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BEFORE THE SECRETARY, ELECTION COMMISSION OF PAKISTAN,
ISLAMABAD

**Raja khurram Shahzad Nawaz s/o Muhammad Nawaz Resident
of Tumair Tehsil District Islamabad CNIC 374056374735-9(NA-52)
BLOCK CODE 501010905/ SERIAL NO 371**

**Raja Mustafa kaslam kiani S/o Raja Muhammad aslam kiani resident of house
No 1, mall Darry Saidpur post office Khas CNIC 61101-9922917-5 (NA-53)
BLOCK CODE 501060104
SERIAL NO 266**

**Malik sajid mahmood s/o Muhammad gulzar resident of 533, st 10, G-10/1
Islamabad NA-54 CNIC 61101-1934140-9
BLOCK CODE 501140502
SERIAL NO 632**

**Representation/ Objection under section 21(3) of the Elections Act, 2017 read
with Rule 12 of the Election Rules 2017 and other enabling provisions of law
against the impugned Preliminary Report/List of constituencies regarding NA-
52, NA-53 and NA 54, Islamabad.**

Respectfully Sheweth;

The petitioner/ undersigned seek indulgence of this Honorable Commission against the Preliminary List of Constituencies published by the Election Commission by which it has wrongly delimited the constituencies of NA-52, NA-53 and NA-54, inter alia, on the following Facts and Grounds;

FACTS:

That the petitioner No. 1 is enrolled and entitled to vote in NA 52, District Islamabad while the Petitioner No. 2 is entitled to vote in NA 53, Islamabad Petitioner No. 3 is enrolled and entitled to vote in NA-54, Islamabad.

(Copies of the Voter Certificate of the Petitioners are attached and marked as Annexure B).

1. That the Honorable Commission was pleased to publish the preliminary report and the list of constituencies, in the official gazette, in respect of

National Assembly and the Provincial Assemblies and sought representations from eligible voters.

(Copy of the impugned Draft List of Constituencies is attached and marked as Annexure-A)

2. That according to the impugned Preliminary List of Constituencies (List), the detail of both the constituencies is as under;

NA 52 ICT-I

A. Charge No. 2 (QH Sihala)

B. The following Patwari Circles of Census Charge (QH Tarlai Khan) (Rural).

- i. PC AliPur
- ii. PC Jandal
- iii. PC Muhrian
- iv. PC Kuri
- v. PC Pind Begwal
- vi. PC Tummair
- vii. PC Tarlai Kalan
- viii. PC Tarlai Khurd
- ix. PC Farash

NA-53 ICT-II

The following census charges of Federal Capital;

- i. Census Charge No. 6
- ii. Census Charge No. 7
- iii. Census Charge No. 8
- iv. Census Charge No. 9
- v. Census Charge No. 10
- vi. Census Charge No. 11
- vii. Census Charge No. 12

3. That the Delimitation Officer/s have wrongly incorporated the areas **PC Tarlai Kalan and PC Tarlai Khurd** in NA 52 and also the areas of **PC Mohra Noor and PC Chattar** in NA-53 which is being challenged by the Petitioners by means of this Representation. The petitioners have also challenged the delimitation of the constituencies No. 52, 53 and 54 being violative of the principles of restrictions for non-discrimination, transparency and public participation for discriminatory distribution of population.

4. That as per the Draft List of Constituencies, the population of Na 52 is 700744 and the population of NA 53 is 670683 while population of NA 54 is 630152. The said distribution of population is inconsistent with the Uniform

Population' which is one of the key criteria for delimitation of electoral units.

- 5. That the people of these PCs belong to specific bradaries and the proposed delimitation will help them to live them with harmony within one territorial unity.

GROUNDS

- i. That the delimitation does not reflect the true compliance of the principles of delimitation enunciated by the law and the Dicta laid down by the Superior Courts of the Country ensuing the impugned List/Notification illegal, unconstitutional, arbitrary, unlawful, void ab-initio having no legal effect.
- ii. That process of delimitation of constituencies for an election is one of the important steps to organize and conduct elections because it was only with reference to a constituency that a candidate would exercise his right/option to contest and a voter would exercise his right to vote. That Delimitation of constituencies was part of the process of organizing and holding elections honestly, justly and fairly.
- iii. That the Election Commission was bound to follow the principles of delimitation i.e. distribution of population in geographically compact areas, territorial unity, facilities of communication and public convenience enshrined in Section 20 of the Elections Act, to ensure homogeneity in the creation of constituencies. The Commission was obligated to implement the provisions, including principles of equality of the vote, effective remedy, restrictions for non-discrimination, transparency and public participation and permitted derogations but it shoddily failed to do so.
- iv. That the Commission has delimited the constituency of NA 52 in a manner it has adjusted PC Tarlai Khurd and PC Tarlai Kalan arbitrarily. Similarly, the areas of PC Chattar and PC Mohra Noor has been adjusted in NA 53 unnecessarily.
- v. That the legal requirement of distribution of population, geographically compact areas, facilitating communication and roads approached for the public convenience has been overlooked in the process of delimitation of PC Tarlai Khurd and Tarlai Kalan.
- vi. That as per the Draft List of Constituencies, the population of Na 52 is 700744 and the population of NA 53 is 670683 while population of NA 54 is 630152. The said distribution of population is inconsistent with the

Uniform Population' which is one of the key criteria for delimitation of electoral units.

vii. That the variation in (population limit of) constituencies is violative of the principle of 'one man one vote' and equality of representation which is fully entrenched in our country in view of Articles 51(5) and 25 of the Constitution. The delimitation of a constituency has to be read down to ensure uniformity in population of Union Councils, failing which it would be violative of Article 25 of the Constitution. The impugned list is in violation of the principle of 'one man one vote' and is void and against Articles 25 and 51(5) of the Constitution.

viii. The delineation of constituencies in which elections are conducted must preserve the equality of voting rights by providing approximately the same ratio of voters to elected representatives for each district. Existing administrative divisions or other relevant factors may be reflected in election districts, provided the design of the districts is consistent with the equality of voting and fair representation for different groups in society.

(OSCE, "Inventory of OSCE Commitments and Other Principles for Democratic Elections")

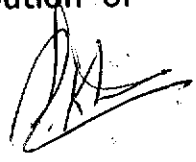
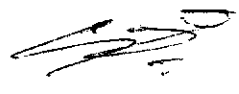
ix. That in essence, the exercise of delimitation is cumbersome and requires proper analysis, assessment and application of mind from many facts. The Election Commission was not justified to carry out the exercise of delimitation in a manner which was premeditated, farcical and nothing but a smoke-screen, violating the elementary principle of structuring the discretion. As such the entire exercise of delimitation carried out in the said areas of both the constituencies is unconstitutional and void while undertaking the process of delimitation and the discretion exercised by him besides being unstructured was arbitrary which has the effect of eroding the transparency and fairness of the election process as mandated under Article 218(3) of the Constitution.

x. That the impugned list is prepared in a fanciful and haphazard manner, is inadequate, void and is not tenable in law due to disparity in the population criteria and is liable to be modified to dispense political justice.

PRAYER:

The Petitioner, therefore, respectfully pray that this Honorable Commission be pleased to graciously set aside the impugned Preliminary List and modify/alter it as per the following proposal to ensure the political justice;

- i. The PC Tarlai Kalan and PC Tarlai Khurd may kindly be excluded from NA-52 and may kindly be incorporated in NA-53.
- ii. The PC Chattar and PC Mohra Noor may kindly be excluded from NA 53 and may kindly be added in NA 52.
- iii. That the delimitation of all three constituencies may kindly be made in accordance with the principles of non discriminatory distribution of population as laid down in section 20 of the Elections Act, 2017.



Petitioners

Through Counsel



FARRUKH SHAHZAD DALL
NASIR AZEEM KHAN 

Advocates High Court
0300- 6007663