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11/02/04/2018

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 THREE CONSTITUENCIES OF ISLAMABAD (ICT)
NA-52, NA-53 AND NA-54**

Respectfully Sheweth:-

1. That the instant representation is being filed by Mr. Mukhtar Ahmed Bhatti S/o Abdul Ghani R/o House No 709, Street No 74, Sector G-10/4, Islamabad (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 NA-54, Series No 39, Block Code No 501140403 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 of Voter list and CNIC is attached as Annexure "A" and "B")

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

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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 three constituencies of Islamabad i.e NA-52, NA-53 and NA-54 including but not limited to the principle of ratio of population, contiguity, closeness, homogeneity, compactness and administrative fairness. However, being voter member of NA-54, the applicant challenges the proposed delimitation which by its very nature will also consequently engulf the other two constituencies as well.

4. That through the instant representation, being aggrieved of the notification as mentioned in the preceding paragraphs,

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the applicant seeks correction/modification/alteration/fresh delimitation in the National Assembly Constituencies of Islamabad *inter alia* on following grounds;

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GROUND:

1. That the population of the Federal capital as per the last census is 2,001,579 and the seats for National Assembly allocated to Federal Capital are 3, hence the quota as per formula for each constituency is 6,67,193. That the population as per the proposed delimitation for constituency of NA-52, 53 and 54 are 7,00,744/-, 6,70,683/- and 6,30,152/- respectively which 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 Quota settled for each National Assembly seat in Federal Capital is 6,67,193 and as per the proposed delimitation the population in NA-54 is 6,30,152, therefore, the difference is of 37,041/- which is 5.55 % less than the Quota settled for each National Assembly seat of Federal Capital and likewise the proposed delimitation

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population of NA-52 is 700,744 which is 5.02% greater than the quota. However, the proposals presented by the Applicant is the finest way out to the rows mentioned in the Representation in hand.

- II. That moreover as per the 'Principles of Delimitation' envisaged in Section. 20 (3) of the Act, the variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent, however, surprisingly the delimitation committee miserably failed to appreciate that as per their proposal the variation in population of NA-54 and NA-52 exceeds 10 % $(700,744 - 630,152 = 70,592)$. This disparity of population amongst two constituencies is against the intent of legislature, hence, the same is liable to modified/alterd on this score alone.
- III. That the proposed delimitation of NA-54 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 Federal Capital has been appreciated.
- IV. That in addition to preceding paragraph, Rule 10(5) of the Rules has been flouted by not starting the delimitation process

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of constituencies of Federal Capital from the northern end and in zigzag manner.

- V. 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 National Assembly of Federal Capital may be delimited in following attached Annexures:-

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PROPOSALS

- I. That the proposal No 1 is attached as **Annexure P1** with the Representation along with all the necessary documents.
- II. That the proposal No 2 is attached as **Annexure P2** with the Representation along with all the necessary documents.

PRAYER:

It is therefore humbly requested that the instant representation may kindly allowed and any of the proposed changes hereinabove may kindly be

incorporated to ensure the delimitation of NA-52, NA-53
& NA-54 is in conformity with the statutory provisions and
the rules made thereunder.


APPLICANT
61101-1801582-7

8/02/04/2018

Through


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