

## **ELECTION COMMISSION OF PAKISTAN**

Present:

Mr. Sikandar Sultan Raja, Chairman  
Mr. Nisar Ahmed Durrani, Member  
Mr. Shah Mohammad Jatoi, Member  
Mr. Justice (R) Ikram Ullah Khan, Member

**IN REF: WRIT PETITION NO 3131, 3231 & 3230/2022 FILED BY MUHAMMAD SHAFI, RAO IRSHAD ALI RASHID & MUHAMMAD IQBAL REMANDED BACK BY THE HON'BLE ISLAMABAD HIGH COURT VIDE ORDER DATED 14.12.2022**

**&**

**ICA NO. 03/2023 FILED BY MR. SAMAR ABBAS REMANDED BACK BY THE DIVISION BENCH OF THE HON'BLE ISLAMABAD HIGH COURT VIDE ORDER DATED 17.01.2023**

1. Muhammad Shafi (petitioner in WP No. 3131/2022)
2. Rao Irshad Ali Rashid ((petitioner in WP No.3231/2022)
3. Muhammad Iqbal ((petitioner in WP No.3230/2022)
4. Mr. Samar Abbas (Appellant in ICA No. 03/2023)

**.... Petitioners**

**On Commission's notice**

- |                           |                           |
|---------------------------|---------------------------|
| 1. Muhammad Shafi         | 2. Rao Irshad Ali Rashid. |
| 3. Abdul Waheed.          | 4. Muhammad Iqbal         |
| 5. Fayyaz Ahmed           | 6. Samar Abbas.           |
| 7. Muhammad Anwar Khan    | 8. Muhammad Hussain.      |
| 9. Zubair Hussain.        | 10. Muhammad Murslin.     |
| 11. Nazir Ahmed.          | 12. Muhammad Sarfraz.     |
| 13. Mehmood Hussain Hiraj | 14. Muhammad Ilyas.       |
| 15. Muhammad Majid        | 16. Muhammad Kashif       |
| 17. Asif Hayat Niazi.     |                           |

**...Objectors**

.....

For the Petitioners:

For the objectors :

**For the Delimitation Committee**

1. Ms. Nighat Sadique (ADG)
2. Mr. Aleem Shahab REC, RWP.
3. Mr. Shabbar Abbas Bukhari, REC, Faisalabad.
4. Mr. Shakeel Ahmed, DEC, Sahiwal.
5. Mr. Ibrar Ahmad Jatoi, DEC, BWP.



Date of hearings: **05.01.2023 and 31<sup>st</sup>-01-2023**

**ORDER**

**Sikandar Sultan Raja, Chairman:** According to Article 51(3) of the Constitution of 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. District Khanewal with the population of **2,921,233** have been allocated 4 National Assembly seats. The quota of population per seat comes to **730,308** for National Assembly seats. Similarly, District Khanewal was allocated 08 provincial Assembly seats with population quota of **365,154** per seat. After publication of preliminary delimitation of constituencies, ECP invited representations from the voters of the constituencies in respect of preliminary delimitation of the constituencies. The Commission received (17) representations in respect of District Khanewal against the preliminary delimitation notified on 31<sup>st</sup> May, 2022. The Commission passed a common order dated 26-07-2022 by disposing of all 17 (Seventeen) representations in respect of National as well as Provincial Assembly constituencies of District Khanewal.

2. The Petitioners being dis-satisfied with the above said order of the Commission challenged the same before the Hon'ble Islamabad High Court through four separate writ petitions. The Hon'ble Court vide order dated 28.12.2022, allowed writ petitions of Muhammad Shafi, Rao Irshad Ali Rashid and Muhammad Iqbal and remanded the matters back, *inter alia*, with the direction to the Commission that: -



*"The objection petitions are deemed to be pending before the ECP, who after issuing the notice to the parties with full opportunity of hearing, shall decide the same in accordance with law".*

3. However, the Writ Petition of Samar Abbas was dismissed by the Hon'ble High Court, which order was assailed by him through an Intra Court Appeal (ICA) No. 03/2023, before the Division Bench of the High Court which was taken up for hearing on 10.01.2023 and the Hon'ble Court restrained the Commission from passing any order in the post remand proceedings till 17.01.2023.

5. The representations of the three petitioners Muhammad Shafi, Rao Irshad Ali Rashid and Muhammad Iqbal were already heard by the Commission on 05.01.2023 and decision was reserved therein. On receipt of above order of the Hon'ble Court, Mr. Samar Abbas was also heard on 31<sup>st</sup> January, 2023 and all the four matters are now being decided through this common order.

6. In pursuance of the order of the Hon'ble Court, the petitioners and other concerned parties i.e. the objectors were issued notices for 05.01-2023 and 31<sup>st</sup> January, 2023. The following parties collectively attended the hearing of the Commission: -

1. Muhammad Shafi
2. Rao Irshad Ali Rashid
3. Muhammad Iqbal
4. Samar Abbas
5. Zubair Hussain.
6. Muhammad Majid
7. Muhammad Hussain.
8. Asif Hayat Niazi.

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

1. Abdul Waheed.
2. Fayyaz Ahmed
3. Muhammad Anwar Khan.
4. Muhammad Murslin.
5. Nazir Ahmed.
6. Muhammad Sarfraz.
7. Muhammad Ilyas.
8. Muhammad Kashif
9. Mehmood Hussain Hiraj

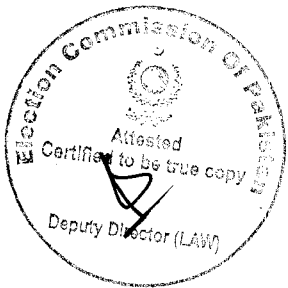


1. The grievance of the petitioner No. 1 Muhammad Shafi is that 4 Patwar Circles i.e Mubarak Pur, Kot Bahadur, Kure Wala and Chak 14/v of Qanungo Halqa Kabirwala-I may be excluded from NA-144 Khanewal-I and included in NA-145 Khanewal-II. Similarly, 6 Patwar Circles i.e Chak 001/Km, Chak 006/DH, Chak 009/DM, Chak 016/DM, Dhera Mehram and Kot Islam of Qanungo Halqa Abdul Hakeem may be excluded from NA-145 and included in NA-144. He also requested

that PC Bagar of QH Bagar may be excluded from NA-145 Khanewal-II and be included in NA-144 Khanewal-I. By inclusion and exclusion of such areas the constituencies will become geographically more compact and also suitable to the people of the area. The Petitioner further stated that geographically the area that fall with NA-144, has been made part of NA-145, which has caused inconvenience and it is also not in accordance with the principles of delimitation. Besides, the petitioner also prayed to exclude PC Nanak Pur from NA-147 and PP-209 and to include it in NA-145 and PP-206. He further stated that the Delimitation Committee has broken PC Nanak Pur while preparing draft delimitation. As per him, mostly population of Mouza Nanak Pur is *Arain* by caste and about 35% of population of NA-145 and PP-206 is *Arain* by caste. Their language and culture is same but on the other side NA-147 and PP-209's population, culture and language is quite different from the people of mouza Nanak Pur. The Commission in its order dated 26-07-2022, had amended/alterd the extent of National Assembly constituencies in the following terms:

**“NA-144 Khanewal-I and NA-145 Khanewal-II:-**

1. The PC Chak No. 001/KM, PC Chak No. 006/D-H, PC Chak No. 009/D-H, PC Chak No. 16/D-H, PC Daira Mahram and PC Kot Islam of QH Abdul Hakeem be excluded from NA 144 Khanewal-I and same be included in NA-145 Khanewal-II.
2. The PC Mubarik Pur, Kot Bahadur, Kurewala and Chak No. 014/v of QH Kabirwala-I be excluded from NA-145 Khanewal-II and the same be included in NA-144 Khanewal-I.
3. PC Bagar of QH Bagar be excluded from NA-144 Khanewal-I and the same be included in NA-145 Khanewal-II.



5. The Petitioner No. 2, Rao Irshad Ali Rashid, has supported the final list of constituencies published by the Commission on 05-08-2022 to the extent of NA-144 & NA-145. He further stated that Commission after hearing the objection petitions/representations modified the extent of National Assembly constituencies by keeping intact the QH Kabirwala-I. QH Abdul Hakeem was unnecessarily broken vide order 26-07-2022. However, he further contended that the changes incorporated in National Assembly Constituencies may also be incorporated in the Provincial Assembly Constituencies respectively to keep them corresponding with the National

Assembly Constituencies and proposed the following changes in the Provincial Assembly Constituencies.

- (a) 6 PCs of QH Abdul Hakeem i.e PC Chak No. 001/KM, PC Chak No. 006/D-H, PC Chak No. 009/D-H, PC Chak No. 16/D-H, PC Daira Mahram and PC Kot Islam may be excluded from PP-203 and the same may be included in PP-205.
- (b) 2 PCs of QH Kabeerwala-I, i.e Mubarakpur and Kot Bahadur may be excluded from PP-205 and included in PP-203.
- (c) 2 PCs of QH Kabeerwal-I, Kurewala and Chak 14/v may be excluded from PP-205 and included in PP-204.

6. The Petitioner No. 4, Muhammad Iqbal, has also grievances with regard to the order passed by the Commission on 26-07-2022. He prayed that preliminary list of constituency of NA-144 and NA-145 be restored as the said delimitation was more compact as well as the Provincial Assemblies constituencies were corresponding with the National Assembly constituencies. Whereas, after the decision of the Commission and publication of final delimitation the corresponding factor of Provincial Assembly constituencies i.e. PP-203, PP-204, PP-205 and PP-206 with the National Assembly constituencies has been disturbed.

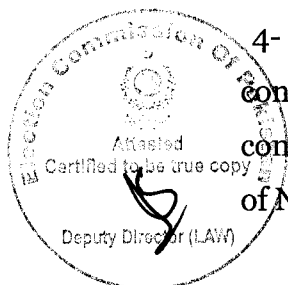
7. The Petitioner No. 6, Mr. Samar Abbas supports the preliminary delimitation and has made following challenges to the final delimitation: -

1- Preliminary delimitation was more convenient for the general public while the delimitation finalized by this commission is inconvenient for the general public.

2- No reasons have been given by the commission while making changes in the preliminary delimitation carried out by the delimitation committee.

3- The preliminary delimitation was prepared in accordance with law, rules and the principles of the delimitation provided under section 20 of the Election Act 2017.

4- District Khanewal consists of four constituencies of National Assembly and eight constituencies of Provincial Assembly. In the preliminary delimitation the constituencies of Provincial Assemblies were corresponding with the constituencies of National Assembly i.e. PP- 203 and PP 204 were in alignment with NA-144 while



through the final delimitation three provincial assemblies' constituencies have been assigned to a single National Assembly constituency.

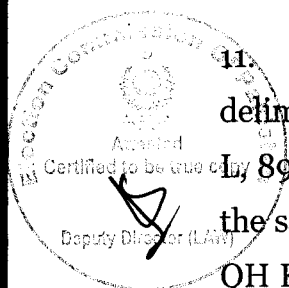
5- In the final delimitation, Moza Bagar Patwar circle has been broken and half area of it is in NA-144 and half is in NA-145

8- The counsel while concluding his arguments prayed that the final delimitation of constituencies issued by the Honorable Commission may be set aside and preliminary delimitation issued by the delimitation committee may kindly be restored.

9. The Petitioner No. 8, Muhammad Hussain challenged the preliminary delimitation of PP-203 and PP-204. He proposed that QH Sarai Sidhu except PC Sarai Sidhu and QH Sardar Pur except PC Moriwala may be included in PP 204. He further proposed that PC Balochan and PC Mankot of QH Salar Wahin Kohna and PC Inyat pur, PC Kohi Wala, PC Kohari Baloch, PC Kukkar Hattan, PC Monganwala, PC Narhal, PC Okanwara, PC Sarfraz pur of QH Kukkar Hattan and PC Mullahpur of QH Kabirwala-I and PC 5 Kassi of QH Kabirwal-II be excluded from PP-204 for the facility of communication and public convenience, Moreover, administrative offices of Sardarpur and Sarai Sidhu fall within the limit of Tehsil headquarter Kabirwala.

10. The Petitioner No. 9, Mr. Zubair Hussain, has also challenged the preliminary delimitation of PP-203 and PP-205 and proposed that MC Abdul Hakeem, PCs of Abdul Hakeem QH namely Hataran, Abdul Hakeem, Battian, Umeed Garh, Jalla Paahore and Gobind Garh as well as PCs of QH Bhagar of Kabirwala Tehsil namely Nehala Wala, Jahanpur, Jalilpur and Bare Wala may be included in PP 203. In substitution of these inclusions, he proposed that QH Sarai Sidhu except PC Sarai Sidhu and QH Sardarpur except Moriwala PC of Tehsil Kabirwala be excluded from PP-203 for uniformity of administrative boundaries, public convenience and homogeneity and it will achieve the primary motive of conducting fair elections.

11. The Petitioner No. 15, Mr. Muhammad Majid challenged the preliminary delimitation of PP-209 and proposed that PC Chak 62/15-L, 67/15-L, 84/15-L, 87/15-L, 89/15-L of QH Mamba of Tehsil Mian Channu may be excluded from PP-208 and the same be included in PP-209. He further proposed that PC 84-1/10-R, 92/10-R of QH Khanewal-II and PC Nanakpur of QH Khenewal Kohna of Tehsil Khanewal may be excluded from PP-209 and included in PP-206. He further contended that the preliminary delimitation is disturbing the uniformity of the administrative boundaries

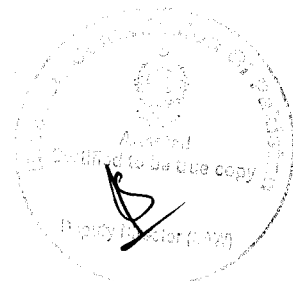


public convenience and homogeneity due to irrational distribution of area which have made impossible for the Commission to conduct fair Elections.

12. The Petitioner No. 17, Mr. Asif Hayat Niazi challenged the preliminary delimitation of NA-145 and NA-147 as well as PP-205, PP-206 & PP-209. He stated that most of the area adjoining to Khanewal City have been detached and included in PP-209 and PC Zakhira Khanewal and 80/10-R are adjoining to each other but in the Preliminary delimitation these PCs have been included in different Constituencies. He apprised that PC 80/10-R and Zakheera Khanewal of Kacha Khoh QH and PC 84-1/R of Khanewal-I QH are closely associated with Khanewal City. Likewise, PC 62/15-L, 67/15-L, 84/15-L, 87/15-L and 15-L of QH Mamba of Tehsil Mian Channu has been included in NA-146 which has created imbalance and disconnection between kacha khoh QH and Chak Shahana QH. He proposed that PC 62/15-L, 67/15-L, 84/15-L, 87/15-L and 15-L of QH Mamba of Tehsil Mian Channu may be excluded from NA-146 Khanewal-III and included in NA-147 Khanewal-IV. He further proposed that PC 84-1/10-R of Khanewal-II QH and PC 80/10-R of Kacha Kuhu QH may be included in NA-145 Khanewal-II after exclusion from NA-147 Khanewal-IV to equalize the population.

901  
13. The delimitation Committee apprised the Commission that the delimitation of Constituencies is started from the North of the District. Tehsil Kabeerwala is the largest Tehsil of District having population of 958596 which has been divided in Constituencies No. NA-144 and NA-145, Major area of this Tehsil has been included in NA-144. QH Abdul Hakeem of Tehsil Kabirwala has been divided in to two National Assembly Constituencies (NA-144 & NA-145) because the River Ravi is bisecting this QH due to which six Patwar Circles were included in NA-144 and remaining six Patwar Circles were added with NA-145, keeping in view the convenience and facility of communication for general public. The four PCs of Kabirwala-I QH which are near to District Headquarter Khanewal were included in NA-145. In the preliminary delimitation one National Assembly Constituency is corresponding with two Provincial Assembly Constituencies with the detail:-

NA-144	PP-203 & PP-204
NA-145	PP-205 & PP-206
NA-146	PP-207 & PP-208
NA-147	PP-209 & PP-210



14. The Committee while assisting the Commission provided detail of population quota for National and Provincial Assembly Constituencies which is as under:

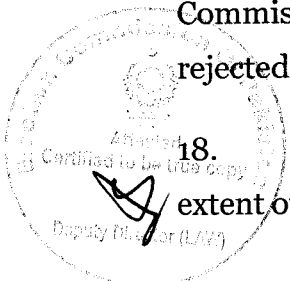
Constituency	Quota	Upper Limit	Lower Limit
National	730308	766824	693793
Provincial	365154	383412	346896

15. The Delimitation Committee further highlighted that while delimiting the Constituencies all the principles of delimitation as laid down in Section 20 of the Elections Act, 2017 were also fully observed to ensure compactness, homogeneity and convenience of the general public.

16. After hearing the petitioners in detail as well as the Delimitation Committee, the record was perused and maps were also examined. The petitioner, Mr. Muhammad Majid, has proposed for exclusion of 5 PCs of QH Mamba of Tehsil Mian Channu from PP-208 and inclusion in PP-209. He Further proposed for exclusion of 2 PCs of QH Khanewal-II and PC Nanak Pur of QH Khanewal Kohna of Tehsil Khanewal from PP-209 and inclusion in PP-206. In case the proposal of the petitioner is accepted the Provincial Assemblies PP-208 and PP-209 will not be corresponding with their respective National Assembly Constituencies as well as the administrative unit of Tehsil and QHs will also be unnecessarily divided. As District Khanewal has four National Assembly Constituencies and eight Provincial Assembly Constituencies and it shall be more logical and advisable to delimit two provincial assembly constituencies under each National Assembly Constituency. It will facilitate the Election staff administratively and it shall be easy for them to co-ordinate with the sub-divisional administration. Hence, the petition is hereby rejected.

17. The proposal of petitioners Mr. Zubair Hussain and Mr. Muhammad Hussain are identical in nature and are regarding major amendments in PP-203 and PP-204 without considering the facility of communication and boundaries of River Ravi. In case the proposals of the petitioners are accepted then the extent of PP-205 and PP-206 will also be disturbed and the correspondence of National and Provincial Assembly constituencies will not be maintained. The final delimitation notified by the Commission is more suitable for public convenience. The plea of the petitioners is rejected.

18. The proposal of the petitioner Mr. Asif Hayat Niazi for amendment in the extent of constituencies NA-145, NA-147, PP-205, PP-206 and PP-209 is without cogent





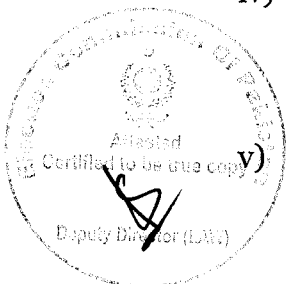
reasons and is not justified as per the principle of delimitation laid down in section 20 of the Elections Act 2017. Moreover, in the delimitation of constituencies finally published by the Commission Two Provincial Assembly Constituencies under one National Assembly Constituency. In case the proposal of the petitioner is acceded to, the correspondence of National and Provincial Assembly Constituencies will be disturbed. Hence, the petition of the petitioner is rejected.

19. The request of the petitioner Mr. Irshad Ali Rashid regarding keeping intact the delimitation of constituencies as notified on 5th August, 2022 has been considered and found that the facts pointed out by the petitioners Mr. Muhammad Shafi and Mr. Muhammad Iqbal and Delimitation Committee are more suitable, justified and in accordance section 20 of the Elections Act, 2017. Hence, the request of the petitioner Mr. Irshad Ali Rashid is hereby declined.

20. The prayer of petitioners Mr. Samar Abbas, Muhammad Iqbal and Muhammad Shafi seems appropriate and viable owing to following reasons:

- i) The Hon'ble bench of the Commission while passing order dated 26-07-2022 kept intact the administrative/revenue limits in Constituencies i.e NA-144 and NA-145 but ignored the facility of communication, public convenience as well as boundaries of the River Ravi which is passing through the QH Abdul Hakeem. The Delimitation Committee while delimiting the Constituencies observed the natural boundaries of the above said river which are of utmost importance.
- ii) NA-144 is entirely consisting of Tehsil Kabirwala and some of the area of this Tehsil has been included in NA-145 to equalize the population among the Constituencies.
- iii) Six Patwar Circles of QH Abdul Hakeem located on the western side of the river included in NA-144 and remaining six Patwar Circles located in Eastern side of the river have been attached with NA-145 keeping in view the public convenience.
- iv) Likewise, having better access with Khanewal City (MC), four Patwar Circles of Kabirwala-I QH have been included in NA-145 to facilitate the public.

The shape of NA-145 as appeared somehow odd in the final map of the constituencies of district Khanewal is somewhat odd.




- vi) The PC Bagar of QH Bagar is again included in NA-144 instead of NA-145 keeping in view the compactness/adjoining with defunct TC, Sarai Sidhu.
- vii) The Commission while hearing the case also observed that the delimitation carried out by Delimitation Committee has kept the National Assembly Constituencies corresponding with the Provincial Assembly Constituencies which will in turn facilitate the Returning Officers of the National as well as Provincial Assembly Constituencies while completing their assignments i.e. preparation of polling scheme, distribution of election material and collection of results during the Elections.
- viii) As per Census record PC Nanak Pur of QH Khanewal Kohna is intact and has not been broken by the Committee and rightly included in NA-147 and PP-209 because railway line has been kept in view as boundary line of Constituencies NA-145 / PP-206 and NA-147 / PP-209.

21. The above facts and level of confidence of general public on the preliminary delimitation, leads us to the conclusion that the delimitation carried out by Delimitation Committee in respect of constituencies NA-144 and NA-145 is more suitable and convenient to the public. The contention of the petitioners i.e. Muhammad Shafi, Muhammad Iqbal and Samar Abbas is hereby accepted and preliminary delimitation in respect of constituencies NA-144 and NA-145 is hereby restored and declared as final.

22. Hence, preliminary delimitation as notified on 31st 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 Khanewal in the above terms and take all necessary measures for notification of final delimitation in the official gazette.

  
**Sikandar Sultan Raja,**  
Chairman

  
**Nisar Ahmed Durrani,**  
Member

  
**Shah Mohammad Jatoi,**  
Member

  
**Justice (R) Ikram Ullah Khan**  
Member

Announced on 08.02.2023.

