

26th March, 2018

To,
The Secretary,
Election Commission of Pakistan,
Islamabad.

Subject: **Representation under Section 21(2) of the Election Act, 2017 read with Rule 12 of the Election Rules, 2017 against Preliminary Delimitation Report published in Official Gazette through Notification bearing No.F.8(3)/2018 dated 5.03.2018.**

Sir,

In pursuance to the provisions of Article 222(b) of the Constitution of the Islamic Republic of Pakistan, 1973 (the Constitution), Section 21 of the Election Act, 2017 (the Act) read with Rule 11 of the Election Rules, 2017 (the Rules), the Election Commission of Pakistan (ECP) has been pleased to publish, for information of general public, a preliminary report regarding delimitation of constituencies in respect of National Assembly and the Provincial Assemblies (hereinafter referred to as the Report).

2. It has been stated that the prime objective for compiling the Report is to invite representations and practical information of all stakeholders as to how the Election Commission of Pakistan (ECP) has seriously taken its responsibility to delimit the constituencies bestowed upon it by the Constitution in order to organize election honestly, justly, fairly and in accordance with law. While formulating the Report, reliance has been placed on the objective criteria set out in Section 20 of the Act and Rule 10 of the Rules. For ease of reference, Section 20 of the Act is reproduced 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.

[Underlying is ours]

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4
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(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."

From bare perusal of section 20 of the Act reproduced above, it is clear that all constituencies for general seats shall, as far as practical, be delimited having regard to;

- i) Distribution of Population in Geographical Compact Areas;
- ii) Physical Features;
- iii) Existing Boundaries of Administration Units;
- iv) Facilities of Communication and Public Convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

3. As per Rule 10(5) of the Rules, delimitation of constituencies of an assembly, keeping in view the above criteria, shall start from the Northern end of each District and then proceed clock-wise in zigzag manner. While proceeding with the delimitation, the Commission shall keep in view that population quota among the constituencies of an assembly shall remain as close as may be practicable to the quota. Based on the total population of the Punjab and number of seats, the quota for the Province of Punjab has been worked out as 780, 266 people per National Assembly constituency in the Punjab.

4. The Delimitation Committee, while delimiting the constituencies of District Okara, failed to follow the criteria laid down in Section 20 of the Act read with Rule 10 of the Rules. (Copy of the delimitation map of District Okara is attached).

51
2/3/03/2018

5. That being aggrieved of the delimitation, the present representation is being filed through registered voters of the constituency. (Names and registered vote numbers are attached). This Preliminary Delimitation Report, as far as District Okara is concerned, is incorrect and is liable to be revised/amended on the following amongst other:

GROUND

- a) That the Delimitation Committee, while doing delimitation of the constituencies of the District Okara, ignored the criteria laid down in Rule 10 of the Rules. The Delimitation Committee instead of starting delimitation from the North end of the District has started delimitation from extreme Western end of the District. Therefore, the delimitation of District Okara on face of the record is in violation of the Rule 10 of the Rules. In order to show the correct delimitation, the representors have made a Map of delimitation showing start of delimitation from the Northern end of District Okara (Copy of the Map is attached). This map has been prepared keeping in view the population quota for each constituency of National Assembly. By putting the two Maps together in juxta position it can be seen that delimitation done by the Delimitation Committee is illegal. It is pertinent to point out that the numbers of constituencies allotted by ECP in the map of delimitation are in variance with the list of the population issued by ECP. Therefore, the new delimitation is liable to be revised on this ground also.
- b) The guidelines given in section 20 of the Act, requires that while doing delimitation, besides, taking into consideration the existing boundaries of administrative units, the distribution of population in geographically compact areas has to be kept in mind. If the delimitation had started from the Northern end of District Okara then as per the quota of population per constituency the entire Tehsil Renala Khurd would have remained intact as part of one constituency in addition to some area from Tehsil Okara. Now as per, Tehsil Renala Khurd has now been divided into two NA Constituencies namely NA 141 and NA 143. The present delimitation violates the principles of protecting, as far as practicable, the existing structure of

boundaries of the administrative units and distribution of population in geographically compact areas and is liable to be revised on this score also.

- c) That while delimiting the constituencies of District Okara, the Delimitation Committee not only ignored the principle of starting delimitation from the Northern end in a clock-wise and zigzag manner but proceeded from western end in anticlock wise. In the instant case due to new delimitation, National Assembly Constituency NA 141 in clock-wise manner should have been followed by NA 142 whereas now it has been followed by NA 143 instead of 142. Therefore, this anticlock wise proceeding is also against the principles laid down in Rule 11 of the Rules and is liable to be revised on this score also.
- d) The new delimitation of District Okara has been done without taking into consideration the facility of communication and public conveniences. By new delimitation, Tehsil Renala Khurd has been divided into two constituencies i.e. NA 141 and NA 143, which has resulted into public and administrative inconvenience. The Local Administration (AC, DSP etc.) have their offices in Tehsil Renala Khurd whereas the returned candidate would at least be 60 to 70 Kilometers away from the offices of Local Administration. The people of Tehsil Renala Khurd would now have to travel miles to see their elected representatives for redressal of their grievances and this surely would cause inconvenience to the general public of Tehsil Renala Khurd and the new delimitation is liable to be revised on this ground also.

In view of what has been stated above, the delimitation of District Okara done by Delimitation Committee may kindly be amended/revised with the Delimitation Map (**Annex-C**) submitted by the representors to bring it in accordance with the purpose and aim of delimitation as enshrined in Section 20 of the Act and Rule 11 of the Rules.

Through

(List attached)
Representators

(ALI SIBTAIN FAZLI)
Senior Advocate Supreme Court

(HASHAM AHMAD)
Advocate High Court

6
21/07/2018

