

## IN THE ELECTION COMMISSION OF PAKISTAN

Representation No. \_\_\_\_\_/2018

Sardar Yar Muhammad Rindh S/o Sardar Khan Rindh, R/o Mohallah  
Rindh P.O. Bhag Shoran Tehsil Sanni District Kachi.

21/04/2018

Applicant / petitioner

**REPRESENTATION CUM OBJECTIONS IN TERMS OF  
SECTION 21 OF THE ELECTION ACT, 2017 R/W RULES 12 OF  
ELECTION RULES, 2017 FURTHER R/W ARTICLE 218 (3) OF  
THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN  
1973.**

The applicants submits as under:-

1. That applicant /petitioner is registered voter of Union Council Showran Tehsil Sanni Sub Tehsil District Kachi Statistic Block Code No. 4670704121, Silsla No. 134
2. That its worth mentioning here that applicant / petitioner namely Sardar Yar Muhammad Rindh was elected as Member National Assembly of Pakistan, from 2002 to 2008 and he remained Federal Minister for Live Stook etc .
3. That the applicant / petitioner being senior and seasoned politician / public representative of the respective area have a right to make representation regarding fixing, marking of, describing the limits of boundary lines which is called delimitation of their area.

21/09/09/2016

4. That the population of Constituency NA-262 has been shown , 3,86,255 and population of Constituency of NA-260 has been shown as 4,92,609 , as per prescribed criteria required population for the National Assembly constituency is 771546.
5. That as per the preliminary delimitation of NA-262 it is to be noted that Kachi Cum Jhalmagsi may be delimited from NA-262 and District Kachi-Sibi-Ex-Lehri may be delimited in NA-262 for which population is 4,88,477 and Jhalmagsi may be taken of from NA-262 and delimited in NA-260 as District Nasirabad cum Jahlmagsi of which population is 6,41,834 as such both the constituencies NA-262 & 260 may be completed and District Sibi Larhri have been taken of from NA-259 is not disturbed and it will consists on District Dera Bhugti , District Kolho , District Bar khan with population 6,98,509 . It is very difficult / hard and long journey to look-after the interest and welfare of the voters according to their necessities. There are heavy ranges of mountains , Raini Rivers on the way and could not meet the boundaries with each other contrary to the public convenience.
6. That the preliminary / proposed new NA-260 constituency has never been remained a single Administrative Unit. Thus , the interest of the voters of the proposed constituency NA 260 does not conflict with each other and is according the principles laid down under section 20 of the Elections Act, 2017.

H/09/07/2015

7. Facts that due to farflung area voters / general public neither interacts with the public representatives of the proposed constituency nor representatives do so.
8. That formation of proposed constituency No-260 is based on better means of communication, public convenience and easy approach. As the Districts are interlinked communication wise comparatively have very poor and rear links.
9. That this major deviation and drastic departure from the guiding principles of delimitation has rendered the preliminary delimited NA-260 & NA-262 as according to the law and Rules on the following amongst other:-

**GROUND**

- a. That it is the settled law that the legality and correctness of delimitation of a constituency is to be seen and examined on the touchstone of the principle of delimitation as provided under section 20 of Election Act, 2017 R/W Rule 10 of Election Rules 2017 for the sake of convenience of section 20 of Election Act, 2017 and Rule 10 of Election Rules 2017 are reproduced hereunder:-

*“ 20. Principles of delimitation”, ---- (1) All constituencies for general seats shall , as for 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.*

9/09/09/2013

- (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 of a local Government shall not ordinarily exceed ten percent.
- (4). If the limit of ten percent under subsection (3) is exceeded in an exceptional case, the commission shall record reasons thereof in the delimitation order.

#### **Rules 10 of Election Rules 2017**

- “ 10. Draft proposals for delimitation of constituencies”---(1). A delimitation committee constituted under Rule 9 shall, immediately after its constitution, proceed to obtain from Pakistan Bureau of Statistics population data of last census officially published along with relevant maps showing therein census charges, census circles and census blocks along with description, relating to province, a district, an agency, or any other administrative or revenue unit as it may require.
- (2). The Delimitation Committee shall also obtain district maps along with description, duly authenticated by Pakistan Bureau of statistic, or as the case may be, the district head of Revenue Department, prepared on a uniform scale as may be determined by the Commission indicating therein details of all administrative and revenue units in the district to the level of a Patwar Circle, or, as the case may be a Tapedar circle, as well as prominent geographical and physical features such as rivers and mountains and any other information as may be determined by the commission or required by the committee.
  - (3). In preparing draft proposals for delimitation of constituencies, the Delimitation committee shall follow the principles of delimitation as laid down in section 20, procedure given in this Chapter and the guidelines provided by the commission from time to time.
  - (4). The constituency for a Assembly shall not ordinarily extend to more than one district except in exceptional circumstances for reasons to be recorded by the Delimitation Committee:  
 Provided that a patwar circle or, as the case may be, a Tapedar not be broken under any circumstances

8/07/07/2013

*Provided further that in case of urban areas census circle shall not be broken under any circumstances.*

- (5). *As far as possible, the delimitation of constituencies of an Assembly shall start from the Northern end of the district, or, as the case may be, the agency and then proceed clock-wise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable to the quota.*

*Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to the district or agency.*

*Provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the delimitation committee shall record reason it, in exceptional circumstances, the variation has to exceed the limit.*

- (6). *For the purpose of preparation of draft proposals for delimitation, the delimitation Committee may require assistance from any Federal, Provincial or as the case may be, a local Government Authority.*
- (7). *After the draft proposals for delimitation or constituencies are finalized on form-5, the Delimitation Committee shall send the same to the commission, within the time specified and in the manner as may be determined by the committee.*

- b. That the proposed / preliminary delimitation of the mentioned constituencies has been done in violation of the legal principle i.e "Supply of Casus Omissus": which provides that clear provision of law cannot be allowed to be brushed aside when the policy is spelled out by the statute / Law. In the instant delimitation the policy under which quota per seat in the National Assembly from the province of Balochistan has been determined by dividing the entire population of the province on the number of seats as

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available under Article 51 (3) of the constitution of Islamic Republic of Pakistan.

- c. That according to the constituency NA-260 (Nasirabad comes to 0.64 with the total population of 4,92,609 and the same is with NA-262 Kachi Jhalmagsi shares comes to 0.50 with the total population of 3,86,255. A bear perusal of the above discriminatorily wrong use of policy makes the delimitation as not sustainable.
- d. That the Preliminary delimitation can be termed as Gerry Mandering, Gerry Mandering is a practice in the process of settling electoral districts / constituencies with the attempt to established a political advantage of a particular group or party by manipulating the district Boundaries etc.
- e. That the preliminary delimitation process has been carried out in contravention of the basic principles of delimitation i.e Traditional boundaries, Physical characteristics and on lines drawn based on social, political and cultural context of the areas.
- f. That the instant delimitation is not carried out in accordance with the principles of Delimitation as provided U/s 20 of Election Act, 2017, whereby it is provided that delimitation has to be done having regard to distribution of population in geographically compete 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.
- g. That the whole process of delimitation has been carried out by ignoring the settled principle of law that what is prescribed to be done in a particular manner has to be done the same way or not at all.

28/04/07/2010

- h. That delimitation is a serious business and cannot be allowed to be done in a slipshod manner or on the spur of moment but requires hectic and strenuous efforts.
- i. That it is settled principles that a proviso attached to a section cannot be read in isolation. Powers given in the proviso cannot be uncontrolled or independent to the original section.
- j. That the applicant / petitioner reserve the right to argue any other ground during the hearing of the representation.

For whatever lawful and factual points have been stated above , it is proposed that the delimitation process of the said constituencies be revisited and delimited on the basis of following proposal:-

**PROPOSAL**

- A. That NA-260, NA-262 has proposed by the applicant is best for the convenience of the population because of telephonic channels connections , combined and interlinked water channels , roads Patwars and administration are interlinked with each other and easy approach to all the districts , so everything is ever proposed for the welfare convenience and beneficial for the population , so this proposal having all these qualities is proper for the public and proposed areas of constituencies NA-260 & 262 by the Election Commission of Pakistan is not proper and everything is not proper and against the benefits and interests of the population is accordingly against law and the constitution, so that is liable to be set-aside.

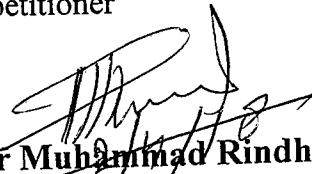
Copies of all preliminary delimited constituencies and proposed constituencies are annexed with the representation.

**PRAYER**

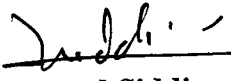
Keeping in view the above facts, circumstances, law points and proposals it is respectfully prayed that the preliminary delimitation may be revised as per the proposals in the interest of justice fair-play and equity.

Any other relief has deem fit and proper in the circumstances of the matter.

Applicant / petitioner

  
**Sardar Yar Muhammad Rindh** S/o Sardar Khan  
 Rindh, B/o Mohallah Rindh P.O. Bhag Shoran Tehsil  
 Sanni District Kachi.

Through:-

  
**(Muhammad Siddique Khan Baloch**  
 Advocate Supreme Court of Pakistan

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Dated:- 30-03-2018.

*May/07/2018*