Mahmood Akbar
Kasraabadal.

Through

Ali Asgher
Ali Asgher Pasha Khan
Advocate High Court
Cell: 0333 5463876

For & on behalf of

**LEGAL SOLUTIONS
ADVOCATES AND
LEGAL CONSULTANTS**
7, Victory Towers, 2nd Floor,
Markaz, F- 8, Islamabad
Phone: 051 2850320