

BEFORE THE SECRETARY ELECTION COMMISSION
OF PAKISTAN, ISLAMABAD

M.O. No. _____ / 2018

Muhammad Salman Son of Muhammad Yousaf Resident of Dharei Road Street No.2 Mohallah Dil Khushaab Tehsil and District Chiniot.

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 Chiniot.
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 Chiniot and un natural bifurcation of administrative units i-e District Headquarter is detached from the proposed Constituencies creating huge difficulty for the public District creating illegitimacy in proposed delimitation which is required to be rectified.

**NATIONAL ASSEMBLY CONSTITUENCIES UNDER THE
NUMBER NA-99 (CHINIOT-1) AND NA-100 (CHINIOT-2)**

4. That there are two proposed Constituencies in the district Chiniot by the ECP for National Assembly i-e NA-99 (Chiniot-1) and NA-100(Chiniot-2).
5. That the bifurcation of District Chiniot into the above said constituency is contrary to the principles laid down for delimitation under the law, in the proposed constituency, wherein, the rudimentary elements of geographical compactness of area, existing boundaries of administrative units, facilities of communications and public convenience were mechanically brushed aside.
6. That the areas of the NA-100 are starting from the boundaries of the District Sargodha one ending territory of the district including Union Council Langar Makhdoom and moving towards west touching the boundaries of District Jhang and making L shape than includes the Municipal Corporation of Bhawana, hence at the boundary of District Toba Tek Singh the last village situated at South of the District Chiniot , whereby it is distance about 140 Kilometer touching both the North and South ends of the District.
7. That the area of NA-99 is starting from boundries of District Hafizabad and goes upto the boundaries of MC Bhawana which is distance as about more than 70 Kilometers having all the areas of Tehsil Chiniot and few parts from Tehsil Bhawana.
8. That the existing bifurcation of NA-99 and NA-100 is causing huge difficulty in the distances which is about 140 kilometers of one constituency and other is as short as about 70 kilometers less than the earlier NA-100.

9. That historically the MC Lalian and MC Chenab Nagar were part and parcel of the constituency along with the MC Chiniot, which was initially referred to as NA-66 from 1988 to 2002.
10. That the present proposal and bifurcation of two constituencies of National Assembly are also debarring major portion of landed area of NA-100 from having any connection with the District headquarter i-e Chiniot city.
11. That the objector/petitioner has thus proposed a geographically compact and more reasonable and rational proposal which is also fulfilling the requirements of population as under;

NA-99 (Chiniot-I)

| | | |
|--------------------|---|---------------------|
| NA-99 Chiniot-I | <u>Tehsil Lalian</u> Municipal Committee Lalian | Population 45462 |
| | Municipal Committee Chenab Nagar | 64252 |
| | Q.H Langar Makhdoom | 52710 |
| | Q.H Ahmed Nagar | 69290 |
| | Q.H Lalian | 93437 |
| | Barhana Q.H Excluding following PCs of Q.H Barhana I. Bhurani Kaniya wali II. Wajhelkey III. Pajay Wala IV. Sarwala V. Wada Shah VI. Barhana | |
| | <u>Tehsil Chiniot</u> Municipal Committee Chiniot | 278747 |
| | Harsa Sheikh Q.H Excluding following | |

| | | |
|--|--|----------|
| | PC of Harsa Sheikh I. Chak No. 126/JB II. Ahmed Abad III. Chak No. 013/JB | |
| | Grand Total | 697526/- |

NA-100 (Chiniot-II)

| | | |
|----------------------|---|--|
| NA-100 Chiniot-II | Q.H Chiniot I | Population 8680 |
| | Q.H Chiniot II | 57831 |
| | Q.H Wala Rai | 106762 |
| | Q.H Kurk Muhammadi | 70122 |
| | The following PCs of Harsa Sheikh I. Chak No. 126/JB II. Ahmed Abad III. Chak No. 013/JB | 16430 8267 13548 |
| | The following PC of Q.H Amin Pur of Tehsil Bhawana I. Chak No. 155/JB II. Chak No. 156/JB III. Chak No. 184/JB IV. Chak No. 237/JB V. Chak No. 204/JB | 9006 8093 15038 11236 12185 |
| | Including Q.H Sheikhan of Tehsil Lalian | |
| | Including the following PC of Q.H Barhana of Tehsil Lalian. I. Bhurani Kaniya Wali II. Wajhelkey III. Pajay Wala IV. Wada Shah V. Sar Wala VI. Barhana | 5364 9142 7018 7017 5558 6924 |

| | |
|-------|--------|
| Total | 342380 |
|-------|--------|

- 12.** That it is submitted that the proposed impugned delimitation was proposed without taking into account the principles for delimitation and clock-wise formula provided under the law which shows the real aspect of the case.
- 13.** That as a testimony of fact that the said impugned constituencies deprives the public of NA-100 from District Headquarter of Chiniot. However, this objection / representation pertains to the proposed NA 99 and NA-100 provide the geographical link with the District Headquarter to both the constituencies of National Assembly Chiniot-I and Chiniot-II.

PROVINCIAL ASSEMBLY CONSTITUENCIES UNDER THE NUMBER PP-93 (CHINIOT-I), PP-94 (CHINIOT-II), PP-95 (CHINIOT-III) AND PP-96 (CHINIOT-IV)

- 14.** 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-93, PP-94, PP-95 and PP-96 which is also fulfilling the requirements of population as under;

PP-93 AND PP-94 UNDER (NA-99),

| PP-93 | <u>Tehsil Lalian</u> | Population |
|--------------|----------------------------------|-------------------|
| | Municipal Committee Lalian | 45462 |
| | Municipal Committee Chenab Nagar | 64252 |
| | Q.H Langar MAkhdoom | 52710 |
| | Q.H Ahmed Nagar | 69290 |
| | Q.H Lalian | 93437 |

| | | |
|--------------|--|---|
| | Excluding following PC of Q.H Barhana I. Bhurani Kaniya wali II. Wajhelkey III. Pajay Wala IV. Sarwala V. Wada Shah VI. Barhana | |
| | Total | <u>345533</u> |
| PP-94 | <u>Tehsil Chiniot</u> Municipal Committee Chiniot | 278747 |
| | Q.H Harsa Sheikh Excluding following PC I. Chak No. 126/JB II. Ahmed Abad III. Chak No. 013/JB | |
| | Total | 351993 |
| | <u>PP-95 AND PP-96 UNDER (NA-100)</u> | |
| PP-95 | Q.H Chiniot I | 8680 |
| | Q.H Chiniot II | 57831 |
| | Q.H Wala Rai | 106762 |
| | Q.H Kurk Muhammadi | 70122 |
| | The following PC of Q.H Ami Pur of Tehsil Bhawana VI. Chak No. 155/JB VII. Chak No. 156/JB VIII. Chak No. 184/JB IX. Chak No. 237/JB X. Chak No. 204/JB | 9006 8093 15038 11236 12185 |
| | Total | <u>329834</u> |

| | | |
|--------------|---|--|
| PP-96 | Municipal Committee Bhawana | 34077 |
| | Q.H Bhawana | 67033 |
| | Q.H Mangoana | 97337 |
| | Q.H Amin Pur of Tehsil Bhawana excluding the following PCs I. Chak No. 155/JB II. Chak No. 156/JB III. Chak No. 184/JB IV. Chak No. 237/JB V. Chak No. 204/JB | |
| | Including Q.H Sheikhan of Tehsil Lalian | 52767 |
| | Including the following PC of Q.H Barhana of Tehsil Laliam. VII. Bhurani Kaniya Wali VIII. Wajhelkey IX. Pajay Wala X. Wada Shah XI. Sar Wala XII. Barhana | 5364 9142 7018 7017 5558 6924 |
| | Total | 342380 |

15. That the above proposal is made on the basis of clockwise circulation of the PPs and are making adjacent PPs in a clockwise way within one constituency of National Assembly likewise the Provincial Assembly of PP-93 and PP-94 are falling under the one constituency of NA-99 and similarly with the same clockwise movement next to adjacent constituencies of PP-95 and PP-96 falls under the one constituency of NA-100.

16. That the earlier impugned primary delimitation was in contrary to the clockwise movement and more so the provincial constituency of North was added with the other constituency of PP falling in the South

bottom of the District making one constituency of National Assembly with the number of NA-100 with a length of more than 140 Kilometers from one initiating point from North to the other ending point of south.

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

GROUND:

- 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 which is reproduce as under;

"21. Reports of Commission and list of constituencies.—

(4) The Commission shall, after hearing and considering the representations, if any, received by it, make such amendments, alterations or modifications in the preliminary list of constituencies published under sub-section (1) as it thinks fit or necessary, and shall, within a period of thirty days from the last date fixed for making representation under sub-section (2), publish in the official Gazette and on its website, the final report and list of constituencies showing the areas included in each constituency"

- 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 are 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.
- k. That historically the MC Lalian and MC Chenab Nagar were part and parcel of the constituency along with the MC Chiniot, which was initially referred to as NA-66 from 1988 to 2002.

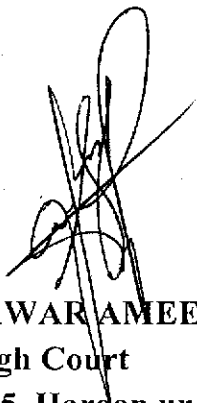
PRAYER:

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

- i. The Constituency initiating from the north of the District starting from Qanoon Go Langar Makhdoom numbered as PP-93 comprising of the areas elaborated in the above paragraph No. 14 in the Chart which is previously numbered as PP-96.
- ii. That the Constituency initiating from the boundaries of the District Hafizabad comprising of MC-Chiniot and Qanoongo Halka (Q.H) Harsa Sheikh excluding three PCs as elaborated in Paragrapgh No. 14 be numbered as PP-94 comprising of the areas elaborated in the above paragraph No. 14 in the Chart which is previously numbered as PP-93
- iii. The constituency of National Assembly Chiniot-I with number of NA-99 may kindly be comprise of the two adjacent provincial constituencies

proposed to the numbered as PP-93 and PP-94 comprising of the areas of Q.H Langar Makhdoom, MC-Lalian and MC-Chiniot as elaborated in paragraph No. 11 in accordance with historic existence from 1978 to 2002.

- iv. The provincial Constituency initiating from the Q.H Chiniot-I comprising of Q.H Chiniot-II, Q.H Wala Rai, Q.H Karuk Muhammad and few of the Patwar Circles of Q.H Ami Pur and Harsa Sheikh as elaborated in Paragraph No. 14 be numbered as PP-95 (PP Chiniot-III) in the Chart which is previously numbered as PP-96.
- v. The provincial Constituency comprising of MC-Bhowana, Q.H Bhowana, Q.H Mangoana, Q.H Sheikhan and few of the Patwar Circles of Q.H Amin Pur and Q.H Barhana as elaborated in Paragraph No. 14 be numbered as PP-96 as in the Chart which is previously numbered as PP-95.
- vi. The constituency of National Assembly Chiniot-II with number of NA-100 may kindly be comprise of the two adjacent provincial constituencies proposed and numbered as PP-95 and PP-96 comprising of the areas of Q.H Chiniot-I, Chiniot-II Q.H Wala Rai, Q.H Karuk Muhammad and few of the Patwar Circles of Q.H Ami Pur and Harsa Sheikh and MC-Bhowana, Q.H Bhowana, Q.H Mangoana, Q.H Sheikhan and few of the Patwar Circles of Q.H Amin Pur and Q.H Barhana as elaborated in paragraph No. 11.
- vii. Any other relief which this Hon'ble Commission thinks just may also be ordered for the rederassal of the grievance of the Petitioner.

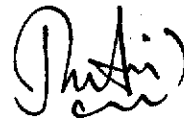


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OBJECTOR / PETITIONER



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