

Mr. Sikandar Sultan Raja, Chairman
Mr. Shah Mohammad Jatoi, Member
Mr. Justice (R) IkramUllah Khan, Member

**IN REF: WRIT PETITION NO 17913/2022 TITLED AS MAKHDOOM
SYED MUZAFFAR HUSSAIN VS ECP & OTHERS REMANDED
BACK BY THE HON'BLE LAHORE HIGH COURT, MULTAN
BENCH VIDE ORDER DATED 23.11.2022**

Versus

Election Commission of Pakistan and others

On Commission's notice:

- | | |
|---|-------------------------------|
| 1. Muhammad Yasin | 2. Muhammad Tariq |
| 3. Muhammad Moazam Khan | 4. Muhammad Bilal Abid |
| 5. Muhammad Shoaib Qureshi | 6. Kamran Saeed |
| 7. Naeem Abbas | 8. Maher Irshad Ahmed Khan |
| 9. Rao Muhammad Akmal | 10. Muhammad Shafiq-ur-Rehman |
| 11. Muhammad Zia Ul Haq | 12. Muhammad Bilal |
| 13. Muhammad Ramzan | 14. Mudabbar Ali Raza |
| 15. Mehar Ghulam Ali Shahzad | 16. Muhammad Junaid |
| 17. Muhammad Javed | 18. Muhammad Ilyas |
| 19. Arshad Abbas | 20. Khalid Mehmood Ahmed |
| 21. Makhdoom Syed Muzaffar Hussain | 22. Ashiq Hussain Khan |
| 23. Nawabzada Adnan Ahmed Khan | 24. Mian Alamdar Abbas |
| 25. Imtiaz Hussain | 26. Ghulam Mujtaba |
| 27. Ashiq Hussain Khan | 28. Sabir Hussain |
| 29. Muhammad Noor Hamza | 30. Ashiq Hussain |

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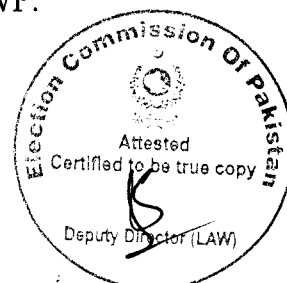
For the Petitioner : Makhdoom Syed Muzaffar Hussain, in-person

For the Petitioners/objectors :

For the Delimitation Committee

: Ms. Nighat Siddique (ADG)
: Mr. Aleem Shahab REC, RWP.
: Mr. Shabbar Abbas Bukhari, REC,
Faisalabad.
: Mr. Shakeel Ahmed, DEC, Sahiwal.
: Mr. Ibrar Ahmad Jatoy, DEC, BWP.

Date of hearing : 05-01-2023



ORDER

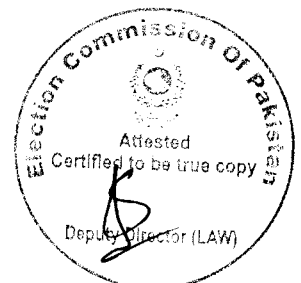
Sikandar Sultan Raja, Chairman: According to Article 51(3) of the Constitution of Islamic Republic of Pakistan and after 25th Constitutional Amendment, the National Assembly was allocated 266 General Seats and 60 Reserved Seats for women. The Election Commission ("ECP") on 11th April 2022, initiated 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. District Muzaffargarh having population of **4,328,549** was allocated 6 National Assembly seats with population quota 721,425 per seat. Similarly, 12 Provincial Assembly seats were allocated to the District with population quota of 360,712 per seat. After publication of preliminary delimitation of constituencies, ECP invited representations from the voters of the constituency in respect of preliminary delimitation of constituencies. The Commission received 30 representations in respect of District Muzaffargarh against the preliminary delimitation notified on 31st May, 2022. All the representations were heard by the ECP and through a common order dated 19.07.2022 were disposed of all 30 representations in respect of National and Provincial Assembly constituencies of District Muzaffargarh.

2. The Petitioner (Makhdoom Syed Muzaffar Hussain) being dis-satisfied with the order dated 19.07.2022, passed by the Commission, challenged the same before the Hon'ble Lahore High Court Multan Bench Multan through Writ Petition No.17913/20022. The Hon'ble Court remanded back the matter to the ECP vide order dated 23.11.2022, with the direction that:-

"To treat it as representation and decide the matter strictly in accordance with law, after hearing the petitioner and all concerned, within a period of 30 days from the date of receipt of certified copy of this order".

3. In pursuance of the afore referred order of the Hon'ble Court, the writ petitioner and other concerned parties i.e. the petitioners who had filed representations against the preliminary delimitation, were issued notices for 05.01.2023. The following parties attended the hearing of the Commission:-

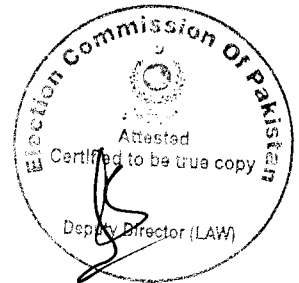
1. Muhammad Tariq
2. Muhammad Bilal Abid
3. Kamran Saeed
4. Maher Irshad Ahmed Khan



5. Muhammad Bilal
6. Mudabbar Ali Raza
7. Muhammad Ramzan
8. Ghulam Mujtaba
9. Ashiq Hussain Khan
10. Makhdoom Syed Muzaffar Hussain
11. Nawabzada Adnan Ahmed Khan

Further, despite notice, under-mentioned parties did not turn up and remained absent during the hearing:-

1. Muhammad Yasin
2. Muhammad Moazam Khan
3. Muhammad Shoaib Qureshi
4. Naeem Abbas
5. Rao Muhammad Akmal
6. Muhammad Shafiq-ur-Rehman
7. Muhammad Zia Ul Haq
8. Mehar Ghulam Ali Shahzad
9. Muhammad Junaid
10. Muhammad Javed
11. Muhammad Ilyas
12. Arshad Abbas
13. Khalid Mehmood Ahmed
14. Mian Alamdar Abbas
15. Imtiaz Hussain
16. Sabir Hussain
17. Muhammad Noor Hamza
18. Ashiq Hussain



4. The main grievance of the petitioner Makhdoom Syed Muzaffar Hussain is that the constituency PP-268 consists of QH Rangpur and Muradabad of Tehsil Muzaffargarh including QH Wandhar, MC Chowk Sarwar Shaheed and PCs 547/TDA, 571/TDA, 617/TDA, 622/TDA, 633/TDA, 650/TDA and Pattal Munda Sharqi of QH Chowk Sarwar Shaheed of Tehsil Chowk Sarwar Shaheed. Tehsil Chowk Sarwar Shaheed is now part of Kot Addu District (newly created). He contended that the delimitation is to be re-conducted due to creation of new District Kot Addu; the people of two different Districts may not be included in one constituency and administrative and Revenue units should not be disturbed.

5. Petitioner No.2 Muhammad Tariq has contended that PC Shadi Khan Munda is adjacent to MC Kot Addu and the same may be included in PP-270 and excluded from PP-269. He further stated that PC 528/TDA of Kot Addu-I QH has been part and parcel of MC Kot Addu which may also be included in PP-270 as residents of

this PC are mentally attached with MC and they have their business link in the city. While on the other hand, PC Bait Qaim Wala and PC Faqirwali of QH Kot Addu-II may be included in PP-269 to facilitate the general public.

6. Petitioner No. 4 and 8 namely Mr. Bilal Abid and Maher Irshad Ahmed Khan supported the final delimitation with regard to NA-175 & NA-177. They further prayed that the final list of above mentioned constituencies may be retained keeping in view the boundaries of administrative unit and in the interest of public.

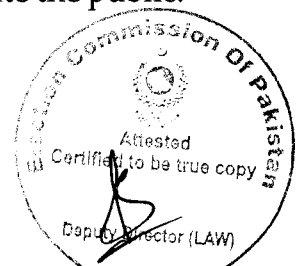
7. Petitioner No. 6, Kamran Saeed stated that PC 556/TDA of QH Chowk Sarwar Shaheed is included in PP-269 instead of PP-268. The said PC may be made part of PP-268 after its exclusion from PP-269 for the convenience of public.

8. Petitioner No. 12, Muhammad Bilal is present in-person who contended that his prayer was partially accepted by the Commission during the hearing of the representation against the preliminary delimitation. However, he is present on the notice of the Commission.

9. Petitioner No. 13 Muhammad Ramzan has filed representation against preliminary dilimitation with the contention that PC Pattal Munda Sharqi of QH Chowk Sarwar Shaheed be excluded from PP-269 and included in PP-268 due to its geographical compactness. The prayer of the Petitioner was accepted by the Commission vide order dated 19.07.2022. Now, he supports the final delimitation as finalized and published by the Commission.

10. Petitioner No. 14, Mudabbar Ali Raza states that MC Chowk Sarwar Shaheed has been included in PP-268. Whereas, it is quite adjacent to PP-269, therefore it may be included in PP-269 after its exclusion from PP-268.

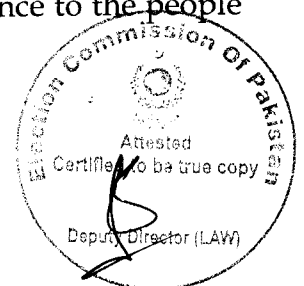
11. Petitioner No. 23, Nawabzada Adnan Khan has stated that PCs Basti Sandila, Mir Haji, Ahmed Mohana and Shah Jamal of QH Shah Jamal along-with three PCs of Meharpur QH i.e Meharpur, Nohanwali, and Daulatpur may be included in NA-178 after its exclusion from NA-177. Likewise, 4 PCs of Rohillan Wali QH i.e Jandawali, Qadirpur, Mohriwala and Allude Wali along-with 4 PCs of Mahra QH i.e Mandu, Gindi Khaki, Manak Pur and Jarh Rateeb may be excluded from NA-178 to facilitate the public.



12. Mr. Ashiq Hussain Khan apprised the Commission about filing of two representations (Sl. No. 22 and 27) before the Commission and pointed out that minor amendments in the final delimitation may be made in NA-179 and NA-180 along-with PP-276 and PP-278, respectively. He further prayed that PC Jahanpur of Jhalarian QH has been included in PP-276 which is not contiguous with the area of PP-276. So, it may be excluded from NA-179 and PP-276 and be included in NA-180 and PP-278. He also suggested that in order to balance the population quota, PC Hamzewali of Jhalarian QH may be excluded from NA-180 as well as from PP-278 and included in NA-179 and PP-276. On the query of the Commission, the Delimitation Committee apprised that due to complexity of maps the Delimitation Committee did not comprehend the mistake which is required to be rectified for the convenience of general public and to ensure the geographical compactness and contiguity of the subject constituencies.

13. Mr Saqlain Khan Laghari counsel for the Petitioner No. 26, Ghulam Mujtaba argued that PC Bet Hazariwala and PC Bet Dariwala (Bet Warianwala) of QH Damarwala Shumali are being shown as part of PP-277 in the map. Whereas, in the final notification of the Commission, PC Bet Dariwala (Bet Warianwala) is mentioned in PP-276. He further argued that due to this anomaly population of PC Bet Dariwala (Bet Warianwala) is included in PP-276 which may be rectified by including the said PC in PP-277 for the convenience of the people of the constituency. To a query by the Commission, the Delimitation Committee confirmed that the anomaly occurred due to complexity of maps and requested the Commission for issuance of necessary order for rectification of the anomaly.

14. We have heard the arguments of the petitioners, examined the maps displayed on multimedia and other relevant data in the presence of learned counsels, members of the Delimitation Committee and have reached to the conclusion that the proposal of the petitioner Mr. **Muhammad Tariq** is not feasible. In case, PC Chak No. 528/TDA of QH Kot Addi-I is excluded from PP-269 and included in PP-270, the QH Kot Addu-I will be broken. On the other hand, PC Bait Qaimwala and PC Faqeerwali of QH Kot Addu-II are adjacent and are very close to MC Kot Addu. Hence, exclusion of these PCs from PP-270 and inclusion in PP-269, will cause inconvenience to the people of both the PCs. Hence, the prayer of the petitioner is hereby rejected.

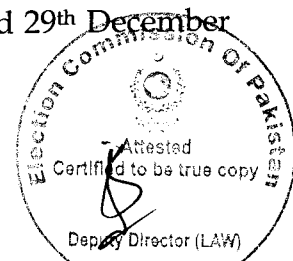


15. The prayer of Mr. Kamran Saeed is that PC 556/TDA of Chowk Sarwar Shaheed QH may be excluded from PP-269 and included in PP-268 being close to MC Chowk Sarwar Shaheed. However, the Delimitation Committee while delimiting the constituencies divided the QH Chowk Sarwar Shaheed in two constituencies to meet the population criteria. The QH Chowk Sarwar Shaheed encircles the MC Chowk Sarwar Shaheed and in final delimitation, the PCs located on the right side of MC Chowk Sarwar Shaheed have been included in PP-268. Whereas, PCs located on left side of MC Chowk Sarwar Shaheed remained part of PP-269. The plea of the petitioner to shift one PC 556/TDA from PP-269 to PP-268 is not justified. Hence, his request to this effect stands rejected.

15. The petitioner Mr. **Mudabbar Ali Raza** 's proposal regarding MC Chowk Sarwar Shahed's exclusion from PP-268 and its inclusion in PP-269, is also not feasible due to reasons that if MC Chowk Sarwar Shaheed is shifted from PP-268 to PP-269, the population of both the constituencies will be effected and both cosntituencies will become odd shaped.

16. The proposal of the petitioner **Nawabzada Adnan Ahmed Khan** regarding exclusion of 4 PCs of Shah Jamal QH and 3 PCs of Mehar Pur QH of Tehsil Muzaffargarh from NA-177 and their inclusion in NA-178 and exclusion of 2 PCs of Rahillanwali QH and 6 PCs of Mahra QH of Tehsil Muzaffargarh from NA-178 (*inclusion of areas excluded from NA-178 has not been proposed by the petitioner*), being not feasible, stands rejected. In case, the proposal of the petitioner is accepted, the population of both constituencies will be affected, particularly the population of NA-177 will decrease and affect the lower limit prescribed quota.

17. The contention of the petitioner **Makhdoom Syed Muzaffar Hussain** for re-conduct of delimitation of District Muzaffargarh and Kot Addu is not tenable as the Commission has no power to increase or decrease the number of constituencies allocated to the District under Article 51 and 106 of the Constitution. Resultantly, the question of re-conduct of delimitation does not arise. However, due to creation of new District, Kot Addu from District Muzafargarh, the Commission under section 22(1) of the Elections Act, 2017 and Rule 15 of Election Rules 2017, has re-described the extent of the constituencies vide Notification No. F. 15(1)/2022-Re-description dated 29th December



2022, without affecting the extent/limits of all National and Provincial Assembly constituencies of both the Districts.

18. The anomaly pointed out by Mr. Ashiq Hussain Khan and Ghulam Mujtaba regarding non-contiguity of patwar circle Bet Dariwala (Bet Warianwala) of QH Damarwala Shumali of Tehsil Jatoi and PC Jahanpur of Jhalarian QH of Tehsil Jatoi with PP-276 has been examined and found that patwar circle Bet Dariwala (Bet Warianwala) is required to be made part of PP-277 and PC Jahanpur is required to be included in NA-180 and PP-278 to facilitate the voters of the constituencies.

19. The above facts lead us to the conclusion that the prayer of the petitioner namely Makhdoom Muzaffar Hussain being devoid of merit and untenable stands rejected. However, under section 22 of the Elections Act, 2017, this Commission has re-described the extents/limits of all the constituencies of District Muzaffargarh and Kot Addu vide notification No. F. 15(1)/2022-Re-description dated 29th December, 2022 and has uploaded the same on the ECPs website as required under the law.

20. In furtherance, anomalies pointed out by the parties during hearing and referred supra, are ordered to be corrected to the following effect:-

- i) PC Jahanpur of Jhalarian QH of Tehsil Jatoi be excluded from NA-179 & PP-276 and included in NA 180 & PP-278.
- ii) PC Bet Dariwala (Bet Warianwala) of QH Damarwala Shumali of Tehsil Jatoi be excluded from PP-276 and included in PP-277. Likewise, PC Bet Hazariwala of QH Damarwala Shumali be excluded from PP-277 and included in PP-276.

20. The concerned office and Delimitation Committee is directed to finalize the delimitation of National and Provincial Assembly constituencies in District Muzaffargarh in the above terms and take all necessary measures for notification of final delimitation in the official gazette at the earliest.

Shah Mohammad Jatoi,
Member

Sikandar Sultan Raja,
Chairman

Justice (R) Ikram Ullah Khan,
Member

Announced on. 23-01-2023

