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BEFORE THE ELECTION COMMISSION OF PAKISTAN

REPRESENTATION/OBJECTION PETITION UNDER SECTION 21(2) OF THE ELECTION ACT, 2017, READ WITH RULE 12 OF THE ELECTION RULES, 2017, AGAINST GERRYMANDERING IN THE DELIMITATION OF CONSTITUENCIES OF NATIONAL ASSEMBLY OF THE PUNJAB OF DISTRICT CHINIOT.

Respectfully Sheweth;-

Subject Matter of the Objection Petition,-

That by the submissions, facts, grounds and prayer hereinafter, in essence, through the instant Representation/Objection Petition, the petitioner is aggrieved of and seeks correction in the Constituencies of district Chiniot, published *vide* ECP's Notification No. F.8(3)2018-Elec-1, dated the 5th March, 2018, under Section 21(1) of the Election Act, 2017 (hereinafter to be referred as "the Act"), read with Rule 11 of the Elections Rules, 2017, (hereinafter to be referred as "the Rules"), as **Preliminary List of Constituencies** (the Impugned List). The claim in the titled Representation is, *inter-alia*, premised on violation of the well established Principles of Delimitation of Constituencies, administrative fairness, constitutional and statutory obligations, duties and violation of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan-1973, (hereinafter to be referred as "the Constitution"). The impugned Constituencies published in the Preliminary List *vide* Notification referred to above are Gerrymandered, without application of independent mind, beyond jurisdiction without observing the procedure laid down under Section 21(1)*ibid.* and evidently incipient, arbitrary, unreasonable, unfounded, tenuous, speculative, irrational, unsubstantiated and illegal, the same is violative of the Constitution and the **Principles of Delimitation of Constituencies** enshrined in the Act.

That the instant Representation / Objection Petition has arisen out of the following necessary facts;

1. That I, Muhammad Fuzail S/O Ghulam Muhammad, Chak No. 245 JB, P/O Bhuwana, Tehsil Bhuwana, District Chiniot is bona-fide resident and registered voter of Constituency No. NA- Chaniot-II, of district Chiniot, delimited and published in the Preliminary List of Constituencies.
2. That the Election Commission of Pakistan has published Preliminary List of National Assembly Constituencies of district Chiniot along-with other districts of the Punjab, vide ECP's Notification No. F.8(3)2018-Elec-1, dated the 5th March, 2018. (Impugned Notification is at Annexure-A).
3. That Chiniot district administratively comprising Three Tehsils, i-e, Chaniot, Lalian, and Bhuwana with different physical features i-e- river etc and cultural rites and values. summary and calculation of quota is given hereunder;-

Summary of District Chiniot

Name of Area	Population, Census-2017
District Chiniot	1,369,740
Tehsil Chiniot	556,147
Tehsil Lalian	439,323
Tehsil Bhuwana	374,270
Number of NA Seats allocated	2
Quota for each NA seat of Chiniot District	$1,369,740/2=684870$
Maximum upper limit of Population	719,114
Maximum Lower limit of Population	650,627
Maximum permissible variation of population between two or more constituencies of Chiniot	68,487

4. That the delimitation of both the constituencies of district Chiniot as a whole is illegal and un-sustainable, as constituencies have been delimited in violation of natural boundaries and having no regard of ground realities etc.
5. That the ECP have carved out 2 National Assembly Constituencies of district Chiniot as under,-

ECP Proposed Constituencies for National Assembly of the Pakistan of District Chiniot		
iNo. & Name of Constituency	Extent of Constituency	Population
NA-99 Chaniot-I	1) Chiniot Tehsil, 2) The following QHs of Bhowana Tehsil: I. Karak Muhammadi Sharif II. The following PCs Aminpur QH of Bhowana Tehsil: a) Chak No. 154/JB b) Chak No. 156/JB c) Chak No. 184/JB d) Chak No. 237/JB e) Chak No. 204/JB of Chiniot District	
	Total population of the Constituency	681827
NA-100 Chaniot-II	1) Tehsil Lalian 2) Tehsil Bhowana excluding I. Karak Muhammadi Sharif QH and II. The following PCs of Aminpur QH of Bhowana Tehsil: a) Chak No. 154/JB b) Chak No. 156/JB c) Chak No. 184/JB d) Chak No. 237/JB e) Chak No. 204/JB of District Chiniot	
	Total population of the Constituency	387913

6. That the Map of District Chiniot marked with Provincial Assembly Constituencies shows that both the constituencies have been delimited in a gerrymandered manner having regard of river Chenab passes in the middle of district Chaniot and the unique feature of the district. .(ECP map is at **Annexure- B**).
7. That Natural boundaries have not been kept in mind by the Committee while carving out the constituencies of district Chaniot, the area in the vicinity and adjacency of Chiniot City on the right bank of river Chenab well connected since centuries through Rail and Road Bridges and had been remained part of Chiniot city, have now been detached and attached with remote area of the left bank of River Chenab, which located with boundary of district Jhang , Faisalabad and Toba Tek Singh.
8. That the homogeneity of the area has been injured seriously and people of different cultures have been mixed that had never been done in the past.
9. That Constituency NA 100 as proposed by the Election Commission of Pakistan starts right from Sial More Interchange on M2 and crosses the the Chenab River from the end of district and then touches the boundaries of District Toba Tek Singh .
10. That the total length of the constituency NA 100 Chiniot-II is almost more than 150 KM with poor infrastructure and communicaiton network.
11. That Chiniot City and Chenab Nagar (Rabwa) are twin cities on the both sides of River Chenab and Sargodha Faisal Abad Highway connects the areas, and also well road network connects Ahmad Nagar and Langar makhdhoon QH with Chiniot but far away from Mochiwala QH forming part of NA-100 Chiniot-II.
12. That langar Makhdoom which starts from Sial More Chowk on lahore Sargodha Road and interchange on M2 is almost 50 KM situated in the north of Chiniot city but has not been included in that constituency i-e- NA- 99 Chiniot-I, with mala-fide intention and to satisfy the desires of

some influentials but the miseries of people have been increased manifold.

13. That inclusion of Chenab Nagar MC (Rabwa), QHs Langar Makhdoom and Ahmad Nagar and Lalian MC in NA-100 Chiniot-II is illegal, unnatural, odd, gerrymandering and against all the principles of delimitation of constituencies and also against the larger interest of the people of the areas.
14. That the above mentioned areas had never been the part of Mochiwala and Khewa QHs of Bhuwana Tehsil, due to its entirely different feature, resources, rites, culture and living style and their centuries established ties with Chiniot City.
15. That delimitation of both the constituencies has caused magnifying the problem and miseries of people instead of providing them facility and mitigating the problems of voters as well as candidates.
16. That the impugned Constituencies are unsustainable *inter-alia* on the following grounds among others;-

GROUND

- f) That the constituencies are *de jure* apportionment of space for the purpose of electing representatives of people living in the territorial limits of a democratic state and the elected representatives represent not only the people but also their respective segments of territory, the constituencies.
- g) That these two — the land and the people — and the prevailing law of the country provide the basis for constituency boundaries and their delimitation. The laws concerning constituencies can have two dimensions. The first is related to the laws of enfranchisement as to who among the population have the right to vote. This gives the total number of electors and the number of representatives to be elected and the other aspect of constituencies is the actual drawing of boundaries and enclosing

people within the constituency framework. This is indeed a sensitive issue for several reasons.

- h) That first, a lack of understanding of the human geography of the area can divide up people who may in effect lose their representation or voice in the legislature. Second, the division of space into constituencies can be so organised that it may carve out either a safe support base for a party or a candidate, or create a combination of societal forces which are opposed to a particular party or candidate. Thirdly, a new boundary can change the pattern of electoral representation in the legislature.
- i) That different sets of electoral constituency boundaries can produce different election outcomes, even if the underlying vote patterns are identical. Electoral abuses such as ill-proportioned constituencies (electoral constituency that vary substantially in population) and electoral constituency that have been "gerrymandered" (constituency boundaries intentionally drawn to advantage one political group at the expense of others) can have profound effects on the outcome of an election and the composition of a parliament or an elected body of representatives. If voters and other stakeholders suspect that the constituency boundaries have been unfairly manipulated to produce a particular political outcome, this will affect the credibility of the delimitation process. The legitimacy of the electoral outcome itself could be questioned.
- e) The basic object of delimitation is to secure, so far as practicable, equal representation for equal segments of the population in legislative bodies. Apportionment|| or delimitation or—redistricting|| has the—aim of equalizing the population (or electorate) per seat, in accordance with the principle of one person, one vote, one value. This is usually done with regard to stated constraints of administrative convenience, contiguity, geographical, and communication factors; and unstated influences of party-political advantage. In other words, the delimitation aims at

ensuring the observance of the basic tenet of democracy; one man, one vote. The Principles of delimitation under the Election Act, 2017, include having regard to distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cogent factors to ensure homogeneity in the creation of constituencies.

f) The other equally important aim of delimitation is to divide the geographic areas into territorial constituencies so fairly that no party or candidate may legitimately have a grievance that there has been gerrymandering of constituencies in favour of or against the interests of any particular party or candidate. Suggesting that the right to cast a ballot is meaningless if that ballot is undervalued relative to a ballot cast by a voter in a less populated district. Gerrymandering is —drawing of district boundaries so as to favour one's own chances in future elections.... strategies for gerrymandering have been characterized as packing, and cracking, each of which seeks to minimize the influence of those likely to vote for opponents. -- packing when opponents are concentrated in a small number of constituencies; and cracking when opponents are divided between a large number of constituencies

g) That the Principle of Delimitation have been enumerated under section 20 of the Election Act, 2017, which reads 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."*

h) That we can easily identify and enumerate the Principles of Delimitation which law provides to be complied with, respected and implemented in letter and spirit while delimiting the electoral constituencies, so the not only the candidates but also the voters could be benefited. We can number such principles as under;-

- a) Distribution of Equal Population,
- b) Geographical Compactness,
- c) Physical Features,
- d) Existing Boundaries of Administrative Units,
- e) Facility of Communication,
- f) Public Convenience, And
- g) Homogeneity,

i) That procedure for delimiting constituencies has been provided under Sub-rules 3 to 5 of Rule 10 of the Election Rules, 2017, reproduced as under-,

“(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 an 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 Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:

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 that 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 reasons if, in exceptional circumstances, the variation has to exceed the limit.

- j) That the National Assembly Constituencies of Chiniot District lacking basic very important Principles i-e- Equal Distribution of Population and Geographical Compact areas, homogeneity and having regard of Natural Boundaries.
- k) That the Constituencies have been delimited preliminarily without keeping in view the facts on ground and the principles of delimitation of constituencies.

m) That keeping in view the principles as enshrined under the law a plausible proposal/suggestion has been prepared for the consideration of this Hon'ble commission . the Same is as under;-

ECP Proposed Constituencies for National Assembly of the Pakistan of District Chiniot		
No. & Name of Constituency	Extent of Constituency	Population
NA-99 Chaniot-I	1) Chiniot Tehsil, excluding the following areas;-	556,146
	II. Walla Rai QH	-106,762
	2) The following Areas of Lalian Tehsil:	64,252
	I. Chenab Nagar MC,	45,462
	II. Lalian MC,	69,290
	IV. Ahmad Nagar QH, and	52,710
V. Langer makhdoom, QH, and	5,257	
	VI. Kot Amir Shah PC of Lalian QH	
	of Chiniot District	
	Total population of the Constituency	686,355
NA-100 Chaniot-II	1) Tehsil Bhowana	374,270
	2) The following areas of Tehsil Lalian e;-	
	I. Lalian QH, excluding Kot Amir Shah PC,	88,180
	II. Barana QH,	61,405
	III. Sheikhan QH, and	52,767
3) Wala Rai QH of Tehsil Chiniot,	106,762	
	of District Chiniot	
	Total population of the Constituency	683,384

n) That above proposal / suggestion is submitted to avoid gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted, meets the requirement of law and based on Principles of Delimitation of Constituencies for the conduct of free, fair and just elections in district chakwal as envisaged under the Constitution. Furthermore, the just and fair creation of electoral constituencies is the pre-requisite of just and fair elections, if the constituencies are gerrymandered, the election's results cannot attain

legitimacy which resultantly injure the credibility of Parliament and Legislative bodies.

- o) That the proposal has also been supported with map and extent of constituencies. The constituencies demarcated on the map, are geographically compact areas and the population has been distributed almost equally. Whereas both the constituencies ensure complete homogeneity and facility of people. Communication network has dully been kept in view while carving out both constituencies of the district Chiniot. (Map of Proposed Constituencies is at Annexure-C).

PRAYER.

It is, therefore, very humbly prayed that the proposal / suggestion submitted may kindly be considered on merits and any type of gerrymandering may be checked and avoided to ensure free, fair and just election in accordance with the constitution and the law and to give level playing fields to all candidates and to promote the essence of democracy and also to attach legitimacy with the elected representatives of the Parliament and provincial Assemblies.

Further prayed that the proposal may kindly be considered in light of Principles of delimitation and ground realities of district, its physical features, culture and natural boundaries to make the constituencies Compact and Contiguous for the sake of law, justice and fair-play and delimit just constituencies in accordance with law and rules.

Petitioner

M. Fuzail

Muhammad Fuzail S/O Ghulam Muhammad,
Chak No. 245 JB, P/O Bhuwana,
Tehsil Bhuwana, District Chiniot

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VERIFICATION

Verified on oath on this-----day of March, 2018 at Islamabad that the contents of the above Representation / Objection Petition are true to the best of my knowledge and belief.

M. Fuzail

Petitioner