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BEFORE, THE ELECTION COMMISSION OF PAKISTAN

**REPRESENTATION UNDER SECTION 21 OF THE ELECTIONS ACT, 2017 READ
WITH RULE 12 OF THE ELECTIONS RULES, 2017 AND OTHER ENABLING
PROVISIONS CHALLENGING THE PRELIMINARY PROPOSAL PERTAINING
TO THE DELIMITATION OF CONSTITUENCIES OF DISTRICT GUJRANWALA,
PUNJAB PP-62 & PP-63**

Respectfully Sheweth:-

1. That the instant representation is being filed by Mr. Bilal Qudrat Butt S/o Qudrat Ullah Butt R/o Gali Kashmirian, Mohalla Purana Bazar, Qila Dedar Singh, Tehsil & Distt Gujranwala (the "Applicant"). The Applicant after fulfilling all the codal formalities and requirements has been registered as a voter by the relevant authority and currently is a registered voter member of PP-62, and is competent to file the instant representation. The applicant is well known political worker who believes in democratic process and always endeavored to play his due role in the prosperity of the democratic process under the law.

(Copy CNIC is attached as Annexure "A")

2. That in consequence of the fresh census and electoral reforms etc. which have culminated into the realization of the fact that the constituencies and the population ratio has been miserably imbalanced and maintaining the proper ratio is real

concept of Doctrine of Representation. This realization has resulted in to the introduction of the new constituencies at National and Provincial level across the country. As it is an admitted fact that creation of constituencies is directly linked with the population of a specific area therefore this basic doctrine which is the root of creation of constituencies is also linked with the delimitation process and therefore the same has been adopted by the Election Act, 2017 (the "**Act**") and Election Rules, 2017 (the "**Rules**") for the purposes of delimitation.

3. That the recent exercise of delimitation conducted by the Election Commission of Pakistan (**ECP**) culminated through a notification No F.8(3)/2018-Elec-I dated 05-03-2018 issued by ECP under section 21(1) of the Act read with Rule 11 of the Rules is not in accordance with the principles as laid down in the relevant provisions of the Act and Rules with respect to delimitation to the extent of two constituencies of District Gujranwala, Punjab i-e PP-62 and PP-63 including but not limited to the principle of ratio of population, contiguity, closeness, homogeneity, compactness and administrative fairness. However, being voter member of PP-62, the applicant challenges the proposed delimitation which by its very nature will also consequently engulf the other constituencies as well.
4. That through the instant representation, being aggrieved of the notification as mentioned in the preceding paragraphs, the applicant seeks correction/modification/alteration/fresh

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delimitation in the Provincial Assembly Constituencies of District Gujranwala, Punjab *inter alia* on following grounds;

GROUND:

- I. That the proposed delimitation of the provincial constituencies of PP-62 & Pp-63 is against the principle laid down in Section 20 of Election Act, 2017 and Rule 10(5) of the Election Rules, 2017.

The latter speaks as;

"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"(Emphasis Provided)

It is imperative to note that the constituency of PP-62 has not proceeded in zigzag manner rather some of the areas of Qanoongo Halqa of Guranwala City Tehsil i-e Patwar Circle Khiali Shahpur, Mouza Pipli Wala etc were included in PP-62 which by their nature of boundaries are not even adjoined to other Muncipal and Patwar Circles of Pp-62. It is pertinent to mention that major area of PP-62 is on western side of Gujra' Urban Area however the newly included Mouza i.e Pipli Wala of PC Khiali Shahpur is on eastern side of the Gujra' Urban Area as categorized in the Map issued by ECP.

(4)

- II. That the proposed delimitation of PP-62 as per notification issued by ECP is in sheer violation of the 'principles of delimitation' envisaged in section. 20 of the Act, particularly neither the population has been distributed in '**geographically compact**' area nor the physical features, existing facilities of communication and **public convenience** and other cognate factors to ensure homogeneity in the creation of constituencies of District Gujranwala, Punjab has been appreciated.
- III. That the measures for delimitation as prescribed in the Section 20 of the Act and Rule 10 of the Rules speaks volumes regarding the importance of "Geographically Compact Area" which in the instant case has been miserably flouted by the ECP as some of the specific Mouzas of Patwar Circles of Qanoongo Halqa of Gujranwala City-I has been added in the PP-62 which are not adjoined with other QH and MC of PP-62 rather there is a land gap of approximately 10 Km between the recently added Mouza of Patwar Circles of Qanoongo Halqa of Gujranwala City-I and other areas of PP-62 i.e Qila Dedar Singh MC, Ludhewala Waaraich MC and Qila Dedar Singh QH and conversely the attached areas of PP-62 i.e Patwar Circles of Chak Ugo and Maan were added in PP-63 which is a blatant violation of above mentioned Rules. That the proposed delimitation by the ECP of PP-62 does not follow

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the rule of Geographically Compact Area by any stretch of imagination.

IV. That the explanation of Qanoongo Halqa of Gujranwala City – I given by the concerned Department of Revenue is altogether different from the explanation given by the ECP. As per the Revenue Authorities the QH Gujranwala City-I is comprised of PC Khiali Shahpur, PC Kotli Rustam, PC Kot Khaliq and PC Kot Miranji (Qila Balwant Singh) however the ECP has given the explanation that Mouza Pipli Wala, Mouza Qila Sundar Singh, Mouza Kot Miran Jee and Mouza Asfaq Abad are equal to QH of Gujranwala City-I.

V. That as per the proviso of Rule 10(4) which reads as;

"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"

It is important to mention that ECP has defied the above said rule by breaking the Patwar Circles of Khiali Shah Pur and Patwar Circle of Kotli Rustam of Qanoongo halqa of Gujranwala City-I. That as a matter of fact ECP has added the Mouza Pipli wala of PC Khiali Shahpur in PP-62 and as well as Mouzas Qila Sunadr Singh, Kot Miran jee and Ashfaq abad of PC Kotli Rustam in PP-62 which is the clear violation of law and liable to be modified on this score alone.

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VI. That bare perusal of provisions of the Act and the Rules promulgated thereto reveals that same has not been adhered to in the proposed delimitation, hence, under Rule 12 (2) of the Rules, the present Applicant/petitioner submits the detail of how the constituencies of Provincial Assembly of District Gujranwala, Punjab may be delimited in following proposal Annexures:-

PROPOSAL:

- I. That the Mouzas Pipli Wala, Kot Miran Jee, Ashfaq abad and Qila Sunder Singh falling in Qanoongo Halqa of Gujranwala City-I may be added in PP-63 and Patwar Circles of Chak Ugo and Maan may be added in PP-62.
- II. That by doing above mentioned modification the variation of two constituencies would not be increased from 10 %.
- III. That by way of above said proposal the Patwar Circles of Qanoongo Halqa of Gujranwala City-I will also remain intact in the light of proviso of Rule 10(4) of the Rules.
- IV. More so the concept of geographical compact area would also be followed by doing the modification of PP-62 and Pp-63 in the above said manner.

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PRAYER:

It is therefore humbly requested that the instant representation may kindly allowed and proposed changes hereinabove may kindly be incorporated to ensure the delimitation of PP-62, PP-63 and any other constituency of District Gujranwala affecting thereby, is in conformity with the statutory provisions and the rules made thereunder.


APPLICANT
34101-2522242-7

Through


SHUJAH ULLAH
Advocate High Court
CC#59773


CH. KAISER IMAM
Advocate High Court
CC#32240
Cell# 03335208451

Office No 9, 2nd Floor, Aghaz Plaza,
F-8 Markaz, Islamabad

JUWAYNI AND HAWKINS
LEGAL AND FINANCIAL ADVISORS
www.juwayniandhawkins.com