

ELECTION COMMISSION OF PAKISTAN

Present:

Mr. Sikandar Sultan Raja, Chairman
Mr. Nisar Ahmed Durrani, Member
Mr. Shah Mohammad Jatoi, Member

IN REF: WRIT PETITION NO 3158/2022 TITLED AS UMAR FAROOQ, WRIT PETITION NO.3226/2022 TITLED AS TAHIR ABBAS, WRIT PETITION NO. 3253/2022 TITLED AS MUHAMMAD WAJAHAT AND WRIT PETITION NO. 3236/2022 TITLED AS SHAYAN ABBAS SHAH VS ECP & OTHERS OF DISTRICT JHANG IN ISLAMABAD HIGH COURT

On Commission's notice

1. Umar Farooq.
2. Tahir Abbas
3. Shayan Abbas Shah
4. Muhammad Wajahat.
5. Mukhtar Hussain
6. Muhammad Shahbaz Khan
7. Kashif Imran.
8. Muhammad Mubashar Abbas
9. Shahid Latif
10. Muhammad Zafar

For the Petitioners/objectors:

Mr. Shahzaib Jafar, Adv. on behalf of the
Petitioner Muhammad Wajahat
Mr. Kamran Murtaza, ASC for the Umar
Farooq & Tahir Abbas
Liaquat Ali Khan, Adv. on behalf of Mr.
Mukhtar Hussain
Muneer Ahmed Khan, Adv for Mr. Kashif
M. Shahbaz Khan, in-person

For the Delimitation Committee

- : Ms. Nighat Saddique (ADG)
- : Mr. Aleem Shahab REC, Rawalpindi.
- : Mr. Shabbar Abbas Bukhari, REC,
Faisalabad.
- : Mr. Shakeel Ahmed, DEC Sahiwal.
- : Mr. Ibrar Ahmad Jatoi, DD, ECP.

Date of hearing : **07-03-2023**

ORDER

Sikandar Sultan Raja, Chairman: According to Article 51(3) of the Constitution of the 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 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 of the Islamic Republic of Pakistan. District Jhang with the population of **2,742,633** was allocated **03** National Assembly seats and per seat quota is **914,211**. Similarly, District Jhang was allocated **07** Provincial Assembly seats with population quota of **391,805** per seat. After publication of preliminary delimitation vide notification dated 31st May, 2022, ECP invited representations from the voters of the Constituencies against the preliminary delimitation. The Commission received nine (9) representations in respect of District Jhang against the preliminary delimitation of the National as well as Provincial Assembly and after hearing the objectors, passed three orders dated 14.07.2022 by disposing of all representations in respect of National as well as Provincial Assembly constituencies of District Jhang.

2. The Petitioners Umar Farooq, Tahir Abbas, Muhammad Wajahat and Shayan Abbas Shah being dis-satisfied with the above said orders of the Commission challenged the same before the Hon'ble Islamabad High Court through the above cited writ petitions. The Hon'ble Court vide order dated 18-01-2023 remanded the petitions with the direction to the Commission that:

"All the writ petitions are allowed and both the orders dated 14-07-2022 are hereby set-aside, matters are remanded to the ECP for their re-consideration under the law. It is expected that ECP will adjudicate upon these matters with reasons after giving due hearing to the petitioners".

3. In pursuance of the order of the Hon'ble Court, the petitioners and other concerned parties were issued notices for 20-02-2023. The following parties attended the hearing of the Commission:

1. Mr. Kamran Murtaza, Advocate on behalf of Mr. Umar Farooq.

2. Mr. Kamran Murtaza, Advocate, Mr. Jawad Warriach, Advocate, Mr. Shan Abbas, Advocate on behalf of Mr. Tahir Abbas.
3. Mr. Shayan Abbas Shah.
4. Mr. Kamran Murtaza, Advocate and Mr. Shahzeb Jaffar, Advocate on behalf of Muhammad Wajahat.
5. Mr. Liaqat Ali Khan, Advocate on behalf of Mr. Mukhtar Hussain.
6. Mr. Liaqat Ali Khan, Advocate on behalf of Mr. Muhammad Shahbaz Khan
7. Mr. Munir Ahmed Khan, Advocate on behalf of Mr. Kashif Imran.

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

1. Mr. Muhammad Mubashar Abbas
2. Mr. Shahid Latif
3. Mr. Muhammad Zafar

4. The main grievances of the petitioner No. 1 and 2 i.e. Mr. Umar Farooq and Mr. Tahir Abbas are that they were satisfied with the preliminary delimitation carried out by the Delimitation Committee in respect of National Assembly constituencies published by the ECP on 31-05-2022 due to which they didn't file any representation against the preliminary delimitation before the Commission. The Election Commission after hearing the representations against preliminary list of constituencies relating to District Jhang, made certain changes in National Assembly constituencies and being dis-satisfied with the orders passed by the Election Commission on 14-07-2022, they challenged the final delimitation of constituencies of District Jhang before the Hon'ble Islamabad High Court. The learned counsel for the petitioners emphasized that in preliminary delimitation, Qanungo Halqa Haveli Bahadur Shah of Tehsil Shorkot was part of NA-110. The Commission in its order dated 14-07-2022, amended to the extent of constituencies of NA-108, NA-109 and NA-110 with the following amendments in the final notification of delimitation published on 5th August, 2022:

- I. Four Patwar Circles namely **Hassu Belal, Fateh Pur Pirti, Islam Pur Nasheb and Bahar Gharbi** of Marnewala Qanungo Halqa of Tehsil Ahmed Pur Sial were excluded from NA-108 and included in NA-110.
- II. Four Patwar Circles namely **Chak No. 220 JB, Habib, Pukke Wala and Thatha Mahla** of Jhang-II Qanungo Halqa of Jhang Tehsil were excluded from NA-109 and included the same in NA-108.
- III. Qanungo Halqa **Haveli Bahadar Shah** was included in NA-109 after exclusion from NA-110.

5. Learned counsel further argued that the urban area comprising of Rodu Sultan and Hassu Belal has been divided unnecessarily between NA-108 and NA-110. He further contended that NA-109 mainly comprises of the area of Tehsil Jhang and one Qanungo Halqa Haveli Bahadar Shah of Shorkot Tehsil has been included in this constituency, due to which administrative unit of Tehsil Shorkot has unnecessarily been divided between two National Assembly constituencies. The exclusion of QH Haveli Bahadar Shah from NA-110 will cause inconvenience to the public at large and is also against the principles of delimitation. The learned counsel then contended that PCs **Hassu Belal, Fateh Pur Pirti, Islam Pur Nasheb and Bahar Gharbi** of Marnewala Qanungo Halqa of Tehsil Ahmed Pur Sial were excluded from NA-108 and the same were not included in any other constituencies of District Jhang in the order passed by the Election Commission dated 14-07-2022. However, in the notification of final list of constituencies (Form-7) the above said areas have been included rightly.

6. The Petitioner No. 3 Mr. Shayan Abbas was also present during hearing and supported the stance of Mr. Umar Farooq and Mr. Tahir Abbas, mentioned above.

7. The Petitioner No.4, Muhammad Wajahat has submitted a fresh proposal with regard to NA-108, NA-109 and NA-110 wherein he has proposed that QH Mochiwala of Tehsil Jhang be included in NA-109 after its exclusion from NA-108. He further prayed that QH Haveli Bahadar Shah of Tehsil Shorkot be included in NA-110 and the same be excluded from NA-109 as earlier the Tehsil Shorkot was never divided. He also proposed that seven PCs i.e. **Baghri, Dhoir Muhammad, Hevali Lal, Kot Dewan, Majhi Sultan, Malhuana and Mansoor Sial** of QH Magiana of Tehsil Jhang may also be included in NA-110 after their exclusion from NA-109. He further proposed that QH Marnewala of Tehsil Ahmed Pur Sial may be included in NA-108 after its exclusion from NA-110 to equalize the population quota and also in the best of public interest.

8. Mr. Liaqat Ali Khan Advocate on behalf of petitioner No. 5 & 6 i.e. Mr. Mukhtar Hussain and Mr. Muhammad Shahbaz Khan advanced arguments about the basic principles of delimitation i.e. the delimitation of constituencies should have started from the northern side of the District by proceeding clock-wise in zig-zag manner. He argued that while delimiting the National Assembly constituencies of District Jhang, the Delimitation Committee has ignored this basic principle and physical features of the areas. As per his contention, QH Mochiwala, QH Khewa and four PCs of QH Jhang-II may be excluded from NA-108 and included in NA-109. He further contended that QH



Marnewala, QH Garh Maharaja and MC Garh Maharaja of Ahmed Pur Sial Tehsil may be excluded from NA-110 and included in NA-108. He apprised that after incorporating the said changes, the constituency NA-110 will comprise of Tehsil Shorkot, QH Ahmed Pur Sial and MC Ahmed Pur Sial of Tehsil Ahmed Pur Sial. He further stated that delimitation of constituencies carried out in 2018 may be kept intact as there is no population, administrative or demographic changes in the final result of census 2017. He also stated that stance of the objectors/his clients were missing in the order of the Commission dated 14-07-2022.

9. Mr. Munir Ahmed Khan, Advocate on behalf of Mr. Kashif Imran (objector), has supported the final delimitation published by the Election Commission on 5th August, 2022. He contended that delimitation exercise is rightly started from the northern end of the District and all the principles of delimitation enshrined in Section 20 of the Elections Act 2017 have been fully observed by the Commission. He further argued that all the National Assembly constituencies of the District are compact and within the permissible limit of population quota. While deciding the representations, the Commission observed all the principles of delimitation i.e. cognate factors, communication facilities, homogeneity and convenience of general public.

10. The learned Members of the Delimitation Committee have also been heard and available record has been perused once again.

11. The Commission has thoroughly gone through the entire material and has minutely observed the things. It is observed by the Commission that delimitation of District Jhang was started exactly from the North by proceeding clockwise as per Rule 10(5) of the Election Rules 2017. In the final list of constituencies of District Jhang, NA-108 with population of 910306, NA-109 with population of 918812 and NA-110 with a population of 913515, comprise of the following areas:

1. **NA-108**

a) 18-Hazari Tehsil

b) Following Qanungo Halqa of Jhang Tehsil:

- i) Kot Isa Shah;
- ii) Qadirpur;
- iii) Hissam;
- iv) Shah Jeewana;
- v) Khewa;

- vi) Cheela;
- vii) Massan;
- viii) Mochiwala;

c) The following Patwar Circles of Jhang-II Qanungo Halqa:

- i) Chak No. 220;
- ii) Thatha Mahla;
- iii) Pukkewala; and
- iv) Habib

of Jhang District.

2) **NA-109**

- a) Municipal Committee Jhang (Charge No. 14 to 21)
- b) Following Qanungo Halqa of Jhang Tehsil:
 - i) Jhang Urban;
 - ii) Kot Lakhnana;
 - iii) Magiana;
- c) Jhang-II Qanungo Halqa excluding the following patwar circles:
 - i) Chak No. 220;
 - ii) ThathaMahla;
 - iii) Pukkewala; and
 - iv) Habib;
- d) Bgh Town Committee (Charge No. 13)
- e) Haveli Bahadar Shah Qanungo Halqa of Shorkot Tehsil;
of District Jhang.

3) **NA-110**

- a) Shorkot Tehsil excluding Haveli Bahadar Shah Qanungo Halqa;
- b) Ahmed Pur Sial Tehsil;
of District Jhang.

12. It was further observed by the Commission that by accepting objections filed against preliminary delimitation, changes in the final list of constituencies were made in order to enhance compactness of the areas and for rationalization of the population quota among the constituencies. As per record, no urban area has been bifurcated while delimiting the NA-108 & NA-110 constituencies. The area of PC Rodu Sultan (defunct TC Rodu Sultan) of Tehsil 18-Hazari and PC Hassu Belal (defunct TC Hassu Belal) of Tehsil Ahmad Pur Sial are contiguous/adjoining to each other and apparently shown as one urban unit in the map, whereas PC Rodu Sultan is part of Tehsil 18-Hazari and PC Hassu

Belal is a part of Tehsil Ahmed Pur Sial. The Commission keeping in view the public convenience kept intact in the final delimitation and the administrative limit of Tehsil 18-Hazari and Tehsil Ahmed Pur Sial. The Commission tried to keep administrative units intact as far as possible. Tehsil Jhang being the biggest in population was bound to be divided in two National Assembly constituencies.

13. The above facts and record has led the Commission to the conclusion that the proposals of the petitioners/objectors No. 1 to 6 are not justified due to following reasons:

- i. *In case the proposal of petitioners No. 1 to 3 is accepted then the population of NA-109 will become 850226 which will be less than the lower limit of population quota i.e. 868500. Similarly, NA-110 will become 982101 which will exceed the upper limit of population quota i.e. 959922 which is contrary to sub section (3) of section 20 of the Elections Act, 2017.*
- ii. *If the proposal of the petitioner No. 4 is accepted then the constituency No. NA-108 will be bifurcated and divided on three Tehsils i.e. Ahmed Pur Sial, 18-Hazari and Jhang. Similarly, NA-110 will also comprise of three Tehsils i.e. Jhang, Shorkot and Ahmed Pur Sial and also increase the length of constituency No. NA-108. According to the proposal, administrative units i.e. Tehsils are being divided unnecessarily in three constituencies which are contrary to sub section (1) of section 20 of the Elections Act, 2017.*
- iii. *If the proposal of petitioner No. 5 and 6 is accepted then, the population of the constituencies of NA-108, NA-109 and NA-110 will become 958195, 845916 and 938558, respectively, which will badly disturb the population among the constituencies. Moreover, the population of NA-109 will also be less than the population quota. Furthermore, the compactness of the area will also be compromised.*


14. It was further observed that the extent of constituencies in respect of District Jhang notified on 05-08-2022 are rightly based on the order of this Commission dated 14-07-2022 passed on the representation of Mr. Kashif Imran. However, due to typographical mistake the following PCs i.e. **Hassu Belal, Fateh Pur Pirti, Islam Pur Nasheb and Bahar Gharbi of QH Marnewala of Tehsil Ahmed Pur Sial** were not shown as included in NA-110 after their exclusion from NA-108 Jhang-I. The above said

PCs of QH Marnewala of Tehsil Ahmed Pur Sial may be read as part of NA-110 as already notified in the final delimitation published on 05-08-2022.

15. For what has been discussed above, the petitions filed by the petitioner No. 1-6 in hand are hereby rejected being forceless and the petition filed by Mr. Kashif Imran is accepted and final delimitation notified by the Commission on 05-08-2022 is kept intact warranting no interference.


Sikandar Sultan Raja,
Chairman


Shah Mohammad Jatoi,
Member


Nisar Ahmed Durrani,
Member

Date of announcement: 22.03.2023

