

BEFORE THE HONORABLE ELECTION COMMISSION OF PAKISTAN

Representation No. _____/2018

of

Mohammad Mansha Sabir, sonf of Qamar Din, resident of Araiyanwala, Pial Kalan, PO Box Usman Wala, Tehsil and District Kasur, CNIC No. 35102-0677301-7

Applicant

Representation in the form of a Memorandum under Rule 12 of the Election Rules, 2017 (the Rules) read with Sections 19 and 20 of the Election Act, 2017 (the Act) along with all other enabling provisions of the law against:

- I. The preliminary proposal for the Delimitation of National and Provincial Assembly constituencies of District Kasur, Province of the Punjab published/ notified by the Election Commission of Pakistan (The ECP);
- II. The ECP's Report dated 05.03.2018; and
- III. The preliminary Delimitation maps for National and Provincial Assembly constituencies of District Kasur, Province of the Punjab, issued by the ECP

INDEX

Serial No.	Document	Page No.	Annexure
1.	Representation with affidavit	1-21	✓
2.	Vakalatnama	22	
3.	CNIC	23	
4.	Map	24	C1 ✓
5.	Map	25	C2 ✓
6.	Map	26	D1 ✓
7.	Map	27	D2 ✓



- 1 -

BEFORE THE HONORABLE ELECTION COMMISSION OF PAKISTAN

11/03/04/2018

Representation No. _____/2018

of

MR. MOHAMMAD MANSHA SABIR, SON OF MR. QAMAR DIN, RESIDENT
OF ARAIYANWALA, PIAL KALAN, PO BOX USMAN WALA, TEHSIL AND
DISTRICT KASUR, HOLDING CNIC NO. 35102-0677301-7

...The Applicant/Petitioner

REPRESENTATION IN THE FORM OF A MEMORANDUM UNDER RULE 12
OF THE ELECTION RULES, 2017 (THE "RULES") READ WITH SECTIONS 19
TO 20 OF THE ELECTION ACT, 2017 (THE "ACT") ALONG WITH ALL
OTHER ENABLING PROVISIONS OF THE LAW AGAINST:

- (I) THE PRELIMINARY PROPOSAL FOR THE DELIMITATION OF NATIONAL AND PROVINCIAL ASSEMBLY CONSTITUENCIES OF DISTRICT KASUR, PROVINCE OF THE PUNJAB PUBLISHED/NOTIFIED BY THE ELECTION COMMISSION OF PAKISTAN (THE "ECP");
- (II) THE ECP'S REPORT DATED 05.03.2018; AND
- (III) THE PRELIMINARY DELIMITATION MAPS FOR NATIONAL AND PROVINCIAL ASSEMBLY CONSTITUENCIES OF DISTRICT KASUR, PROVINCE OF THE PUNJAB, ISSUED BY THE ECP.

Respectfully sheweth:-

A. PRELIMINARY SUBMISSIONS:

1. That the Applicant is a resident of Pial Kalan, District Kasur and is enrolled as a voter on the electoral rolls of:
 - (i) The National Assembly constituency now numbered NA-138, District Kasur; and
 - (ii) The Provincial Assembly constituency now numbered PP-177, District Kasur
2. That the Honorable Election Commission of Pakistan (the "ECP") got published the Preliminary Proposals for Delimitation of National and Provincial Assembly constituencies in the form of Form-5 (the "Preliminary Proposal") along with the ECP's Report dated 05.03.2018 (the "ECP's Report") for information of the general public in terms of Rule 11 of the Rules.
3. That, however, the district-wise maps of the proposed constituencies of the National and Provincial Assemblies (based on the Preliminary Proposal and the ECP's Report) were uploaded on the ECP's web-site Ten (10) days later i.e. on 15.03.2018. The maps for the Four (04) National Assembly constituencies and



Nine (09) Provincial Assembly constituencies falling within District Kasur were also up-loaded on the ECP's website on the same day (the "Maps").

4. That the limitation period prescribed for filing of a representation under Rule 12(1) of the Rules read with Section 21(2) of the Act is a period of Thirty (30) days from the date of publication of the Preliminary Proposal and the ECP's Report under the aforesaid provisions of the law. The said period ends on 03.04.2018. Hence the instant Representation in the form of a Memorandum is being filed within the prescribed limitation period.

5. That it is respectfully averred that:

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- (i) That from 1970 till 2002, Kasur District had a total of Four (04) National Assembly constituencies and Eight (08) Provincial Assembly constituencies as per the ECP Notification dated 25.06.1970 for delimitation of constituencies (Herein after referred to as the "**Scheme of Delimitation-1970**");
 - (ii) That the Applicant was enrolled as a voter from Pial Kalan on the electoral rolls of the National Assembly constituency bearing No. NA 106 and the corresponding provincial assembly constituency thereunder respectively under the **Scheme of Delimitation-1970**;
 - (iii) That from 1971 uptil prior to the 2002 General Elections, a total of Seven (07) general elections for National and Provincial Assemblies respectively were held on the basis of the aforesaid **Scheme of Delimitation-1970**;
 - (iv) That in 2002, vide ECP's Notification dated 28.06.2002 (available on ECP's website), the number of constituencies for National Assembly were increased from Four (04) to Five (05) and the Provincial Assembly constituencies were increased from Eight (08) to Ten (10) respectively (hereinafter referred to as the "**Scheme of Delimitation-2002**") without any cogent basis so as to facilitate the then Martial Law dictator, General Pervez Musharraf to win the next general elections.
 - (v) That pursuant to the The Scheme of Delimitation-2002, one National Assembly constituency (i.e. NA 140) and Two Provincial assembly constituencies (i.e. PP 179 and PP 180) were carved out in District Kasur. However, the said The Scheme of Delimitation-2002 was essentially based on the same principals and ground realities (i.e. historical, commercial, economic, agricultural, geographical, ethnic, linguistic, political and social) as those under the The Scheme of Delimitation-1970. This critical aspect has been dealt with in more detail in the Grounds for the Representation (see below) advanced by the Applicant herein. It is the Applicant's case that the said principals and ground realities on which the Scheme of Delimitation-1970 was based, have been completely ignored by the ECP when notifying the The Scheme of Delimitation-2018, without giving any cogent reasons whatsoever in the ECP's Report.
 - (vi) In this regard, the Applicant was enrolled as a voter on the electoral rolls of the National Assembly constituency bearing No. NA 140 and Provincial Assembly constituency of PP-179 under the Scheme of Delimitation-2002;
 - (vii) That vide ECP's Notification dated 05.03.2018, the number of National and Provincial Assembly Seats for District Kasur were reduced from Five (05) to Four (04) and Ten (10) to Nine (09) respectively;
 - (viii) That the Maps for the Four (04) National Assembly and Nine (09) Provincial Assembly constituencies were also up-loaded on the ECP's website on 15.03.2018 (the "**Maps**");



(ix) That it is respectfully averred that it was upon the persual of the Preliminary Proposal, the ECP's Report and Delimitation Maps issued by the ECP for District Kasur (herein after collectively referred to as the "Scheme of Delimitation-2018") that the Applicant realised the repercussions of the same on him, his community and the rest of District Kasur.

(x) That under the Scheme of Delimitation-2018, the Applicant would be enrolled as a voter on the electoral rolls of the National Assembly constituency bearing No. NA-138 and Provincial Assembly constituency PP-177 respectively.

(Copies of the Delimitation Maps for District Kasur identifying the Four National Assembly constituencies and Eight Provincial Assembly constituencies as on 1970 are attached herewith as Annexure "A/1" to "A/2" respectively)

6. That it is most respectfully averred that the Applicant is aggrieved by the Scheme of Delimitation-2018, including the Preliminary Proposal, the ECP's Report as well as the Maps vis-à-vis the National and Provincial Assembly constituencies of District Kasur, *inter alia*, on the following grounds:

GROUND

1. That as averred in Paragraph 5(iii) of the Preliminary Submissions, under the Scheme of Delimitation-1970, District Kasur had a total of Four National Assembly Constituencies and Eight Provincial Assembly constituencies. The said Scheme of Delimitation-1970 prevailed for a period of almost Twenty Two years and a total of Seven general elections were conducted pursuant to the same. In this regard, the Scheme of Delimitation-1970 was a very well thought-out, well-researched and far-sighted Scheme, *inter alia*, on account of the following reasons:

(i) **Roads and High-Ways Network:**

(a) Roads and high-way networks play a pivotal role in the historical, commercial, economic, agricultural, linguistical, political as well as social integration and development of a population as well as protecting national security interests;

(b) Under the The Scheme of Delimitation-1970, the delimitation of constituencies was implemented on the basis of an East-West orientation, rather than on a North-South orientation, as has been done under the The Scheme of Delimitation-2018;

(c) This was so, because over the past 48 years (starting from the Scheme of Delimitation-1970 upto the present Scheme of Delimitation-2018) all the major roads and high-way networks were aligned/constructed in a North West to South East orientation;

(d) The Applicant's village was also connected with the Khudian Town as well as Kasur city by an extensive road network essentially based on the same North West to South East orientation of the said road and high way network.

(e) As can be perused from the Maps below:

(i) The National Assembly constituency of NA-105 under the

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The Scheme of Delimitation-1970 consisted of three major urban centers i.e. Mustafabad, Raja Jang and Kot Radha Kishan. The said urban centers were geographically aligned almost in a perfect North West to South East orientation. On the basis of the geographical alignment of the aforesaid urban centres, all the major road and highway networks connecting the same were constructed in a North West to South East orientation. Consequently, over the past 48 years (starting from the Scheme of Delimitation-1970 upto the present Scheme of Delimitation-2018), the aforesaid urban centres (i.e. Mustafabad, Raja Jang and Kot Radha Kishan) have become intrinsically linked to each other commercially, economically, agriculturally, logistically, linguistically, politically as well as socially through marriages. Moreover, the rural populations residing in the corridor to the south of the aforesaid urban centers (i.e. Mustafabad, Raja Jang and Kot Radha Kishan) all the way down to the original southern boundaries of NA-105 under Scheme of Delimitation-1970, were also intrinsically linked to the aforesaid urban centers on the basis of the road and highway network having a North West to South East orientation.

(ii) Moreover, the National Assembly constituency of NA-106 under the The Scheme of Delimitation-1970 consisted of Urban centers (Including Kasur City and Khudian) and rural areas on either sides of the Kasur-Dipalpur Highway, which high-way is also constructed in a North West to South East orientation. Additionally, all the roads network falling within National Assembly constituency of NA-106 under the The Scheme of Delimitation-1970 as well as the National Assembly constituency of NA-140 under the The Scheme of Delimitation-2002 connecting the urban centers to rural areas and the rural areas *inter se* also had a North West to South East orientation. As a consequence of the aforesaid North West to South East orientation of the roads and high-ways network, over the past 48 years, the urban and rural populations falling within NA-106 under Scheme of Delimitation-1970 have become intrinsically linked with each other commercially, economically, agriculturally, logistically, linguistically, politically as well as socially through marriages.

(g) Conversely, there are few viable (and often entirely un-usable) road linkages in a North to South orientation. The said North to South road linkages have had little, if any, role in the historical, commercial, economic, agricultural, linguistical, political as well as socio-ethnic development of this region.

(g) It is averred that the Scheme of Delimitation-1970 (and, to a large extent, the Scheme of Delimitation-2002) took the aforesaid North West to South East orientation into account in delimiting the constituencies thereunder.

(ii) **Railways:**

(a) The Sutlej Railway Line has also played a pivotal role in the historical, commercial, economic, agricultural, linguistical, political as well as social development of District Kasur (and previously District Lahore) for the past 150 years;

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- (b) The Sutlej Railway Line connects Lahore to Kasur and Kasur with Pakpattan and beyond;
- (c) The said Railway line also runs parallel to the Line of Control;
- (d) The said Railway line cut through the middle of NA-106 under Scheme of Delimitation-1970 (and NA-140 under Scheme of Delimitation-2002) in a North West to South East Orientation.
- (e) Conversely, there are no viable railway linkage whatsoever in a North to South orientation;
- (f) It is averred that the Scheme of Delimitation-1970 (and, to a large extent, the Scheme of Delimitation-2002) took the aforesaid North West to South East orientation of the Railways network into account in delimiting the constituencies thereunder.

(iii) **National Security:**

- (a) It may also be noted that the said North West to South East orientation of the roads, high-ways and Railways networks were also based on a well thought-out and long term plan to safe guard the national security interests of Pakistan.
- (b) In this regard, it may be pointed out that the western boundary of NA-106 under the The Scheme of Delimitation-1970 was along the Line of Control;
- (c) The said Line of Control forms the boarder between Pakistan and India and is also in a North West to South East orientation. It may further be noted that the major roads, high-ways and railway networks in district Kasur in general (and NA-106 under the The Scheme of Delimitation-1970 in particular) ran virtually parallel to the said Line of Control;
- (d) As a fall back position, in the event that the major roads, high-ways and railways networks falling within NA-106 under the The Scheme of Delimitation-1970 were compormised, our Armed forces could easily utilize the roads and high-ways network connecting Mustafabad, Raja Jang and Kot Radha Kishan (falling in NA-105 under the The Scheme of Delimitation-1970). As adverted to above, the said road network is also in a North West to South East orientation and runs almost parallel to the Line of Control;
- (e) Conversely, there are no viable linkages in a North to South orientation which would serve our National Security interests adequately.
- (f) It is averred that the Scheme of Delimitation-1970 (and, to a large extent, the Scheme of Delimitation-2002) took the aforesaid National Security interests into account in delimiting the constituencies thereunder.

(iv) **Electricity Grid and Network:**

- (a) The Electricity gird and network in District Kasur is also based on a North West to South East orientation;
- (b) This is so as the population demography in District Kasur is also

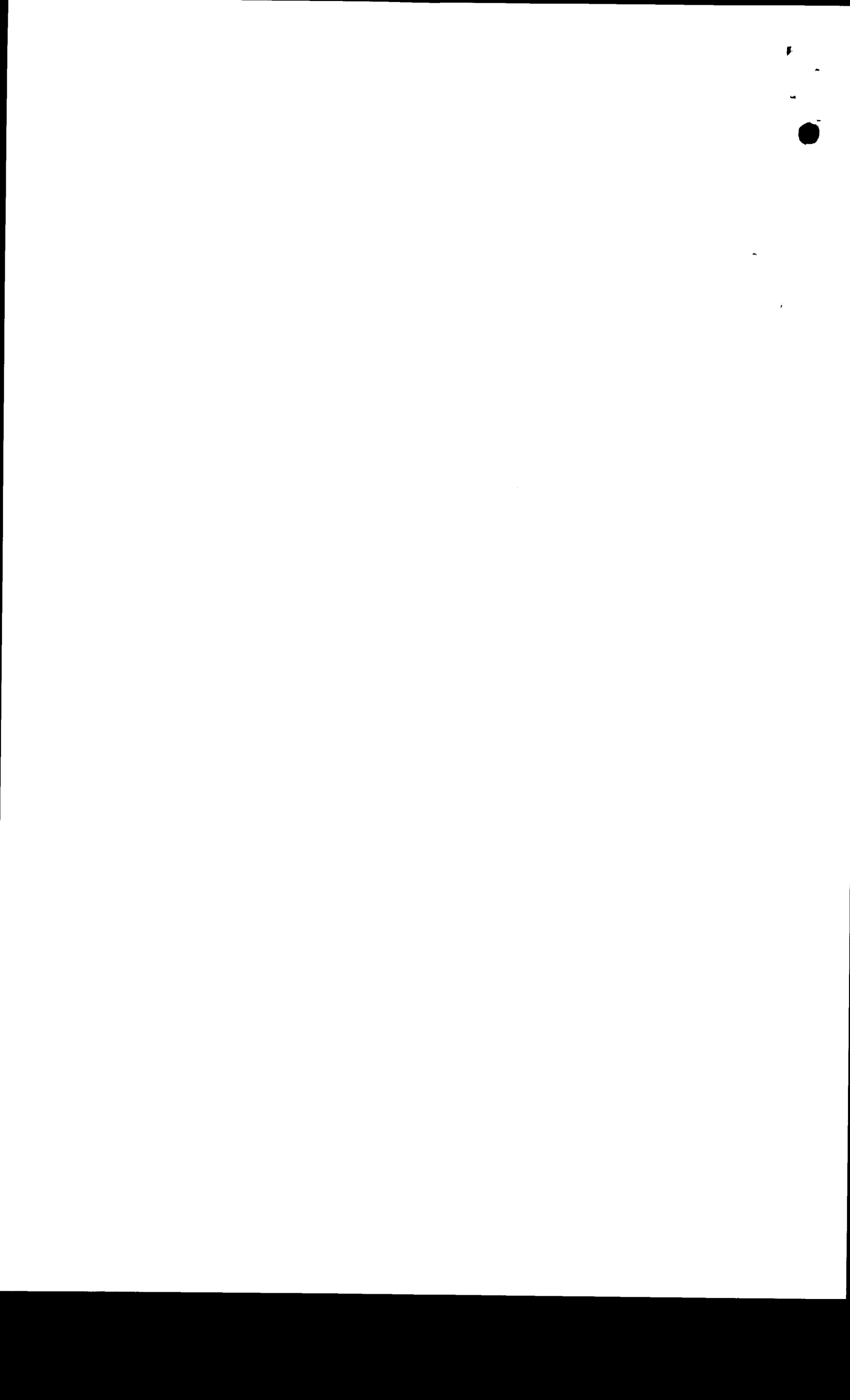
based on a North West to South East orientation along the major roads, high-ways and railway networks.

- (c) It is averred that the Scheme of Delimitation-1970 (and, to a large extent, the Scheme of Delimitation-2002) took the aforesaid considerations into account in delimiting the constituencies thereunder.

(v) **Agricultural, Commercial and Economic:**

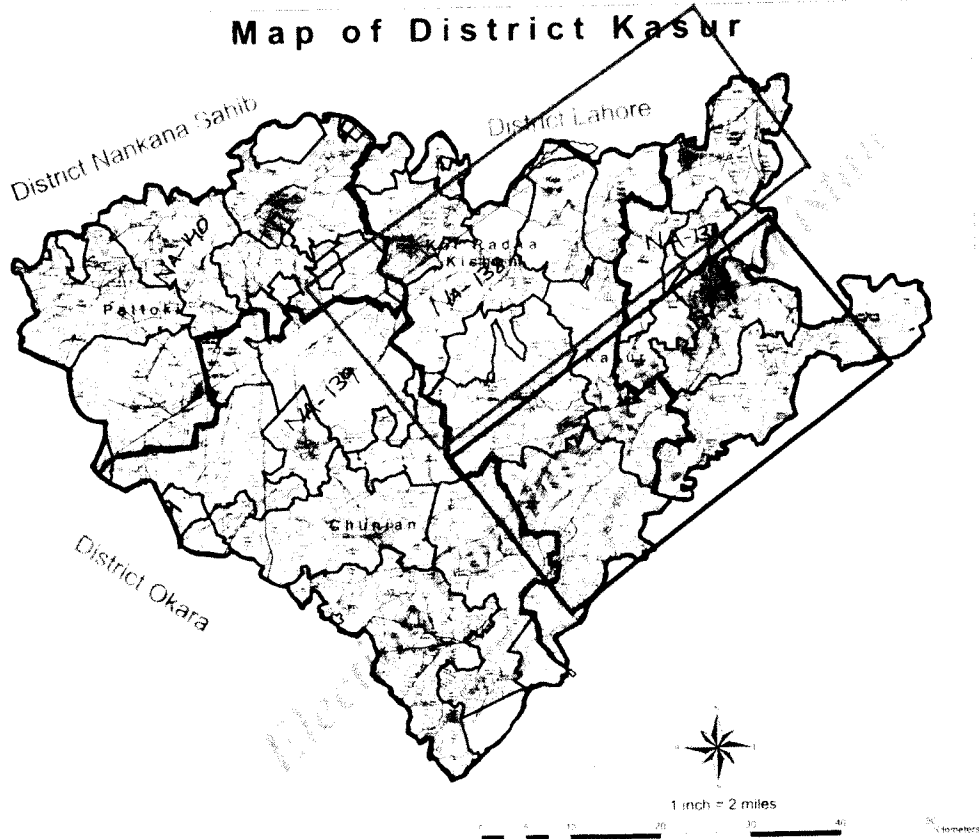
- (a) It may further be noted that the said North West to South East orientation of the constituencies of District Kasur under the Scheme of Delimitation-1970 (as well as under the Scheme of Delimitation-2002) were also based on agricultural considerations and related ground realities, which are discussed below.
- (b) That the areas falling within the National Assembly constituency of NA-106 under the The Scheme of Delimitation-1970 and eastwards were what were traditionally referred to as the "*Hitarh*" (or Low-lands) (as shown in the Red circle in the map below). This agricultural region was along the reverine belt along the Sutlej river (which runs in a North West to South East orientation). On account of the Sutlej River and the ensuing floods, the said region had an abundance of high quality sub-soil ground water, which was ideal for fresh horticultural produce such as vegetables and crops of various kinds. For centuries, the majority of landholding in this region was held by farmers belonging to the Arayn, Kamboo and Dogar communities, which is true even today. These communities were renowned through-out India for their advanced horticultural knowledge and practices. Consequently, on account of the above, the said region became the main supplier of fresh produce in Lahore and Ferozpur divisions pre-partition. In this regard, it may be noted that historically, the closest and biggest market / Mandi for the farmers of these communities to sell their fresh horticultural produce was in Kasur city. Over the past century and a half, the farmers of these communities have developed very deep historical, commercial, economic, agricultural, linguistical, cultural, political as well as social links and ties with business and society of Kasur city.
- (b) That the areas falling within the National Assembly constituency of NA-107 under the The Scheme of Delimitation-1970 and eastwards were what were traditionally referred to as the "*Uthar*" (or High-Lands) (as shown in the Blue in the map below). This region lacked quality sub-soil ground water as well as fertile soil and therefore lacked extensive agriculture. At the time of Partition, most of the land falling within the National Assembly constituency of NA-107 and eastwards was owned by the Federal Government. Upon the occurrence of the Partition, it was decided that ownership of this land be given to people who had migrated from India to Pakistan. Thus, under the colonization laws, land ownership was given to people mostly belonging to the Mehwati community, who had migrated from District Ferozpur, India. Subsequently, the rudimentary existing canal network (also running in a North West to South East orientation) was improved and new canals were constructed to irrigate this land (again, running in a North West to South East orientation). However, due to non-availability of sweet ground water and low supply of canal water, the farmers in this region focused mainly on producing commodities/grains. In this regard, the closest and biggest commodity/grain market in this area was (and still is) Kot Radha Kishan and Raja Jang. Therefore, over

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the past 60 years or so, the Mehwati community have been supplying commodities/grains to the markets in Kot Radha Kishan and Raja Jang and have thus developed very close commercial, economic, agricultural, political and social links with Kot Radha Kishan and Raja Jang.



(vi) **Irrigation System:**

- (a) The Sutlej River along the line of control flows in a North West to South East direction;
- (b) The BRB Canal also follows the same course in District Kasur;
- (c) Furthermore, all the irrigation canals also run in a North West to South East direction along the natural North West to South East gradient of the region;
- (d) There are few canals or water courses that run in a North to South direction.
- (f) It is averred that the Scheme of Delimitation-1970 (and, to a large extent, the Scheme of Delimitation-2002) took the aforesaid considerations into account in delimiting the constituencies thereunder.

(vii) **Cultural and Liguistic:**

- (a) The Mehwati community has a rich and unique history, culture and language (also called Mehwati), which they brought with them when they made the enormous sacrifice of leaving everything in India and migrating to Pakistan. It was in order to facilitate the Mehwati community to preserve their unique identity, that they were settled in areas falling within NA-105 under the Scheme of Delimitation-1970;

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-8-

- (b) Similarly, the Arayn, Kambo and Dogar communities each have a rich and unique history, culture and language individually as well as *inter se*. They are very closely connected with Kasur city. The poetry of Baba Bule Shah and regional folklore are additional elements that binds these communities with Kasur city.
- (c) Based on the above, the ethnic, cultural, historical, commercial and linguistic identities of the Mehwati community on the one hand and the Arayn, Kambo and Dogar communities on the other, although unique, are quite distinct;
- (d) It is averred that the Scheme of Delimitation-1970 (and, to a large extent, the Scheme of Delimitation-2002) took the aforesaid considerations and sensitivities into account in delimiting the constituencies thereunder and preserving the unique ethnic, cultural, historical, commercial and linguistic identities of these communities.

2. That pursuant to Section 20 of the Act, the principles of delimitation have been prescribed. In this regard, Section 20 of the Act provides as follows:

“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.”

3. It is averred that the Scheme of Delimitation-2018 is in violation of Section 20 of the Act as the same fails to follow the Principles of Delimitation contained therein. In this regard, it may be noted that Section 20 of the Act requires the ECP to have regard, *inter alia*, to the “**distribution of population**” in “**geographically compact areas**” and other cognate factors “**to ensure homogeneity**” in the creation of constituencies. The said distribution of population in geographically compact areas and the cognate factors associated therewith have already been discussed in Paragraph 1 of the Grounds, the contents whereof are incorporated herein by reference. If the Scheme of Delimitation-2018 were to be accepted, the same would have, *inter alia*, the following consequences:

- (i) The National Assembly constituency of NA-107 under the Scheme of Delimitation-1970 (but now spread across NA-137 and NA-138 under the Scheme of Delimitation-2018) had a substantial Mehwati community. Since the hopes and aspirations of the Mehwati community were homogenous (historically, linguistically and culturally), the same had a major influence/impact on the selection of political candidates and the outcome of elections;
- (ii) Similarly, the National Assembly constituency of NA-106 under the Scheme of Delimitation-1970 (but now spread across NA-137 and NA-138 under the Scheme of Delimitation-2018) comprised mainly of the Arayn, Kambo and Dogar communities. Since the hopes and aspirations of the these communities were similar (historically, linguistically, agriculturally and culturally), the same had a major influence/impact on the selection of political candidates and the outcome of elections;
- (iii) Now, under the Scheme of Delimitation-2018, the said Mawati community has been divided-up geographically and scattered across two national assembly constituencies (i.e. NA-137 and NA-138 under the Scheme of Delimitation-2018) instead of one (i.e. NA-107 under the

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Scheme of Delimitation-1970). Therefore, the influence and political strength of the Mehwati community has now be substantially reduced with ulterior motives;

- (iv) Similarly, under the Scheme of Delimitation-2018, the Arayn, Kambo and Dogar communities would be divided-up geographically and scattered across two constituencies (i.e. NA-137 and NA-138 under the Scheme of Delimitation-2018) instead of one (i.e. NA-106 under the Scheme of Delimitation-1970). Therefore, the influence and political strength of the said communities has been substantially reduced with ulterior motives;
- (v) Under the Scheme of Delimitation-2018, a weakened Mawati community would now be pitted against the Arayn, Kambo and Dogar communities in NA-138 and vice versa in NA-139 with a very high risks to communal violence and bloodshed, which was not the case under the Scheme of Delimitation-1970, which ensured harmony;
- (vi) Additionally, in the National Assembly constituency of NA-138 under the Scheme of Delimitation-2018, the strength of the rural communities (comprising of Arayn, Kambo and Dogar communities) has been significantly reduced to approximately to under 250,000, whereas the strength of the urban populations comprised in Kot Radha Kishan and Raja Jang and the adjoining rural areas in north of of NA-138 would increase to approximately over 550,000, thereby causing a significant imbalance in the distribution of urban/semi-urban and rural communities in this proposed geographical area, which would be a further cause for heterogeniety, conflict and bloodshed.
- (vii) From an analysis of the above, it is abundantly clear that through the Scheme of Delimitation-2018, an attempt has been made to influence the out-come of the forth-coming elections by:
 - (a) Significantly reducing the influence of the rural and semi-urban communities, (which they have otherwise enjoyed historically); and thereby
 - (b) Increasing the influence of the urban/semi urban areas, which have traditionally voted in favor of the ruling party (i.e. PML-N);
 - (c) The Scheme of Delimitation-2018, which adopts a divide and rule policy, is a form a pre-election rigging and is therefore illgal and unconstitutional;
 - (d) The Scheme of Delimitation-2018, is clearly an attempt at "gerrymandering" the delimitation process through the use of "cracking", "stacking" and "packing" and delimiting the constituencies in such an unnatural manner that the influence of the existing communities and populations is substantially diminished so that certain favoured candidates of the ruling party in the urban / semi urban areas (who would otherwise have no influence in the rural areas and thus no chance of contesting the elections) would suddenly be in a wining position.

Therefore, the Scheme of Delimitation-2018 guarantees *heterogeneity* and division instead of *homogeneity* in the delimitation of constituencies in District Kasur, which would have devastating and far-reaching consequences for the settled urban and rural populations of District Kasur. It is thus averred that the Scheme of Delimitation-2018 is in violation of Section 20 of the Act and the Constitution and is liable to be set aside and conducted afresh in view of the Applicant's Proposal below.

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4. That it may be noted that Section 20 of the Act requires the ECP to have regard, *inter alia*, to the “**Physical Features**” and other cognate factors to **ensure homogeneity** in the creation of constituencies. In this regard, the most important physical feature of District Kasur is the distinction between the “*Hitarh*” (or Uplands) and “*Utharh*” (or Low-lands) as well as the North West to South East oriented irrigation system. It is averred that the said physical features are of great importance as the same have determined the history, culture, agriculture, economy, social life and political inclinations of the area. The Scheme of Delimitation-1970 as well as the Scheme of Delimitation-2002 squarely took the aforesaid physical features into account to ensure homogeneity. However, the ECP has completely disregarded the said Physical Features as it was legally required to do under Section 20 of the Act. Thus, the Scheme of Delimitation-2018 is illogical, unreasonable, arbitrary and is in violation of the Act, the Rules and the Constitution and is liable to be set aside and conducted afresh in view of the Applicant’s Proposal below.

5. That it may further be noted that Section 20 of the Act requires the ECP to have regard, *inter alia*, to the “**facilities of communication and public convenience**” and other cognate factors to **ensure homogeneity** in the creation of constituencies. As adverted to above, all facilities of communication and public convenience, including roads, high-ways, railways, electricity, natural gas, canals etc. are oriented in a North West to South East direction. There are very few such facilities of communication and public convenience running in a North to South direction. By way of example, the Applicant’s village is linked to Kot Radha Kishan (some 50 kilometers away and now the closest major urban center to Pial Kalan in NA-138 under the Scheme of Delimitation-2018) by a single road, which is so broken and delapidated as to be un-usable. Moreover, there are no railway links between the southern and northern ends of NA-138. It is very difficult to understand why a North to South orientation was chosen in the Scheme of Delimitation-2018 over the existing North West to South East orientation under the Scheme of Delimitation-1970 as well as the Scheme of Delimitation-2002. Thus, the Scheme of Delimitation-2018 is illogical, unreasonable, arbitrary and is in clear violation of the Act and the Constitution and is liable to be set aside and conducted afresh in view of the Applicant’s Proposal below.

6. That, furthermore, Rule 10(5) of the Rules lays down additional requirements for the delimitation of constituencies. In this regard, Rule 10(5) of the Rules provides as follows:

“10(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”

(ii) It is respectfully averred that had the ECP reverted back to the delimitation boundaries under the Scheme of Delimitation-1970, all the requirements of Section 10(5) would have been fulfilled. In this regard, it may be noted that:

(a) The ECP was required to start the delimitation process of District Kasur by pin-pointing the northern most point therein, which, as per the Maps, is the northern-most point of Chatianwala Patwar Circle;

(b) The ECP was then required to delimit the first national assembly constituency (i.e. NA-137 under the Scheme of Delimitation-2018) in its entirety, having regard, *inter alia*, 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

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to ensure homogeneity in the creation of constituencies under Section 20 of the Act;

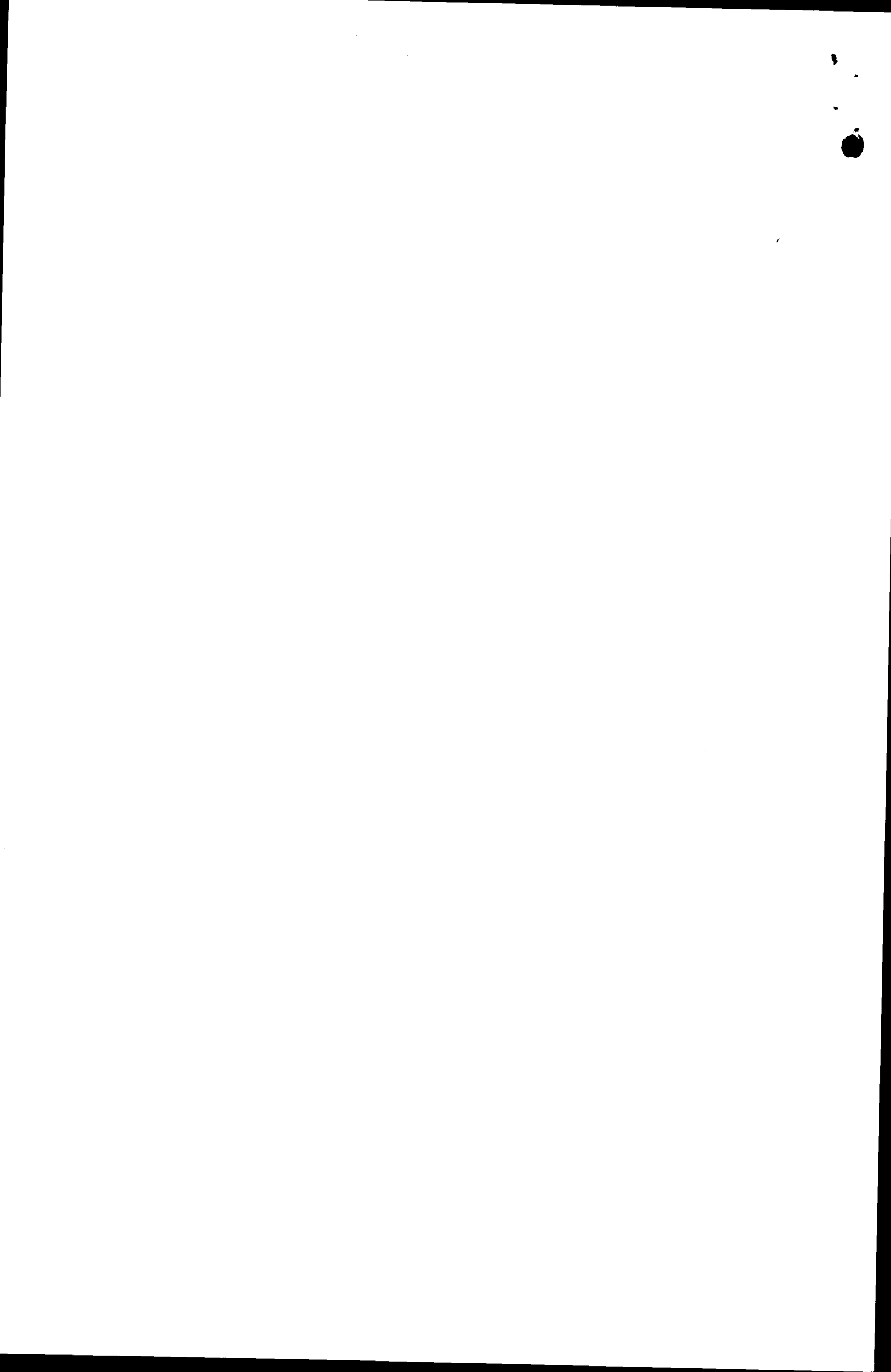
- (c) Keeping in view the aforesaid historical, logistical, political, economic, agricultural, ethnic, linguistic and social factors adverted to above at length, the most natural and homogenous delimitation would have resulted in the ECP delimiting NA-137 by reverting back, as closely as possible, to the Scheme of Delimitation-1970 which was in vogue for almost half a century (i.e. NA-107 under the Scheme of Delimitation-1970);
- (d) The ECP was then required to delimit the remaining national assembly constituencies of District Kasur keeping in view Section 20 of the Act and Rule 10 of the Rules.
- (e) This would have resulted in the ECP reverting back to virtually the same boundaries of national assembly constituencies of District Kasur (including NA-106 under the Scheme of Delimitation-1970) as were in vogue under the Scheme of Delimitation-1970 (except for re-numbering thereof and minor variations in the boundaries).

(iii) In this regard, it may be noted as follows:

- (a) As far as the constituencies of NA-139 and NA-140 under the Scheme of Delimitation-2018 are concerned, the ECP has reverted back to the same boundaries of the said constituencies (except for the numbering thereof and minor variations in the boundaries) as were in vogue under the Scheme of Delimitation-1970;
- (b) Furthermore, on a perusal of the delimitation Maps issued/uploaded by the ECP for Districts Sahwal and Okara, it is apparent that ECP has once again essentially reverted back to the same boundaries of national assembly constituencies therein as were in vogue under the Scheme of Delimitation-1970;

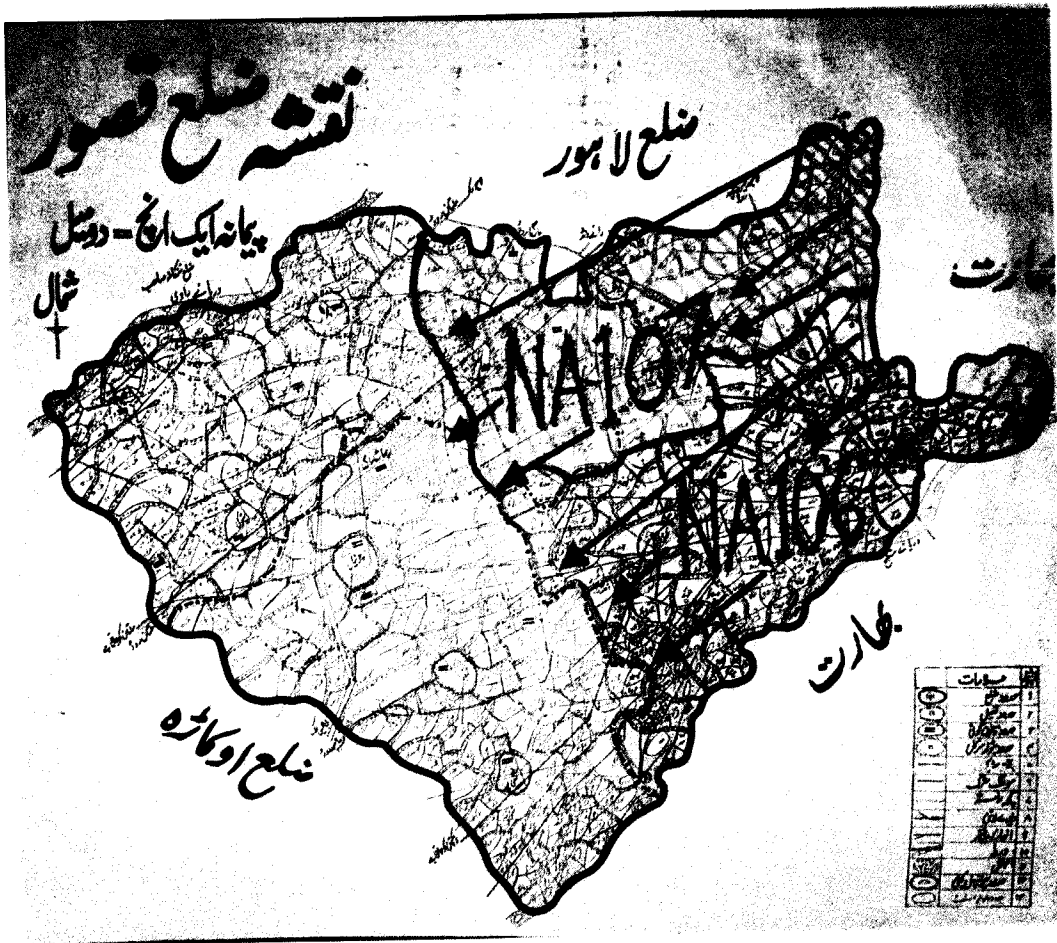
(iv) That however, as far as the constituencies of NA-137 and NA-138 under the Scheme of Delimitation-2018 are concerned, the ECP has adopted a completely different tactic. Rather than reverting back to the boundaries of national assembly constituencies under the Scheme of Delimitation-1970 (as the ECP has done in NA-139 and 140 of District Kasur and in Districts Sahiwal and Okara under the Scheme of Delimitation-2018 to a large extent), the ECP has instead delimited NA-137 and NA-138 in a North to South direction instead of from North West to South East as shown in the maps below:

(SEE NEXT PAGE)

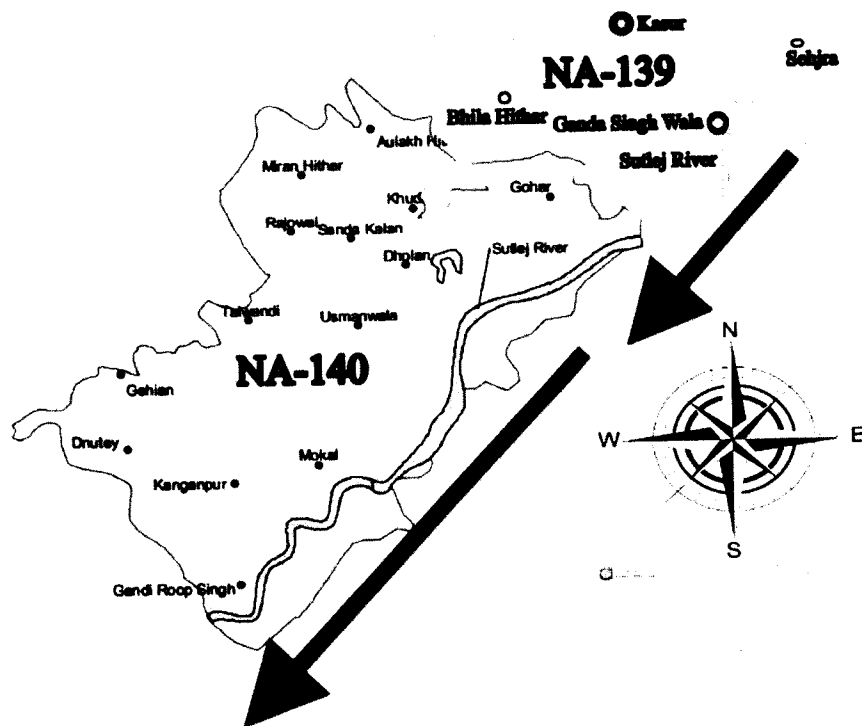


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Map of Delimitation of Boundaries (North West to South East Orientation) of National Assembly Constituencies NA-106 and NA-107 of District Kasur under the Scheme of Delimitation-1970 (Attached herewith as Annexure "B"):



Map of Delimitation of Boundaries (North West to South East Orientation) of National Assembly Constituencies NA-139 and NA-140, District Kasur under the Scheme of Delimitation-2002



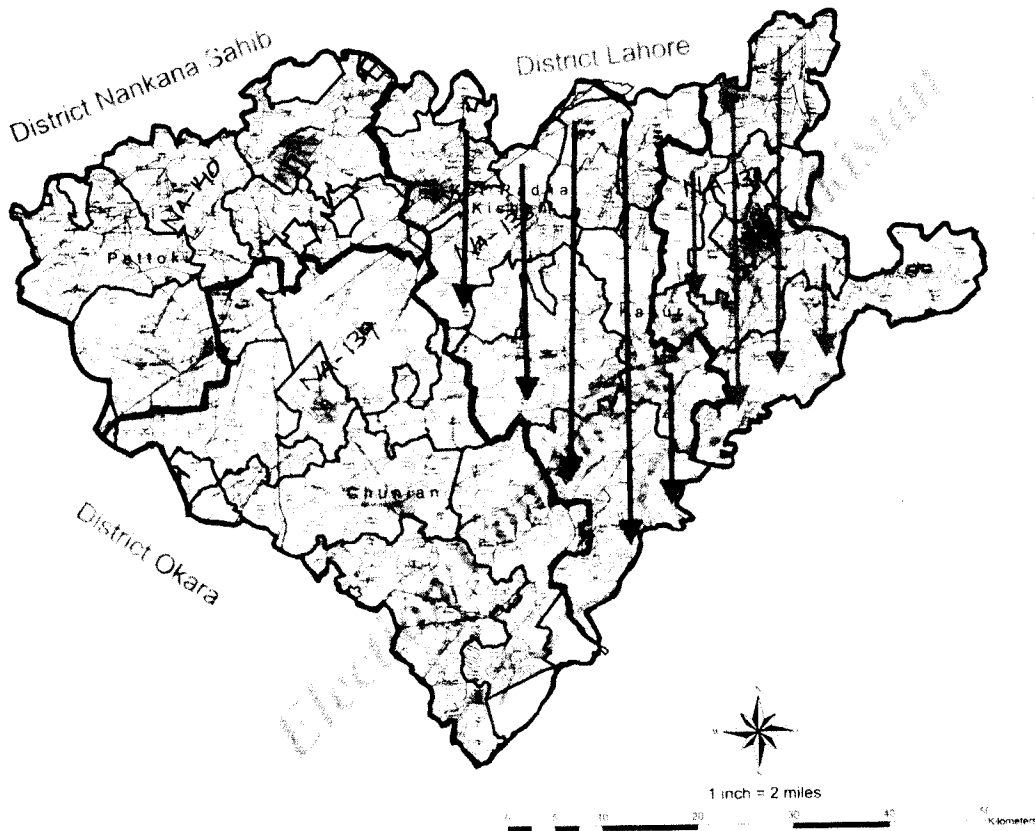


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(Please note that the Maps of delimitation of National and Provincial Assembly constituencies of District Kasur under the Scheme of Delimitation-1970 and the Scheme of Delimitation-2002 have been removed from the ECP's website and are, thus, no longer available to the public. The Applicant has therefore relied on other sources. Consequently, the aforementioned maps are approximations)

Map of Delimitation of Boundaries of National Assembly Constituencies in District Kasur under the Scheme of Delimitation-2018 (North to South instead of North West to South East Orientation)

Map of District Kasur



- (d) The ECP could have easily delimited NA-137 and 138 under the Scheme of Delimitation-2018 by reverting back to the delimitation of boundaries (i.e. NA-106, NA-107 and the remaining constituencies therein under the Scheme of Delimitation-1970) in the same manner as it has done in the adjoining national assembly constituencies of District Kasur (i.e. NA-139 and NA-140 under the Scheme of Delimitation-2018) as well as in Districts Okara and Sahiwal.
- (e) That it is averred that had the delimitation of District Kasur conformed to the Scheme of Delimitation-1970 (barring minor changes and re-numbering of constituencies), then the population quota requirements for each constituency in District Kasur would have conformed with the Cencus, 2017, the Act, the Rules as well as ECP's own Notification dated 05.03.2018,
- (d) Moreover, by reverting back to the original delimited boundaries of NA-106 and NA-107 and the remaining national assembly constituencies of District Kasur under the Scheme of Delimitation-1970, virtually all the requirements of Section 20 of the Act and Section 10 of the Rules would have been fully complied with.

05/09/2018

(v) The adoption by the ECP of a completely new and un-natural scheme of delimitation for NA-137 and 138 under the Scheme of Delimitation-2018 and rejection of Scheme of Delimitation-1970 [which has been implemented in the adjoining national assembly constituencies of District Kasur (i.e. NA-139 and NA-140 under the Scheme of Delimitation-2018) as well as in Districts Okara and Sahiwal]:

- (a) Makes it impossible to apply the "Zigzag" rule enumerated in Rule 10(5) of the Rules;
- (b) Is illogical, unreasonable, arbitrary and has the effect of disrupting the Electoral Process which is recognized by leading authorities as originating from Deimitation;
- (c) Is contrary to ECP's own previous practice;
- (d) Is in disregard of the logistical, geographical, political, economic, agricultural, ethnic, linguistic and other social factors adverted to above;
- (e) Is designed to *gerrymander* the Elections-2018 in favor candidates of the ruling party and against candidates from the opposition parties;
- (f) Is designed to disrupt and break up communities and social cohesion as a result of significant vote dilution;
- (g) Is in clear violation of the Act (specifically Section 20 thereof);
- (h) Is in clear violation of the Rules (specifically Rule 10(5) of the Rules);

(vi) On the basis of the above, the Scheme of Delimitation-2018 is liable to be set aside and conducted afresh in view of the Applicant's Proposal below.

7. That it is further averred that the Scheme of Delimitation-2018 vis-à-vis the Provincial Assembly constituencies of District Kasur is also seriously flawed and is skewed in favor of the candidates from the ruling party. In this regard, the ECP was required to delimit the Provincial Assembly constituencies of District Kasur keeping in view, *inter alia*, (a) the aforementioned the logistical, political, economic, agricultural, ethnic, linguistic and social factors adverted to above, (b) the Scheme of Delimitation-1970, as well as (c) Section 20 of the Act and Rule 10 of the Rules. However, the Scheme of Delimitation-2018 has ignored all of the above. In this regard, it may be noted that as a consequence of the Scheme of Delimitation-2018 vis-à-vis the Provincial Assembly constituencies of District Kasur:

(i) **A single National Assembly constituency (i.e. NA 138 under the Scheme of Delimitation-2018) now has Five Provincial Assembly constituencies (i.e. PP-176, PP-177, PP-178, PP-181 and PP-182) under it;**

(i) Moreover, communities which had deep historical, cultural and social links have been torn apart to favor certain candidates from the ruling party and put candidates from the opposition parties at a deliberate disadvantage. In this regard, the Applicant own village may be taken as an example:

- (a) Pial Kalan falls in QH Usman Wala;
- (b) QH Usman Wall has had deep (if not ancient) social, cultural, historical and political links with the nearby town of Khudia;
- (c) Since the last over 48 years, the Applicant's village fell in the same national and provincial assembly constituency as Khudian;
- (d) Now, the Applicant's village has been relegated to PP-177 (under the Scheme of Delimitation-2018), with which it has no such links whatsoever, thereby denying the Applicant his fundamental rights to Political Justice;

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(e) A similar situation has arisen across District Kasur vis-à-vis the Provincial Assembly constituencies.

(ii) The adoption by the ECP of a completely new and un-natural scheme of delimitation for PP-176, PP-177, PP-178, PP-181 and PP-182 under the Scheme of Delimitation-2018 and a complete rejection of the principles of delimitation underlying the Scheme of Delimitation-1970, including the historical, commercial, economic, agricultural, linguistical, political, geographical as well as social factors adverted to above:

- (i) Violates and offends against the fundamental right of "one man, one vote with equal rights"
- (j) Is illogical, unreasonable, arbitrary and has the effect of disrupting the Electoral Process which is recognized by leading authorities as originating from Deimitation;
- (k) Is contrary to ECP's own previous practice;
- (l) Is in disregard of the logistical, geographical, political, economic, agricultural, ethnic, linguistic and other social factors adverted to above;
- (m) Is designed to *gerrymander* the Elections-2018 in favor candidates of the ruling party and against candidates from the opposition parties;
- (n) Is designed to disrupt and break up communities and social cohesion as a result of significant vote dilution;
- (o) Is in clear violation of the Act (specifically Section 20 thereof);
- (p) Is in clear violation of the Rules (specifically Rule 10(5) of the Rules);

(vi) On the basis of the above, the Scheme of Delimitation-2018 is liable to be set aside and conducted afresh in view of the Applicant's Proposal below.

8. That furthermore, under Section 21(1) of the Act, the ECP was required to give detailed reasons and the basis on which the constituencies were delimited in the form of a Preliminary Report (i.e. the ECP's Report).

(i) In this regard, Section 21 of the Act is reproduced below:

"Section 21(1). Reports of Commission and list of constituencies.— (1) For the purpose of delimiting constituencies, the Commission may receive and consider representations, hold inquiries, summon witnesses and record evidence, and shall prepare and publish in the official Gazette a preliminary report and list of constituencies specifying the areas proposed to be included in each constituency.

(ii) That it is respectfully averred that the ECP's Report completely fails to take into account the aforesaid historical, commercial, economic, agricultural, linguistical, political, geographical as well as social factors vis-à-vis District Kasur. It may be pertinent to point out here that:

- (a) The ECP's Report does not even mention District Kasur therein;
- (b) The ECP's Report does not give any reasons whatsoever for not adhering to the Principles of Delimitation enumerated in Section 20 of the Act and Rule 10(5) of the Rules vis-à-vis District Kasur;
- (c) The ECP's Report does not provide reasons why the Scheme of Delimitation-1970 (which was in vogue for 7 general elections) was completely disregarded, even though it would have fulfilled the Principles of Delimitation enumerated in Section 20 of the Act and Rule 10(5) of the Rules;
- (d) The ECP's Report does not provide reasons why the un-natural and illogical Scheme of Delimitation-2018 was chosen;

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- (iii) Under the settled principles of law and equity, the aforesaid ECP's Report specified in Section 21 of the Act had to be based on principles of reasonableness, fairness, openness, transparency and for the advancement of the purposes of the enactment.
- (iv) However, the ECP's Report, has failed to take into account the aforesaid historical, commercial, economic, agricultural, linguistical, political, geographical as well as social factors offends against the principles of reasonableness, fairness, openness, transparency etc. adverted to above.
- (v) That it was the legal and constitutional duty of the ECP to explain in the ECP's Report why the ECP decided to completely abandon the aforesaid North West to South East scheme of delimitation and development in vogue for the past almost half a century and chose a delimitation scheme based on a North to South orientation in NA-137 and NA-138 under the Scheme of Delimitation-2018.
- (vi) Therefore, the Scheme of Delimitation-2018 is liable to be set aside and conducted afresh in view of the Applicant's Proposal below.

9. That is is also averred that the Delimitation of constituencies is one of the most important aspects of the Electoral Process. If the delimitation is done unfairly, illogically and without keeping in view the historical, logistical, political, geographical, economic, agricultural, ethnic, communal, linguistic and social factors, the entire Electoral Process, including the general elections conducted on its basis are compromised. In this regard:

- (i) The Scheme of Delimitation-1970 was a very well thought-out, well-researched and far-sighted scheme of delimitation;
- (ii) The General Elections conducted thereunder were hailed both domestically and internationally as the most free, fair and transparent elections ever to have been held in Pakistan;
- (iii) The General Elections conducted under the Scheme of Delimitation-1970 resulted in peaceful and violence-free elections.

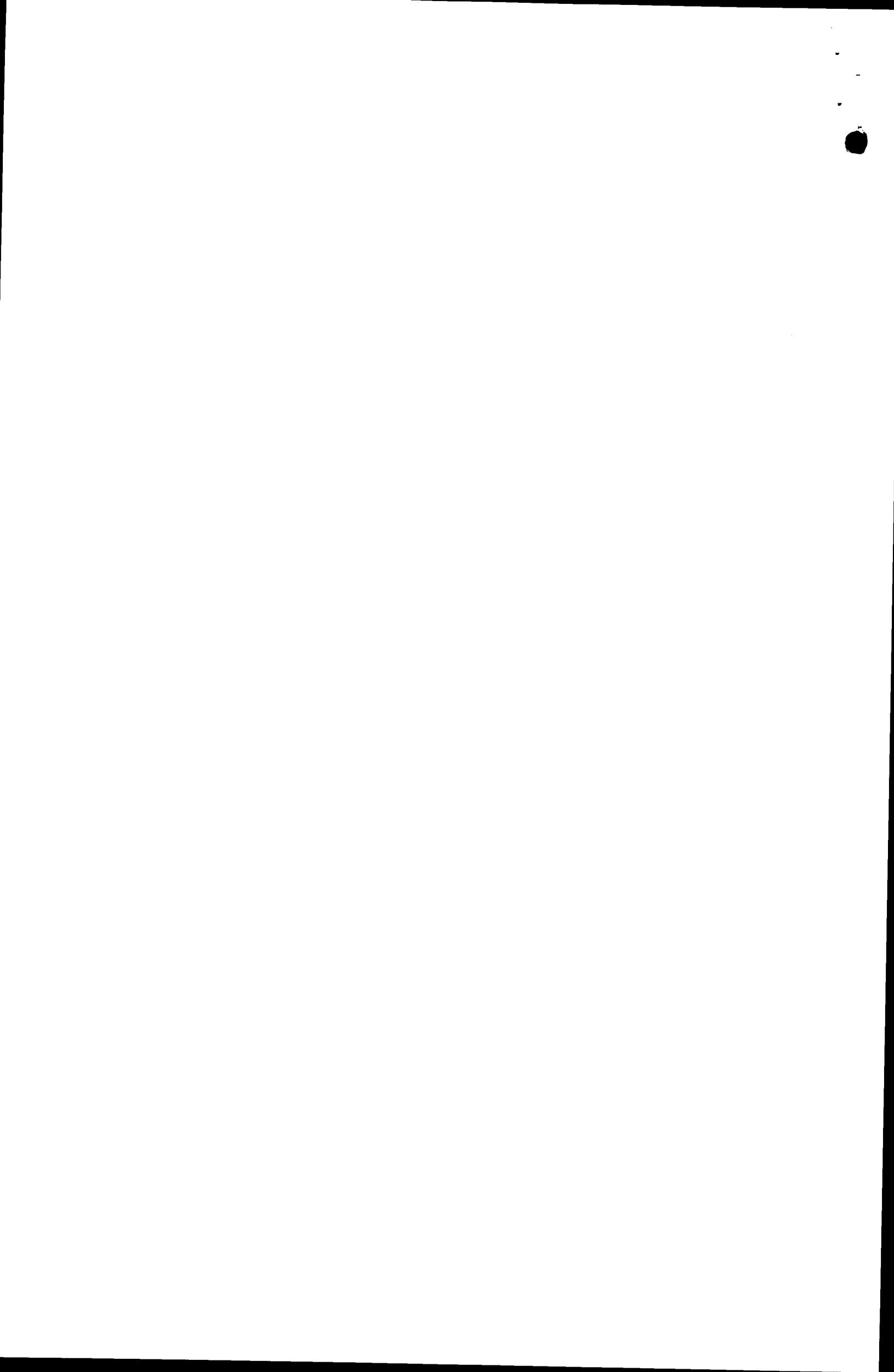
It defies all logical as to why the tried, tested and time-honored Scheme of Delimitation-1970 was completely discarded/rejected even though the same would have fulfilled all the requirements of the Act, the Rules as well as the Constitution and a completely new, untested and dangerous scheme of delimitation (the Scheme of Delimitation-2018) was chosen without any explanation whatsoever in the ECP's Report, casting a serious doubt thereon.

Therefore, the Scheme of Delimitation-2018 is liable to be set aside and conducted afresh in view of the Applicant's Proposal below

10. The Applicant reserves the right to advance additional grounds, if the need so arises.

APPLICANT'S PROPOSAL

- 1. That it is respectfully averred that having regard to the logistical, political, economic, agricultural, geographical, ethnic, linguistic, social and other cognate factors enumerated in the Gounds above, and in view of Section 20 of the Act and Rule 10 of the Rules, the Applicant hereby makes the following alternative proposal for the delimitation of the National and Provincial Assembly constituencies of District Kasur.
- 2. The Applicant hereby makes the following proposal for the delimitation of the



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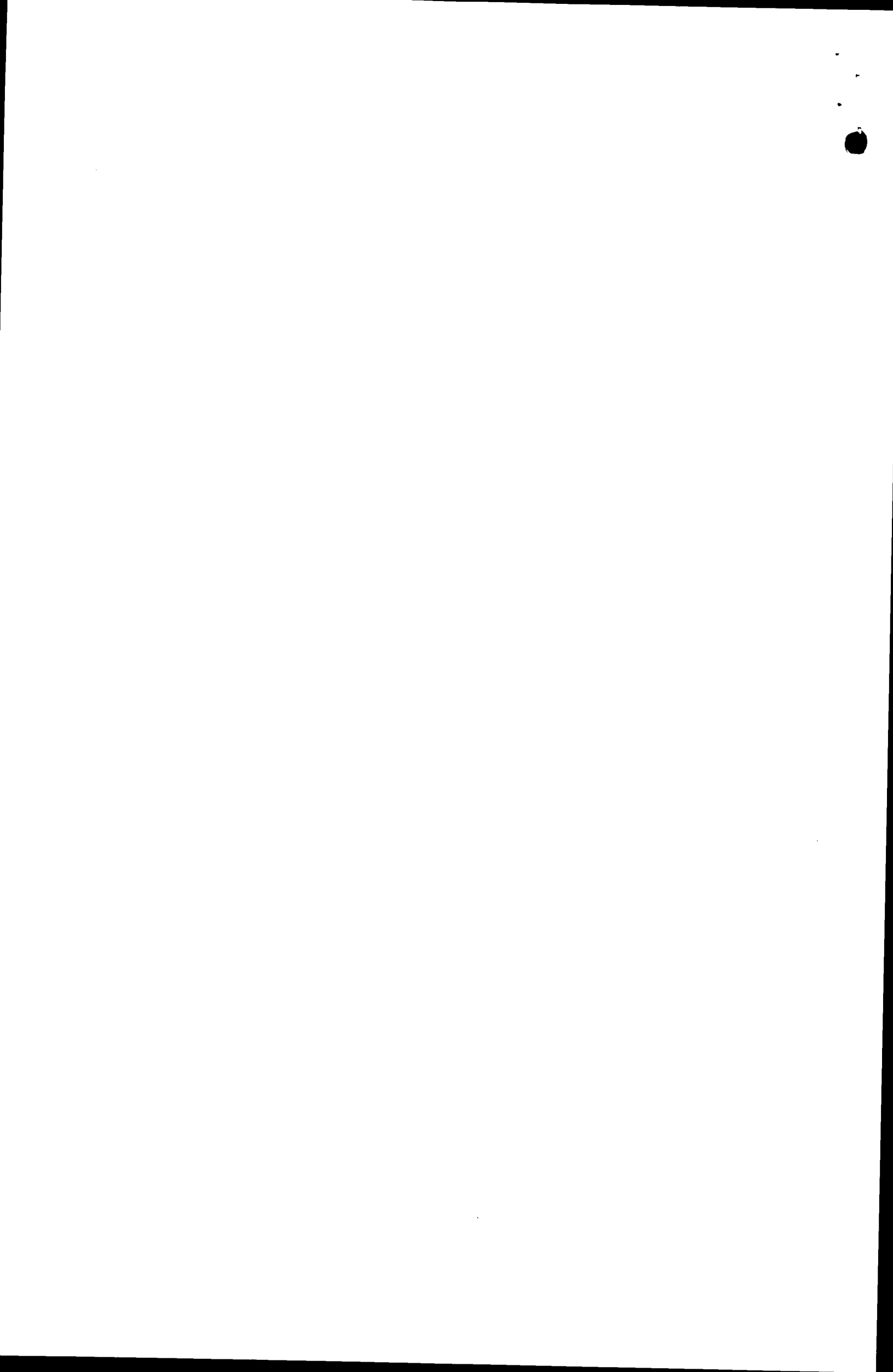
National Assembly constituencies of District Kasur keeping in view the Act and the Rules. In this regard, it may be noted that the Applicant's said Proposal for the delimitation of the National Assembly constituencies of District Kasur, amongst others,:

- (i) Is based, as nearly as possible, on the Scheme of Delimitation-1970 for District Kasur;
- (ii) keeps in view the historical, logistical, political, geographical, economic, agricultural, ethnic, linguistic and social factors (as adverted to above);
- (iii) Will dispell all doubts and/or allegations of *gerrymandering* the Elections-2018;
- (iv) Does not break any urban area census circle or Patwar Circle; and
- (v) Ensures that population among the constituencies of an Assembly shall remain as close as may be practicable to the population quota.

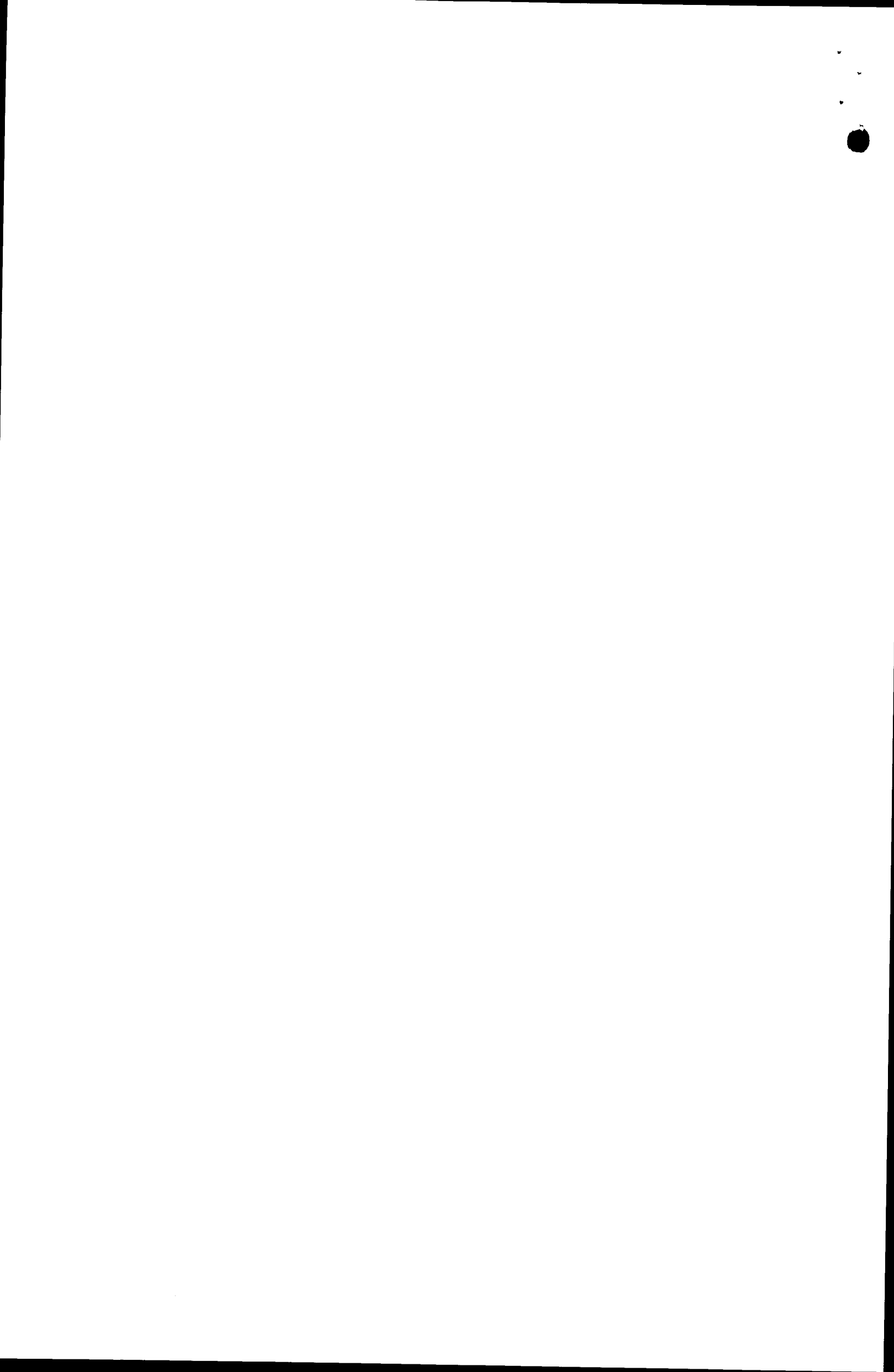
Applicant's Proposal for delimitation of the National Assembly constituencies of District Kasur.

Serial No.	Number and Name of Proposed Constituencies ¹	Names of Areas included in the Proposed Constituencies of the National Assembly for District Kasur	
		NAME OF AREA	POPULATION
1.	NA-1	NA-1	
		MUSTAFA BAD QH	102,057
		MUSTAFA BAD MC	60,654
		RAJA JANG MC	30,876
		RAJA JANG QH	102,784
		CHAK BULIANA PC	21,748
		THAH SHEIKHAM PC	11,270
		GAGGAR PC	7,686
		KOTLI RAY ABU BAKAR PC	5,784
		KALE PC	5,441
		KOT RAHDA KIHSAN TH	360,330
		AURARA PC	13,382
		ATHIL PUR PC	21,485
		AULAKH HITHAR PC	4,239
		CHOR KOT PC	5,942
		KHINGRAN WALA-I PC	6,259
		KHINGRAN WALA-II PC	7,003
		KHODEY PC	6,430
		BAGHIANA KALAN PC	22,892
		KANWEN PC	16,056
		GANDHI UTAR PC	11,551
BHOE ASAL PC	13,461		
TODE PUR PC	14,092		
HERI KE NOUL	14,098		
TOTAL		865,520	

¹ The ECP may allocated appropriate constituency numbers to the Constituencies proposed by the Applicant, Keeping in view the requirements of the Act and the Rules.



2.	NA-2	NA-2	
		NAME OF AREA	POPULATION
		KASUR MC	358,409
		BHALA PC	12,401
		BHALA HITHAR PC	25,250
		GOHAR PC	11,901
		JOURHA PC	12,862
		SOHDI WALA PC	8,519
		TARA GARAH PC	14,028
		GANDA SINGH QH	97,450
		HARDO SAHARI PC	30,618
		KASUR BEROON PC	26,014
		KOT MURAD KHAN PC	11,657
		KASUR-11 QH	84,366
		KHUDIAN MC	38,802
		KHAI HITHAR PC	14,600
		KHUDIAN (RURAL) PC	19,132
		BAQIR KE PC	5,377
		DHINKE PC	6,128
		DHOLAN PC	20,697
		DOBURJI PC	692
		GOHAR JAGIR PC	22,383
		JALLO KE PC	3,057
		KACHA PAKKA PC	16,497
		PIAL KALAN PC	29,200
		TOTAL	870,040
3.	NA-3	NA-3	
		NAME OF AREA	POPULATION
		CHUNIAN TEHSIL	825,684
		SAID PUR PC	10,335
		NAJABAT PC	5,919
		SANDA KHAN WALA	2,579
		GANJA KALAN PC	4,550
		TOTAL	849,067



4. NA-4

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NA-4	
NAME OF AREA	POPULATION
HALLA QH	97,554
JAMBER KALAN PC	21,137
JAMBER KHURD PC	30,976
KHANKI MOR PC	16,300
PHULIANI NO.1 PC	7,569
PHULIANI NO.2 PC	7,940
HARI PUR PC	5,526
PATTOKI QH NO.1	106,706
PATTOKI QH NO.2	155,851
PATTOKI MC	87,737
PHOOL NAGAR QH (EXCLUDING BAGHIANA KALAN PC)	143,854
PHOOL NAGAR TC	92,729
SARAI MUGHAL QH	96,490
TOTAL	870,369

Grand Total Population under the Applicant's Proposal	3,454,996
Total Population of District Kasur as per the Census, 2017	3,454,996
Difference	Nil

3. That in this regard, please note the following:

- (i) The Applicant's Proposed Delimitation Map conforming with the Applicant's aforesaid proposal for Delimitation of the National Assembly constituencies of District Kasur as drawn on the Kasur District map issued by the Revenue Department is attached herewith as **Annexure "C/1"**;
- (ii) The Applicant's Proposed Delimitation Map conforming with the Applicant's aforesaid proposal for Delimitation of the National Assembly constituencies of District Kasur as drawn on the Kasur District Map issued by the ECP is attached herewith as **Annexure "C/2"**;
- (iii) The said Annexure shall be considered as an integral part of the Applicant's Representation.
- (iv) In the event of any inconsistency between Annexure C/1 and C/2 hereto, the delimitation map at Annexure C/1 shall prevail in respect of the Applicant's Representation.

PRAYER CLAUSE:

In view of the above, it is respectfully prayed as follows:

- (a) That the Applicant's Representation may kindly be accepted;
- (b) That the Applicant's Proposal with respect to the delimitation of National Assembly constituencies of District Kasur may kindly be accepted, or in the alternative, the delimitation of National Assembly constituencies of District Kasur be based, as closely as possible, on the Scheme of Delimitation-1970;



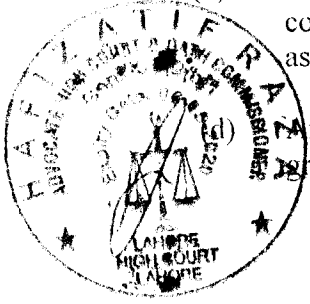
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underlying the Scheme of Delimitation-1970;

(d) That the Scheme of Delimitation-2018 for District Kasur may kindly be conducted afresh keeping in view the Grounds advanced by the Applicant as well as the Applicant's Proposals and the Prayer Clause;

(d) Any other relief as may be deemed appropriate in the circumstances may also be granted.



H. Munir Sult

The Applicant/Petitioner

Date: 28.03.2018

0300-4773508

Through

Reza Ali

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ATTESTED

2-4-18
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