

To,

The Secretary,
Election Commission of Pakistan,
G-5/2, Constitution Avenue, Islamabad.



SUBJECT:-LEGAL OBJECTIONS AND PROPOSALS OVER THE PRELIMINARY DEMILITATION OF NA-220, NA- 219 and NA- 218 under section 21 of Election Act 2017.

Dear Sir,

With due respects undersigned Lal Chand resident of Umerkot (NA-220), registered voter in MC Umerkot in block code no. 398040204 (certificate annexed) submit as under:

With reference to notification No. F8(3) 2018 Elect-1 dated March 5, whereby honourable commission will hear and decide the objections/ representations under sub-section 4 of section 21 of the election act, 2017 in connection with preliminary list of National and Provincial assembly Constituencies of Pakistan.

The the criteria for delimitation of National and Provincial assemblies is laid down in section 20 of Election Act 2017 is as under:

20. Principles of delimitation.—(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

(2) For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribal Areas two or more separate areas may be grouped into one constituency.

(3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.

(4) If the limit of ten percent under sub-section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.

That subsequent to the promulgation of Election Act, 2017 all the law relating to the elections were consolidated in election act , 2017 and laws relating to the delimitation (previous S 8 & 9 of the repealed act) are now incorporated in section 19 & 20 of the Election Act, 2017. The principles of demilitation mentioned in S.9 of repealed act remained same , furthermore, in the new act, under sub section 20(3) a mandatory condition has been added which provides that the variation in population in the constituencies should not exceed 10% (Plus-Minus).

That thereafter, under section 239 of the Election Act, 2017 and other enabling provisions of the law and constitution, ECP framed and notified the rules, 2017 vide notification dated 09.11.2017, wherein, for the first time, under rule 8 of the rules ibid. the the determination of quota of NA seats for the district , on the basis of provisional census results, was provided . Rule 8 of the election rules , 2017 provides that:

Determination of quota - (1) the commission shall after after allocation of seats reffered to in rule 7 , determine the average population (hereinafter reffered to as - quota per seat) of a constituency for

each province, the total tribal areas and Federal Capital by dividing population thereof by general seats in the National Assembly allocated to a province, the Tribal areas or, as the case may be, the federal capital.

2. The commission shall determine and notify the share of a district or districts, an agency or agencies, as the case may be, the Federal capital by dividing total population thereof with quota per seat of the National Assembly as determined under this rule:

Provided that a fraction of more than 0.5 may be counted as one seat and a fraction of less than 0.5 may be ignored:

Provided further that commission may deviate from the principle laid down in the first proviso in exceptional cases for reasons to be recorded.

3. The commission shall divide total population of a province by the number of general seats in the provincial assembly to determine quota per seat in that assembly.

4. The commission shall determine and notify the share of a district or districts by dividing total population thereof with the quota per seat of the provincial assembly concerned as determined under this rule;

Provided that a fraction of more than 0.5 shall be counted as one seat and a fraction of less than 0.5 may be ignored.

Provided further that the commission may deviate from the principle laid down in the first proviso in exceptional cases for reasons to be recorded.

That first proviso to Rule 8 sub-rule (2) of the election rules, 2017 (hereinafter referred to as the proviso) providing that a fraction of more than 0.5 shall be counted as one seat and a fraction of less than 0.5 may be ignored, is inconsistent and in contradiction to section 19(1) and 20(3) of Election Act, 2017 and articles 9, 17, 25 and 218(3) of the constitution and is ex facie discriminatory, thus is ultra vires and unconstitutional. That the said proviso is ultra vires since the section 19(1) and 20(3) of the Act provide for drawing of National Assembly constituencies on equal population with legally permissible variation of 10% plus-minus while the said proviso allows variation upto 49%.

That it is pertinent to mention here that subsequent to the census 2017 and approval of delimitation on the basis of provisional result the total population of the province of Sindh is 47893244 and as per article 51 of the constitution the share of the seats for National Assembly for the province of Sindh is 61. Thus the average population ratio for each constituency forms to 785135 with 10% minus-plus variation as permissible under S. 20(3) of the act.

Thus the fair, just and equitable distribution of population for the formation of NA constituencies in the province of Sindh would as per the below mentioned table.

[Handwritten Signature]

TABLE -A

Total population of the province of SINDH	47893244	
Total population ÷ number of seats of province of Sindh	$47893244 \div 61 = 785135$	
Average population for each National Assembly	785135	
10% minus plus variation as per section 20 of Election Act, 2017	Lower limit: 706622 Upper limit: 863648	
Possible upper and lower level limits with 10% variation for formation of NA constituencies:	BETWEEN 706622 RO 863648	

Thus in principle and as per the section 19 and 20 of Election Act, 2017, the constituency (National Assembly Electoral Unit) should be formed from the population ratio of 706622 to 863648. That, any constituency formed below the population of 706622 or in excess of 863648 would amount to disparity, malapportionment, inequality, discrimination, dilution/debasement, of votes and would disturb the uniformity of population in the province.

That on the basis of said proviso a notification bearing no. F.8(1) /2018-Elec-I dated 15.01.2018 was issued by ECP , wherein determined and notified the share of districts/agencies , FATA and Islamabad Capital territory regarding National assembly and provincial assembly seats in persuance of section 19(1) of the Election Act, 2017, read with rule 8 of the Elections Rules 2017, (hereinafter referred as "the notification") in the light of provisional results of population census, 2017 officially published vide Notification Number 1(2)2004 PBS(C) dated 03.02.2018.

That in the notification dated 15.01.2018 , the seats for the national assembly have been allocated totally on the basis of said proviso , in utter disregard and ignorance of the articles 9,17,25 and 218(3) of the constitution section 19 and 20 of Election Act 2017. It is reiterated that the allocation of seats/quota on the basis of said proviso, neglecting the fraction of population below 0.5, perpetuates disparity, malapportionment, inequality, vote dilution/ debasement and discrimination.

The notification dated 15.01.2018 is discriminatory since some seats in Mirpurkhas division (Sindh) are allocated on as low as 763,193 (NA-218 Mirpurkhas-I) and 742386 (NA-219 Mirpurkhas-II) and a constituency as high as 1,073,146 (NA-220 UMERKOT-I) population, thus creating a huge disparity between the two neighboring district i.e Umerkot and Mirpurkhas.

(MAPS OF THREE CONSTITUNCIES OF UMERKOT AND MIRPURKHAS- PRELIMINARY PROPOSED - ATTACHED).