

**BEFORE THE ELECTION COMMISSION OF  
PAKISTAN**

**MEMORANDUM / REPRESENTATION BY:-**

Riaz Ahmed son of Muhammad Rafique Caste Rajput  
Choggattah resident of Mouza Aziz Quhm Teshil Malsi  
District Vehari

**SUBJECT:-** **MEMORANDUM / OBJECTION PETITION  
AGAINST THE PRELIMINARY DELIMITATION  
/ DRAFT OF THE CONSTITUENCIES NO. PP-233  
& PP-235 TEHSIL MASLI DISTRICT VEHARI  
PROVINCE OF PUNJAB PUBLISHED BY THE  
ELECTION COMMISSION OF PAKISTAN,  
ISLAMABAD UNDER SECTION 21 (2)  
ELECTION ACT 2017 AND UNDER RULE 12  
ELECTION RULE 2017**

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Applicant



Through

Mian Muhammad Afzal Barkaat  
Advocate High Court  
Vehari



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**SUBJECT:-** **MEMORANDUM / OBJECTION  
PETITION AGAINST THE  
PRELIMINARY DELIMITATION /  
DRAFT OF THE CONSTITUENCIES  
NO. PP-233 & PP-235 TEHSIL MASLI  
DISTRICT VEHARI PROVINCE OF  
PUNJAB PUBLISHED BY THE  
ELECTION COMMISSION OF  
PAKISTAN, ISLAMABAD UNDER  
SECTION 21 (2) ELECTION ACT 2017  
AND UNDER RULE 12 ELECTION  
RULE 2017**

**Respectfully sheweth:-**

1. That the applicant namely Riaz Ahmed son of Muhammad Rafique is resident of Mouza Aziz Quhm Teshil Malsi District Vehari and is the bonafide voter member of the Mitroo constituency, the above mentioned area is part and parcel of Tehsil Mailsi since decades. (Copy of ID Card of the applicant and Copy of Voter list are annexed herewith as annexure B & C respectively)
2. That ECP proposed the preliminary / draft delimitation proposal of Provincial Assembly of Punjab District Vehari and as per law offered the objection and proposal from the voter as well as the proposed participants of forth coming general election.

3. That the applicant has been participating in the election from the provincial constituencies since long, when the constituency was marked as PP-237 and now in preliminary draft and proposed delimitation of the constituencies by the ECP Islamabad is marked as PP-233.
4. That while preliminary draft and proposed delimitation of the constituencies of District Vehari the delimitation committee has not acted in accordance with the law and in post haste manner and without ignoring the principles laid down by the apex court on the subject of delimitation and totally ignoring the relevant provisions of Election Act 2017 and rules thereupon i.e. Election Rules 2017.
5. That after preparation preliminary draft and proposed delimitation of the constituencies of country the election commission issued proposed maps alongwith the proposal and offered objection by way of representation as per law. The preliminary draft and proposed delimitation of the constituencies of District Vehari and proposed map issued by the election commission is annexed as annexure A.
6. That the applicant as being a political worker and intend to participate in the forth coming election from his native constituency has great apprehension upon the

preliminary draft and proposed delimitation of the constituencies of District Vehari as being unlawful and against the fact and geographical situation of the area which are liable to be revised inter alia on the following amongst other

#### **GROUND:-**

- A. That while preliminary draft and proposed delimitation of the constituencies of District Vehari the election commission has marked the native area / some of the old constituency of the PP-237 in the different proposed provincial constituency and while doing so all principles were ignored and PP-237 was marked in two different parts of two different Tehsils which are not physically compact to each other and while going through Q.H Mitru towards Q.H Tehsil Mailsi there is no connection between the Q.H and even through any Patwar Circle of the notified Q.H i.e. Mitru with other Q.Hs which has been included in PP-235 Tehsil Mailsi District Vehari which is sheer violation of law.
- B. That as above mentioned ECP proposed the preliminary delimitation for National Assembly NA 162 to 165 and for PP-229 to PP-236 and in this way Constituency National Assembly 162 comprised with PP-229 and 230, NA-163 comprised with PP-231 and 232, NA-164 comprised with PP-233 and 234 and in

last NA-165 has comprised with PP-235 and 236. It is pertinent to mention here that total population of District Vehari is shown as 2897443.

- C. That in proposed delimitation by ECP, PP-233 included in NA-164 and QH-7-R Grahmore is included in PP-233 whereas QII Mitru is included in PP-235 which is included in NA-165 alongwith PP-236 which is against the geographically compactness, same psychical features of the area, larger interest of public at large and also against the homogeneity of the area and liable to be restore the previous status of the constituency.
- D. That according to proposed draft list of constituencies of PP-233 to 236 were published in media where it came into the knowledge of the applicant that Q.II Mitru of the Teshil Mailsi included in PP-235. The previously the said Q.H. Mitru was part and parcel of PP-233. The above said proposed draft delimitation is against the principle of delimitation and against the public interest totally unwarranted and result of highly misconceived approach of concerned authorities.
- E. That the proposed map of PP-229 to PP-236 which was issued by the Election Commission of Pakistan. (Copy of map is annexed herewith as annexure A), shows that Q.H-7-R Gharmore included PP-233 wheras Q.H. Mitru is included in 235, the proposed

delimitation of Q.H. Mitru & Q.II 7-R. Gharmore are against the principle of delimitation and amounts to add misprices of the people of area.

F. That according to the proposed map annexed as annexure D with this application, PP-233 in Colour Parrot Green which shown that this area was geographically compact with PP-233 and if Q.H Mitroo remained with PP-235 then delimitation of PP-233 cannot become compact and there is a huge gap between the remaining area. The above said Q.II Mitroo is naturally, physically area of PP-233 since decades but astonishingly the above said area of Q.II Mitroo was included in PP-235 in proposed delimitation as shown in annexure A by the authorities which is against the law and principle of nature justice.

G. That it can easily indentify and enumerate the principle of delimitation and law provides to be complied with implemented in letter and spirit while delimiting the constituencies, so not only candidates but also the public at large / voters could be benefited.

It can be numbered such principles as under:-

- i. Distribution of equal population
- ii. Geographically compactness
- iii. Physically features
- iv. Existences boundaries of administration

Unit

- v. Facilities of Communication
- vi. Public Connivance
- vii. And such other cognate features which ensure homogeneity

II. That procedure of delimitating constituency has been provided under sub rule (3) of rule 10 of Election Rules 2017 reproduced as under:-

10....

3. In preparing draft proposal for delimitations of constituencies, delimitation committee shall follow the principle of delimitation as laid down in section 20, producer given this capture and guidelines provided by the commission for time to time.

4. The Constituencies for a assembly shall not ordinarily extended to more than one District exist in exceptional circumstances for reason to be recorded by the delimitation committee.

Provided that a Patwar Circle or as the case may be a Tapadar circle shall be basic unit for delimitation and it shall not be broken under any circumstances.

5. As far as possible, delimitation of constituencies of an assembly shall start from the Northern end of district or as a case may be, the agencies and then proceed clock wise in Zig Zag Manner keeping in view that population amongst the constituencies of an assembly shall remained as close as may be practicable to the Quota.

Provided that Quota under sub rule shall be determined by dividing total population of district or agency with number of seats allocated to the District or Agency

Provided further that the variation in the population between two or more constituencies shall not ordinarily exceed 10% and the delimitation committee shall record reason if, in exceptional circumstances, the variation as exceed the limit.

- I. That keeping in view of principles as enshrined under section 20 of the Election Act 2017 read with rule 10 of the Election Rules 2017, a plausible / suggestion has been prepared for the consideration of the delimitation committee while preparing a draft the delimitation proposal. The proposal / suggestion has strictly being framed in compliance of principle of delimitation in their entirety and totality.
- J. That the suggestion is submitted to avoid gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted as under which meets the requirements of law and based on principle of delimitation of constituencies for the conducting the free, fair and just election in Tehsil Mailsi District Vehari as in envisaged under the constitution, if the constituencies are gerrymandered, the elections result



- M. That approval of the proposed map annexure D is within the prescribed limits as described in the relevant law i.e. Election Act 2017 and Election Rules 2017.
- N. The proposed amendments in the preliminary delimitation according to the map attached annexure D with the application are hereby coloured map for P-233 & PP-235 for the purpose of understanding.
- O. That keeping in view of principles as enshrined in chapter III of the Election Act 2017 read with chapter III of the Election Rules 2017, a plausible / suggestion has been prepared for the consideration of the delimitation committee while preparing a draft the delimitation proposal. The proposal / suggestion has strictly being framed in compliance of principle of delimitation in their entirety and totality.
- P. That the suggestion is submitted to avoid gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted as under which meets the requirements of law and based on principle of delimitation of constituencies for the conduct of free, fair and just election in Tehsil Mailsi District Vehari as in envisaged under the constitution.

Any other relief which this Honorable court may deem fit and proper be also awarded to the petitioner / appellant.

Petitioner / appellant

Through

Mian Muhammad Afzal Barkaat  
Advocate High Court

Sheikh Mujeeb ur Rehman  
Advocate High Court

Syeda Maria Nasir  
Advocate High Court

Certified as per instructions that this is the first petition / appeal against the impugned order before this Honorable court.

Advocate.

... District ...