

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 51867/2022 TITLED AS SYED FAISAL
SHAH VS ECP & OTHERS OF DISTRICT SIALKOT IN LAHORE HIGH
COURT LAHORE.**

For the Petitioners/objectors/:

Notice to

1. Mr. Shujat Ali Shah.
2. Mr. Niaz Ahmed Malhi.
3. Mr. Muhammad Asif.
4. Mr. Muhammad Sagheer.

For the Petitioner.
For the Objector Mr Shujahat Ali

Mr. Khalid Nawaz Ghumman, Advocate
Ch. Najam-ul-Hassan, Advocate

For the Delimitation Committee

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

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Date of hearings:

07-04-2023.

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 Sialkot with the population of **3,894,938** was allocated 05 National Assembly seats and per seat quota is **778,988**. Similarly, District Sialkot was allocated 11 provincial Assembly seats with population quota of **354,085** 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 fifteen



(15) representations in respect of District Sialkot against the preliminary delimitation of the National and Provincial Assembly Constituencies. The Commission after hearing the petitioners passed five orders dated 07-07-2022 by disposing off all representations in respect of National as well as Provincial Assemblies Constituencies of District Sialkot.

2. The Petitioner Syed Shah Faisal being dis-satisfied with the above said orders of the Commission challenged the same before the Hon'ble Lahore High Court Lahore vide above cited writ petition. The Hon'ble Court vide order dated 02-02-2023 remanded the petitions with the direction to the Commission that: -

" Who shall treat the same as a representation filed on the behalf of the petitioner relating to the matter agitated therein and decide the same on its own merits, strictly in accordance with law, after providing an opportunity to the petitioner and the others concerned, expeditiously, preferably within a period of 30-days from the date of receipt of certified copy of this order".

3. In pursuance of the order of the Hon'ble Court the petitioners and other relevant parties were issued notices for 07-03-2023. Only Ch. Najam-ul-Hassan, Advocate on behalf of Mr. Shujat Ali Shah attended the hearing of the Commission and supported the final delimitation with regard to the Constituency No. NA-67 Sialkot-II published by the Election Commission on 5th August, 2022. He further prayed that the final list of constituencies notified on 05-08-2022 may be kept intact.

4. On the other hand the petitioner and other undermentioned relevant parties remained absent: -

1. Mr. Niaz Ahmed Malhi
2. Mr. Muhammad Asif
3. Mr. Muhammad Sagheer

5. Another notice was issued to the applicant/ petitioner for 22-03-2023. On the said date the counsel of the petitioner sought adjournment and finally case heard on 07-04-2023.

6. Mr. Khalid Nawaz Ghuman, Advocate, counsel for the petitioner Syed Shah Faisal appeared and contended that PC Udowar and PC Allu Maher of QH Mirza Goraya Tehsil Daska may be included in NA-69 after its exclusion from NA-70. Likewise, PC Nagoor of QH Mirza Goraya and PC Lodhe of QH Daska-I of Tehsil

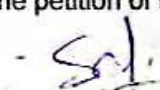



Daska may be excluded from NA-69 and included in NA-70. As the exclusion of two PCs Udowar and PC Allu Maher of QH Mirza Goraya Tehsil Daska has adversely affected the compactness and homogeneity of both the constituencies. He further argued that due to exclusions of above said PCs from NA-69 the supporters and voters of his client have been badly affected.

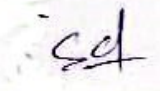
7. The Delimitation Committee apprised the Commission that the delimitation of District Sialkot was started from the North by proceeding clockwise as per Rule 10(5) of the Election Rules 2017. The Committee further briefed that the Commission by accepting objections filed against preliminary delimitation made changes in the final list of constituencies which enhanced compactness of the areas and also rationalized the population quota among the constituencies. In case the request of the petitioner is accepted, the population of NA-70 will become 713,405 which is below the lower limit of population quota i. e 740,039.

8. After hearing Mr. Khalid Nawaz Ghumman, Advocate on behalf of petitioner Syed Faisal Shah, Ch. Najam-ul-Hassan, Advocate on behalf of Mr. Shujat Ali Shah and Delimitation Committee at length, the record was perused, maps and other relevant data was examined and the Commission came to the conclusion that the proposal of the petitioner Syed Faisal Shah is not justified. In case the proposal of the petitioner is accepted the population of NA-69 will become 787,834 and population of NA-70 will become 713,405 which decreases up to 26,634 from the lower limit of permissible population quota and the difference of population between the constituencies will also be increased which is contrary to sub section 3 of section 20 of the Elections Act 2017,

9. Being devoid of merit the petition of the petitioner is hereby dismissed.


Sikandar Sultan Raja
Chairman.


Shah Murtaza Jatoi,
Member


Nisar Ahmed Durrani,
Member

Date of announcement.10-04-2023

