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

MUHAMMAD SHOAIB BANDIAL, S/o Sher Muhammad Bandial, Bandial  
Janoobi, Tehsil Quadiabad, District Khushab (*Vote Block Code No. 145020205*  
*, Serial No. 134, Bandial Janoobi, Tehsil Quaid-a-bad, District Khushab*)

.... PETITIONER/APPLICANT

**REPRESENTATION UNDER SECTION 21(3) OF ELECTION**  
**ACT 2017 READ WITH RULE 12 OF THE ELECTION RULES**  
**2017 AGAINST THE DRAFT PROPOSAL OF DELIMITATION**  
**OF CONSTITUENCIES OF NATIONAL ASSEMBLY ISSUED**  
**VIDE NOTIFICATION DATED 05-03-2018 IN RESPECT OF**  
**DISTRICT KHUSHAB (PUNJAB)**

Respectfully Sheweth,

1. That up-until the General/Provincial Elections held in 2013, District Khushab (Punjab) comprised of four constituencies in the Punjab Provincial Assembly i.e. PP-39 (Khushab I), PP-40 (Khushab II), PP-41 (Khushab III) and PP 42 (Khushab IV) whereas there were two seats in the National Assembly from District Khushab i.e. NA-69 (Khushab-I) and NA-70 (Khushab-II).
2. That after the population census of 2017 and the formulae given therein and also mandated under Article 51(5) of the Constitution of Islamic Republic of Pakistan 1973, the Election Commission of Pakistan (ECP) started to conduct Delimitation of the constituencies of National & Provincial Assemblies in accordance with the provisions of newly enacted Election Act 2017 (Act of 2017) and the Election Rules 2017 (Rules of 2017) made thereunder.
3. That while exercising powers under Rule 10 of the Election Rules 2017, the ECP, vide Notification Dated 05-03-2018 has issued proposed new

composition ("Impugned") of the Provincial Assembly Seats in District Khushab whereby the number of Provincial Assembly Seats have been reduced from Four (4) to Three (3) with the nomenclature of PP-82 (Khushab I), PP-83 (Khushab II) and PP-84 (Khushab III) whereas for the National Assembly there are two seats in the District Khushab with the nomenclature of NA-93 (Khushab-I) and NA-94 (Khushab-II).

The comparison inter-se the constituencies in District Khushab during the Elections 2013 and the proposed draft ("Impugned") issued vide notification dated 2017 is reproduced hereunder:

Constituencies During Provincial Elections 2013	Proposed Draft List of Constituencies in 2017
<p>(1) NA - 69 (Khushab- I)</p> <p>i) Quaid-a-bad Tehsil</p> <p>ii) Tehsil Noushehra</p> <p>iii) Katha QH of Tehsil Khushab</p> <p>iv) Kund Shumali QH of Tehsil Khushab</p> <p>v) Sandral PC of Khushab-I QH of Tehsil Khushab</p> <p>vi) Hardoghah PC of Khushab-I QH of Tehsil Khushab</p> <p>vii) Noorwana PC of Khushab-I QH of Tehsil Khushab</p> <p>viii) Rajar PC of Khushab-II QH of Tehsil Khushab</p> <p>ix) Nali Janubi PC of Khushab-II QH of Tehsil Khushab</p>	<p>(1) NA - 93 (Khushab-I)</p> <p>i) Noushehra Tehsil</p> <p>ii) Quaid-a-bad Tehsil</p> <p>iii) Khsuhab Tehsil, <u>excluding</u> the <u>following</u></p> <p>I) QH Girot</p> <p>II) QH Mitha Tiwana</p> <p>III) QH Joharabad</p> <p>IV) MC Joharabad</p> <p>V) MC Hidali</p> <p>VI) MC Mitha Tiwana Of Khushab District</p> <p><b><u>Population: 658748</u></b></p> <p>(2) NA - 94 (Khushab-II)</p> <p>i) MC Jauharabad</p> <p>ii) MC Hadali</p>

<p>x) Nari Janubi PC of Khushab-II QH of Tehsil Khushab</p> <p>xi) Kund Janubi PC of Joharabad QH of Tehsil Khushab</p> <p>xii) Nara Janubi PC of Joharabad QH of Tehsil Khushab</p> <p>xiii) Chak No. 45 AMB PC of Joharabad QH of Tehsil Khushab</p> <p>xiv) MC Mith Tiwana</p> <p>xv) Mitha Tiwana QH of Tehsil Khushab</p>	<p>iii) MC Mitha Tiwana</p> <p>iv) The following QHs of Khushab Tehsil</p> <p>I) Girot QH</p> <p>II) Mith Tiwana QH</p> <p>III) Joharabad QH</p> <p>v) Noor pur Thal Tehsil</p>
<p><b><u>Population: 622551</u></b></p>	
<p><b>(2) NA - 70 Khushab-II</b></p>	
<p>i) MC Khushab and Rural</p> <p>ii) MC Joharabad</p> <p>iii) MC Hadali</p> <p>iv) Girot QH of Khushab Tehsil</p> <p>v) PC Chak No. 48 MB of QH Joharabad</p> <p>vi) PC Chak No. 50/MB of QH Joharabad</p> <p>vii) PC Chak No. 51/MB of QH Joharabad</p> <p>viii) PC Chak No. 62/MB of QH Joharabad</p> <p>ix) PC Chak No. 39/MB of QH Joharabad</p> <p>x) PC Namewali of QH Khushab-I</p> <p>xi) PC Shiwala of QH Khushab-I</p>	

xii) PC Chak No. 54/MB of QH Khushab-II	
xiii) PC Chak No. 60/MB of QH Khushab-II	
xiv) Noorpur Thal Tehsil	

4. That the impugned proposed draft of delimitation issued vide the notification, has been carried out in sheer violation of the provisions of the Act of 2017 and the Rules 2017 enacted thereunder; therefore the same is liable to be rejected, inter-alia on the strength of the following amongst other grounds:

**GROUND:**

I) That the proposed draft for delimitation of constituencies issued vide the impugned notification is in violation of Sections 20, 21 and 22 of the Election Act 2017 and Rule 10 of the Election Rules 2017 made thereunder.

II) That Section 20 of the Election Act 2017, prescribes the Principles of delimitation, which is reproduced hereunder:

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.

As per Section 20 supra, while making the impugned draft proposals for delimitation, the geographical compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and homogeneity in the creation of constituency must be considered as relevant parameters for carrying out delimitation. However, in the present case, these pre-requisite conditions have been fully ignored; which thus requires interference by this August Commission.

III) That, in addition, Rule 10 of the Election Rules 2017 provides the mechanism for implementation of Section 20 of the Election Act 2017. The Rule 10 of the Election Rules 2017 is reproduced hereunder:

10. Draft proposals for delimitation of constituencies:

(1) A Delimitation Committee constituted under rule shall, immediately after its constitution, proceed to obtain from Pakistan Bureau of Statistics, population data of last census officially published along with relevant maps showing therein census charges, census circles and census blocks along with description, relating to a Province, a district, an agency, or any other administrative or revenue unit as it may require.

(2) The Delimitation Committee shall also obtain district maps along with description, duly authenticated by Pakistan Bureau of Statistics, or, as the case may be, the district head of Revenue Department, prepared on a uniform scale as may be determined by the Commission indicating therein details of all administrative

and revenue units in the district to the level of a Patwar Circle or, as the case may be, a Tapedar Circle, as well as prominent geographical and physical features, such as rivers and mountains and any other information as may be determined by the Commission or required by the Committee.

(3) In preparing draft proposals for delimitation of constituencies, the Delimitation Committee shall follow the principles of delimitation as laid down in section 20, procedure given in this Chapter and the guidelines provided by the Commission from time to time.

(4) The constituency for an Assembly shall not ordinarily extend to more than one district except in exceptional circumstances for reasons to be recorded by the Delimitation Committee:

Provided that a Patwar Circle or, as the case may be, a Tapedar Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:

Provided further that in case of urban areas census circle shall not be broken under any circumstances.

(5) As far as possible, the delimitation of constituencies of an Assembly shall start from the Northern end of the district, or, as the case may be, the agency and then proceed clock-wise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable to the quota:

Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to that district or agency:


Provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit.

(6) For the purpose of preparation of draft proposals for delimitation, the Delimitation Committee may require assistance

from any Federal, Provincial or, as the case may be, a Local Government Authority.

(7) After the draft proposals for delimitation of constituencies are finalized on Form-5, the Delimitation Committee shall send the same to the Commission, within the time specified and in the manner as may be determined by the Commission.

- IV) That as per Rule 9(3) of the Rules 2017, the ECP was also mandated to issue 'guidelines' to conduct the delimitation in order to guard the same from any influence so that elections could be conducted in free, fair and just manner. However the ECP did not issue any such guidelines until the entire process was nearing its end; therefore the draft delimitation have been issued on the entire whims and desires of the officials of the committee.
- V) That after the population census of 2017, the total population of District Khushab is **1281299**, out of which as per the impugned proposed draft of delimitation, the population of NA-93 (**Khushab I**) (formerly NA 69) has been shown as **658748** whereas the population of NA - 94 (**Khushab II**) (formerly NA 70) is shown as **622551**.
- VI) That Mitha Tiwana QH, including MC Mitha Tiwana of Tehsil Khushab, which was formerly part of NA - 69 (now NA 93) **Khushab I** constituency of National Assembly since 2002 had now been included and now forms part of NA - 70 (now NA - 94) **Khushab II** constituency of the National Assembly in District Khushab.
- VII) That whereas Khushab I, Khushab II and Khushab III PCs including MC Khushab and PC Chak No. 60/MB and PC Chak No. 54/MB formerly part of NA - 70 (now NA - 94) **Khushab II** constituency had now become part of NA - 69 (now NA - 93) **Khushab I** constituency in District Khushab.

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- VIII) That due to the aforesaid adhoc exercise of discretion, the Delimitation Committee has ignored the provisions of Act of 2017 and 2017 Rules made thereunder; therefore the proposed draft of delimitation may graciously be rejected and the previous constituencies of Khushab I and Khushab II be restored.
- IX) That delimitation of District Khushab vide the impugned draft proposal has also violated the Administrative convenience of the local public and have changed the constituencies only for the sake of change, which is totally unnecessary and unwarranted.
- X) That the Petitioner is a voter member of the constituency of Khushab I, and is competent to file the instant representation.

**PROPOSAL OF THE PETITIONER/APPLICANT**

**PROPOSAL I**

5. That the applicant/petitioner proposes to restore the constituencies of the National Assembly in District Khushab in the following manner:

- I) That the Petitioner proposes the constituencies of National Assembly in District Khushab i.e. NA 93 (Khushab I) and NA - 94 Khushab II) as follows:

**NA - 93 (Khushab I) (Proposed by the Petitioner):**

- i) Tehsil Noushehra
- ii) Katha Sagral QH of Tehsil Khushab
- iii) Kund QH of Tehsil Khushab
- iv) PC Sandral of QH Khushab I of Tehsil Khushab
- v) PC Hardoghahg of QH Khushab I of Tehsil Khushab
- vi) PC Noorwana of QH Khushab I of Tehsil Khushab
- vii) PC Rajar of QH Khushab II of Tehsil Khushab
- viii) PC Nalli Janoobi of QH Khushab II of Tehsil Khushab
- ix) PC Nari Janoobi of QH Khushab II of Tehsil Khushab
- x) PC Kund Janoobi of QH Joharabad



- xi) PC Nara Janoobi of QH Joharabad
- xii) PC Chak No. 45/AMB of QH Joharabad
- xiii) Tehsil Quaidabad
- xiv) MC Mitha Tiwana
- xv) Mitha Tiwana QH of Tehsil Khushab

**NA - 94 (Khushab II) (Proposed by the Petitioner):**

- i) MC Khushab Plus Rural
- ii) MC Joharabad
- iii) MC Hadali
- iv) Girot QH of Tehsil Khushab
- v) PC Chak No. 48/MB of QH Joharabad
- vi) PC Chak No. 50/MB, 51/MB, 62/MB, Chak No. 39/MB of QH Joharabad
- vii) PC Namewali of QH Khushab I of Tehsil Khushab
- viii) PC Shiwala of QH Khushab I of Tehsil Khushab
- ix) PC Chak No. 54 MB and Chak No. 60 MB of QH Khushab II of Tehsil Khushab
- x) Tehsil Noor pur Thal

II) That if the previous constituencies of the National Assembly in District Khushab are restored, the population of Khushab I constituency of National Assembly shall be **611580** whereas the population of Khushab II constituency shall be **669719** and the said distribution should not violate or infringe any provisions of the Act of 2017 and Rules 2017.

The above mentioned proposed delimitation alongwith the map is attached herewith as Mark A.

**PROPOSAL II**

I) That the Petitioner submits the Second Proposal of delimitation of constituencies of National Assembly in District Khushab as under:

**NA 93 KHUSHAB 1:**

Area	Population
TEHSIL NAUSHERA	117942
QH KUND OF TEHSIL KHUSHAB	65002
QH KATHA OF TEHSIL KHUSHAB	78351
QH KHUSHAB 1 OF TEHSIL KHUSHAB	22551
QH KHUSHAB II OF TEHSIL KHUSHAB	23164
MC KHUSHAB	121418
MC JAUHARABAD	91254
MC HADALI	53627
QH JAUHARABAD OF TEHSIL KHUSHAB	50833
PC MOHIBPUR OF QH GIROT OF TEHSIL KHUSHAB	5414
PC RANGPUR KADHI OF QH GIROT	3220
PC MELIPUR BAKSH OF QH GIROT	4024
PC HASSAN PUR TIWANA OF QH GIROT	6181
PC JOIYA OF QH GIROT	5106
PC KURPALKA OF QH GIROT	12820
	=====
	<b><u>660907</u></b>

**NA 94 KHUSHAB II:**

TEHSIL QUIADABAD	230320
TEHSIL NURPUR	243295
QH MITHA TIWANA OF TEHSIL KHUSHAB	83111
PC RODA OF QH GIROT OF TEHSIL KHUSHAB	30695
PC LUKKU OF QH GIROT OF TEHSIL KHUSHAB	7542
PC CHAK 33 MB OF QH GIROT OF TEHSIL KHUSHAB	233
PC CHAK 37 MB OF QH GIROT OF TEHSIL KHUSHAB	289
PC LANGAR WALA OF QH GIROT	2394
PC CHEENA OF QH GIROT	1824
PC GIROT OF QH GIROT	20689
	=====
	<b>620392</b>

Copy of the Proposal II is attached as Mark B.



6. That the above mentioned proposals are suggested keeping in view the provisions of the Act & Rules made thereunder as well as the convenience and welfare of the local public.

**PRAYER:**

It is therefore respectfully prayed that in lieu of the facts narrated above, the instant objection petition be accepted and the delimitation of National Assembly Seats in District Khushab be carried out in accordance with the two Proposals submitted by the Petitioner, in the interest of justice and propriety.

**PETITIONER,**

Through Counsel(s)

**SHAH KHAWAR**

Advocate Supreme Court of Pakistan

**SHAHZEB JAFFAR**

Advocate

**HASAN RASHID QAMAR**

Advocate