

# ELECTION COMMISSION OF PAKISTAN

Present:

Mr. Sikandar Sultan Raja  
Mr. Nisar Ahmed Durrani  
Mr. Shah Mohammad Jatoi

Chairman  
Member  
Member

**IN REF: WRIT PETITION NO 3031, 3620, 3212, 2986, 2985 AND 2967 OF 2022, FILED BY MUHAMMAD AURANGZEB, MIAN ABDUS SATTAR, JAM MUHAMMAD AKBAR, SARDAR FAZAL MEHMOOD, MUHAMMAD ARSHAD KHAN LEGHARI AND SYED MURTAZA MEHMOOD VS ECP & OTHERS OF DISTRICT RAHIM YAR KHAN BEFORE HONOURABLE ISLAMABAD HIGH COURT, ISLAMABAD.**

## On Commission's Notice

### Writ Petitioners

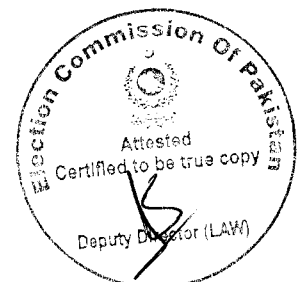
1. Muhammad Aurangzeb vs. ECP (Petitioner in W.P No. 3031/2022)
2. Muhammad Arshad Khan Leghari vs. ECP (Petitioner in W.P No. 2985/2022)
3. Sardar Fazal Mehmood Solangi vs. 1. ECP 2. Shah Din (Petitioner in W.P No. 2986/2022)
4. Syed Murtaza Mehmood vs. ECP (Petitioner in W.P No. 2967/2022)
5. Jam Muhammad Akbar vs. ECP (Petitioner in W.P No. 3212/2022)
6. Muhammad Aurangzeb vs. ECP (Petitioner in W.P No. 3031/2022)
7. Mian Abdul Sattar vs. ECP (Petitioner in W.P No. 3620/2022)

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### **For the Petitioners/objectors:**

#### **Notice to**

1. Syed Murtaza Mehmud.
2. Sardar Fazal Mehmood.
3. Mr. Muhammad Aurangzeb.
4. Mr. Muhammad Arshad Khan Leghari.
5. Mr. Jam Muhammad Akbar.
6. Mian Abdus Sattar.
7. Muhammad Rizwan.
8. Muhammad Shahzad.
9. Rab Nawaz Sajid.
10. Mr. Muhammad Umair.
11. Raja Muhammad Saleem.
12. Mr. Jam Shahid Mehmood.
13. Mr. Muhammad Asif Raheem.
14. Mr. Saif Ur Rehman.
15. Mr. Shah Din.
16. Mr. Jam Muhammad Shafiq.



**For the Writ Petitioners**

- |                          |   |   |
|--------------------------|---|---|
| 1. Muhammad Aurangzeb    | : | Nemo  |
| 2. Muhammad Abdul Sattar | : | Muhammad Umair Baloch, ASC  |
| 3. Jam Muhammad Akbar    | : | Khurshid Baloch, Advocate   |
| 4. Sardar Fazal Mehmood  | : | Jam Khurshid, ASC   |
| 5. Syed Murtaza Mehmood  | : | Zeeshan Zafar Hashmi Advocate along with<br>Jam Mukhtar, Advocate |
| 6. Arshad Khan Leghari   | : | Asghar Leghari  |

**For the Delimitation Committee**

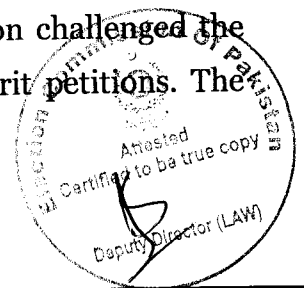
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|---|--|
| : | Mr. Aleem Shahab REC, Rawalpindi.              |
| : | Mr. Shabbar Abbas Bukhari, REC,<br>Faisalabad. |
| : | Mr. Shakeel Ahmed, DEC, Sahiwal.               |
| : | Mr. Ibrar Ahmad Jatoi, DD, ECP.                |

Date of hearing: **22-03-2023**

**ORDER**

**Sikandar Sultan Raja, Chairman:** According to Article 51(3) of the Constitution of the Islamic Republic of Pakistan and after 25<sup>th</sup> Constitutional Amendment, the National Assembly was allocated 266 General Seats and 60 Reserved Seats for women. The Election Commission on 11<sup>th</sup> April 2022, initiated the delimitation exercise afresh in accordance with the number of seats in National as well as Provincial Assemblies as specified in Article 51 and Article 106 of the Constitution of the Islamic Republic of Pakistan. District Rahim Yar Khan with the population of **4,807,762** was allocated **06** National Assembly seats and per seat quota is **801,294**. Similarly, District Rahim Yar Khan was allocated **13** Provincial Assembly seats with population quota of **369,828** per seat. After publication of preliminary delimitation vide notification dated 31<sup>st</sup> May, 2022, ECP invited representations from the voters of the Constituencies against the Preliminary Delimitation. The Commission received (**37**) representations in respect of District Rahim Yar Khan against the preliminary delimitation of the National as well as Provincial Assembly and after hearing the objectors passed order dated 20-07-2022 by disposing of all representations in respect of National as well as Provincial Assembly Constituencies of District Rahim Yar Khan.

2. The Petitioners Syed Murtaza Mehmood, Sardar Fazal Mehmood, Muhammad Aurangzeb, Muhammad Arshad Khan Leghari, Jam Muhammad Akbar and Mian Abdus Sattar being dis-satisfied with the above said order of the Commission challenged the same before the Hon'ble Islamabad High Court vide subject cited writ petitions. The



Hon'ble Court vide order dated **16-02-2023** remanded the petitions with the direction to the Commission that:-

*"Instant petitions are allowed and impugned order dated 20-07-2022 as well as notification mentioned herein above, are set-aside only to the extent of National Assembly Constituencies NA-169, NA-170, NA-173 and NA-174. Office is directed to remit copies of instant petitions along-with annexure to Election Commission of Pakistan, which shall treat the same as representations on behalf of petitioners and decide them in accordance with law after providing single opportunity of hearing to everyone concerned. In this behalf, incase, any party delays the matter due to absence or otherwise, Election Commission of Pakistan shall be at liberty to pass appropriate order in this behalf and decide the matter as early as possible not giving regard to absence of any party".*

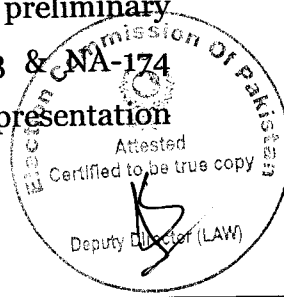
3. In pursuance of the order of the Hon'ble Court the petitioners and other relevant parties were issued notices for **22-03-2023**. The following parties attended the hearing of the Commission:-

1. Syed Murtaza Mehmud.
2. Sardar Fazal Mehmood.
3. Mr. Muhammad Arshad Khan Leghari.
4. Mr. Jam Muhammad Akbar.
5. Mian Abdus Sattar.
6. Rab Nawaz Sajid.
7. Mr. Muhammad Umair.
8. Raja Muhammad Saleem.
9. Mr. Jam Shahid Mehmood.
10. Mr. Muhammad Asif Raheem.
11. Mr. Shah Din.
12. Mr. Jam Muhammad Shafiq.

Further, despite the notice the under-mentioned parties remained absent during the hearing:-

1. Mr. Muhammad Aurangzeb.
2. Mr. Muhammad Rizwan.
3. Mr. Muhammad Shahzad.
4. Mr. Saif Ur Rehman.

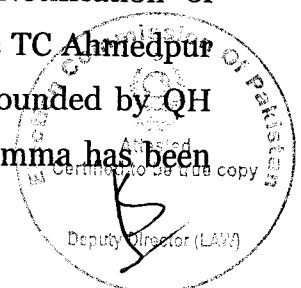
4. Counsels for the Petitioners appeared and submitted that the main grievances of the petitioners i.e 1, 2 and 4 i.e. Syed Murtaza Mehmood, Sardar Fazal Mehmood and Mr. Muhammad Arshad Khan Leghari are that they were satisfied with the preliminary delimitation in respect of National Assembly Constituencies i.e NA-173 & NA-174 published by the ECP on 31-05-2022, due to which they didn't file representation



against the preliminary delimitation before the Commission and the Election Commission after hearing the representations against preliminary list of constituencies relating to District Rahim Yar Khan, made certain changes in National Assembly Constituencies and being dis-satisfied with the order passed by the Election Commission **20-07-2022**, and they added that, the final notification of delimitation of the constituencies of District Rahim Yar Khan was challenged before the Hon'ble Islamabad High Court. The learned counsels for the petitioners emphasized that in preliminary delimitation, Qanungo Halqa Machka and QH Bhong of Tehsil Sadiqabad were part of NA-173 and QH Ahmedpur Lamma of Tehsil Sadiqabad was part of NA-174. The Commission in its order dated 20-07-2022, amended the extent of constituencies of NA-173 and NA-174 with the following amendments in the final notification of delimitation published on 5th August, 2022: -

- i) Qanungo Halqa Bhong having population of 102,695 is excluded from NA-173 and included in NA-174;
- ii) Qanungo Halqa Machka having population 58,257 is excluded from NA-173 and included in NA-174;
- iii) Patwar Circle Qasmani of Shahbazpur Qanungo Halqa is excluded from NA-173 and the same is included in NA-174; &
- iv) Ahmedpur Lamma Qanungo Halqa having population 165,961 is excluded from NA-174 and the same is included in NA-173.

5. The Learned counsel also argued that in previous delimitation carried out in the year 2018, Qanungo Halqa Machka and Bhong of Tehsil Sadiqabad have been part of the NA-173 (old NA-180), while residents of Qanungo Halqa Ahmed pur Lamma feel more convenient with NA-174 instead of NA-173. The learned counsel further contended that the basic spirit of delimitation exercise is to ensure the convenience of general public, communication facilities and geographical features. He also apprised the Commission that while carrying out the preliminary delimitation all the principles of delimitation had been kept in view. During arguments he pointed out that QH Machka has no direct road link with rest of the areas of NA-174 and the residents of QH Machka have to pass through the areas of NA-173 to reach Tehsil Rahim Yar Khan which is part of NA-174. However, in PP-266 QH Machka of Tehsil Sadiqabad has been rightly attached with the areas of Tehsil Sadiqabad. He further pointed out that in final Notification of delimitation 2022, QH Ahmed-pur-Lamma is included in NA-173, while TC Ahmedpur Lamma is included in NA-174. In fact, TC Ahmed-pur-Lamma is surrounded by QH Ahmedpur Lamma which is part of NA-173, whereas, TC Ahmedpur Lamma has been



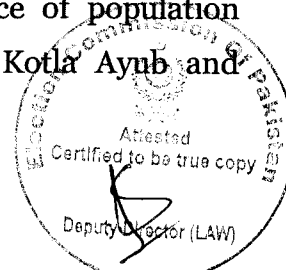
included in NA-174 having no contiguity with NA-174. The discrepancy pointed out needs to be rectified while concluding the arguments they prayed for restoration of preliminary delimitation which was carried out by the delimitation committee.

6. Petitioners Jam Muhammad Akbar and Mian Abdus Sattar have contended that in the final delimitation of the constituencies of District Rahim Yar Khan, QH Abbasia-I of Tehsil Liaqatpur has been included in NA-170 which is according to them is quite adjacent to MC Liaqatpur which is now made part of NA-169. They further contended that due to inclusion of QH Abbasia-I in NA-170, the length of constituency has been increased about 120 Kilo Meter (Km) and its width is only 25 Km. Moreover, they pointed-out that the difference of population between both the constituencies i.e. NA-169 and NA-170 is **68598**. They further apprised the Commission that the inhabitants of QH Abbasia-I are settlers while the residents of MC Khanpur are Saraiki speaking and people of different culture and language are clubbed / combined in one constituency i. e NA-170. They also prayed that Abbasia-I QH may be excluded from NA-170 and included in NA-169. Moreover, in order to balance the population between the constituencies of NA-169 & NA-170, they proposed that the PCs Arif Baloch, Choharwala, Therposti and Pakka Laraan of QH Pakka Laraan may be excluded from NA-169 and included in NA-170. Similarly, PC Trinda Mir Khan of Shedani QH may be excluded from NA-169 and included in NA-170. Similarly, PC Trinda mir khan of Shedani QH may be excluded from NA-169 and included in NA-170 and according to them after incorporating the proposed changes the population difference between these constituencies will be reduced up to 32592.

7. Petitioner Mr. Muhammad Umair has supported the stance taken by the petitioners.

8. The Petitioners Rab Nawaz Sajid, Mr. Jam Shahid Mehmood and Mr. Muhammad Asif Raheem have also proposed that QH Abbasia-I & II of Tehsil Liaqatpur may be excluded from NA-170 and included in NA-169. Similarly, they also prayed that QH Pakka Laraan of Tehsil Liaqatpur may be excluded from NA-169 and included in NA-170 for the convenience of general public.

9. The petitioner Jam Muhammad Shafiq has contended that the difference of population between the constituency No. NA-172 and NA-174 is 56337 in the final delimitation. He suggested that in order to minimize the difference of population between the constituencies NA-172 and NA-174, PCs Dari Azam, Kotla Ayub and



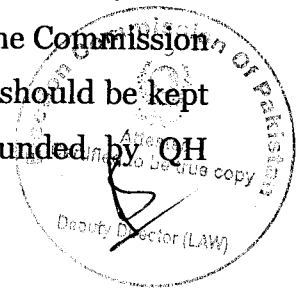
Behishiti of QH Trinda Sawai Khan may be excluded from NA-172 and included in NA-174 for the convenience of general public.

10. The counsel of petitioner Raja Muhammad Saleem appeared and has withdrawn his representation filed before the Commission.

11. The counsel of petitioner Shah Din has appeared and contended that the petitioner Syed Murtaza Mehmud and Sardar Fazal Mehmood have no locus standi to raise objection on the final delimitation as they are not enrolled voter in the constituency No. NA-173 & NA-174, which is a pre requisite to file objection an objection against the delimitation of Constutuency. He further apprised that the inhabitants of QH Machka are tribal in nature which is situated along-with the river, like other areas of NA-174 and they are more convenient with the areas falling in NA-174 instead of NA-173. Moreover, QH Ahmedpur Lamma is part of Tehsil Sadiqabad and due to its lactation near MC Sadiqabad, the natural flow of the residents of the area for their routine matter is with MC Sadiqabad. He argued that while filing representations against preliminary delimitation, it was proposed that QH Ahmedpur Lamma except PC Muhammad Nawaz along with TC Ahmed pur Lamma may be included in NA-173 after its exclusion from NA-174. It was further proposed by the petitioner that QH Machka and Bhong may be excluded from NA-173 and included in NA-174 for the public convenience. The Commission in its order dated 20-07-2022 accepted the representation of the petitioner to the following extent:-

- i) Qanungo Halqa Bhong having population of 102,695 is excluded from NA-173 and included in NA-174;
- ii) Qanungo Halqa Machka having population 58,257 is excluded from NA-173 and included in NA-174;
- iii) Patwar Circle Qasmani of Shahbazpur Qanungo Halqa is excluded from NA-173 and the same is included in NA-174; &
- iv) Ahmedpur Lamma Qanungo Halqa having population 165,961 is excluded from NA-174 and the same is included in NA-173.

12. The Delimitation Committee apprised the Commission that the delimitation of District Rahim Yar Khan was started exactly from the North by proceeding clockwise as per Rule 10(5) of the Election Rules 2017. The Committee further apprised that all the principles of delimitation as laid down in section 20 of the Elections Act 2017 were observed while delimiting the constituencies. The Commission explained that TC Ahmedpur Lamma is not contiguous with area of NA-174 and it should be kept with QH Ahmedpur Lamma as the TC Ahmedpur Lamma is surrounded by QH



Ahmedpur Lamma. The Delimitation Committee further explained that QH Machka has no direct road link with the remaining area of NA-174.

13. After hearing the petitioners in detail as well as the Delimitation Committee, the record was perused and map was also examined and the Commission came to conclusion that:-

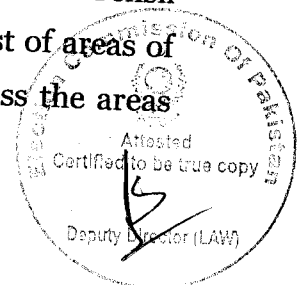
14. The prayer of the petitioners Jam Muhammad Akbar, Mian Abdus Sattar and Mr. Muhammad Umair is not justified. If the proposal of the petitioners is accepted then two Qanungo Halqas (QH) namely Pakka Larran and Shedani Sharif of Tehsil Liaquatpur will be divided into two constituencies i. e NA-169 and NA-170 which is in contradiction with section 20 of the Elections Act 2017. Whereas, at present above said Qanungo Halqas have been kept intact in one constituency i.e NA-169. Hence, the proposals of the petitioners are not feasible and rejected.

15. The proposal of the petitioner's Rab Nawaz Sajid, Mr. Jam Shahid Mehmood and Mr. Muhammad Asif Raheem is without any cogent reason. If the proposal of petitioners is accepted the compactness of both the constituencies NA-169 and NA-170 will be adversely affected and shape of the constituencies will become odd. The proposal is also in contradiction to Section 20 of the Elections Act, 2017. Hence the proposal of the petitioners are rejected.

16. The prayer of the petitioner Jam Muhammad Shafiq is not justified. In case the proposal is accepted, although the difference of population between the constituencies NA-172 and NA-174 is slightly reduced, but the shape of the constituencies will become odd and compactness will be affected and it will cause inconvenience to the general public. While delimiting the Constituencies, railway track has been taken into consideration which is dividing / separating both the constituencies. Whereas, according to the proposal of the petitioner principle of delimitation i.e physical feature will also be compromised. Hence, the proposal of the petitioner is rejected.

17. The prayer of the petitioner Shah Din is not feasible and rejected due to following reasons:-

- a) In the final delimitation notified on 5-08-2022, QH Machka of Tehsil Sadiqabad is a part of NA-174 which is far away from the area of Tehsil Rahim Yar Khan and have no direct road link with the rest of areas of NA-174 and ultimately people of QH Machka have to cross the areas of NA-173 to reach the rest of areas of NA-174.




- b) QH Bhong is situated near to MC Sadiqabad as compared to other areas of Tehsil Rahim Yar Khan.
- c) Natural tendency of inhabitants of both the QHs (Machka and Bhong) is towards MC Sadiqabad for their routine matters, which is part of NA-173.
- d) QH Machka and Bhong historically remained attached with MC Sadiqabad, which seems quite justified and convenient for the people of above said halqas.
- e) TC & QH Ahmedpur Lamma has been part of NA-174 (Old NA-178) and is nearer to NA-174 (Tehsil Rahim Yar Khan). It is also more convenient for general public.

18. The prayer of petitioners Syed Murtaza Mehmud, Sardar Fazal Mehmood and Muhammad Arshad Khan Leghari for restoration of preliminary delimitation is based on solid reasons seems viable owing to reasons mentioned in part a, b, c, d & e of Para

19. Hence, the preliminary delimitation carried out by the delimitation committee as notified on 31<sup>st</sup> May, 2022 is kept intact as final delimitation and the office and Delimitation Committee are directed to finalize the delimitation of National Assembly Constituencies in District Rahim Yar Khan in the above terms and directed to take all necessary measure for notification of final delimitation in the official gazette.

  
Sardar Sultan Raja,  
Chairman

  
Shah Muhammad Jatoi,  
Member

  
Nisar Ahmed Durrani,  
Member

