

Chaudhry (1-7/18/12) (2)

BEFORE THE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD

Representation No _____ / 2018

Mian Najeeb-ud-Din Awaisi son of Mian Muhammad Qasim Awaisi resident of Khanqah Sharif, Tehsil & District Bahawalpur

...Petitioner

VERSUS

Delimitation Committee, Province of Punjab, Election Commission of Pakistan, Constitution Avenue, Islamabad

...Respondent

Representation under Rule 12 read with Rule 10 of the Election Rules, 2017 read with Section 20 of the Elections Act, 2017 in respect of Constituency of the National Assembly, NA-173 Bahawalpur-IV, NA-172 Bahawalpur-III & NA-174 Bahawalpur-V, District Bahawalpur

Respectfully Submitted:

1. That the petitioner is the voter of the constituency NA-173 (Old NA-184) and vote of the petitioner is registered as Serial No. 539 of Electoral Area Khanqah Sharif of District Bahawalpur. The petitioner is a political and democratic activist. The petitioner's family has been major stakeholder in the General Elections & Local Government Elections since the creation of Pakistan. Petitioner remained MPA in the Provincial Assembly formed in 1997, beside this petitioner is presently MNA from the subject constituency and petitioner's nephew is MPA from PP-252 (Old PP-272). Petitioner is well versed with the constituency.
2. That the Government of Pakistan under its constitutional obligation conducted population census in 2017 and published Provisional Census Results, and the parliament through 24th Constitutional Amendment enshrined the constitutional duty, under which

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the ECP was to delimit the National and Provincial Assembly Constituencies in pursuance of the amended constitutional provision of Article 51 which is being reproduced for better assistance of this honorable commission:-

...Provided that for purpose of the next general elections to be held in 2018 and bye-elections related thereto, the allocation shall be made on the basis of provisional results of the 2017 census which shall be published by the Federal Government.

3. That the ECP under its constitutional duty sanctioned through Article 222 and Article 218 sub-clause 3 initiated the process of delimitation of constituencies, to organize and conduct the elections and to make such arrangements as are necessary to ensure that the elections is conducted honestly, justly, fairly and in accordance with law as enacted by the parliament in the form of Elections Act 2017, wherein, section 20 of the Elections Act, 2017 define the Principles of delimitation as under:

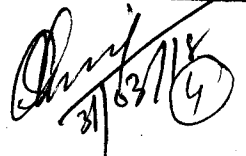
- Distribution of population in geographically compact areas
- Physical features
- Existing boundaries of administrative units,
- Facilities of communication and public convenience
- Any other cognate factor
- Ensure homogeneity

4. That the delimitation means the demarcation of the boundaries of an electorate constituency in order to ensure fair, just and proportional representation of the people in the elections. The basic object of delimitation as enshrined in the constitution of Pakistan and Elections Act 2017 is to secure, so far as practicable, equal representation for the equal segments of the population in a legislative body. According to the Principles of Delimitation, the delimitation committee / authority constituted by the ECP is responsible to consider stated constraints of the administrative convenience, contiguity, geographical and communication factors and unstated influences of party political advantage. However the process of delimitation had to ensure that voting

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equality was not disturbed and vote of one citizen must in no manner be less than the vote of another citizen. The population parity, geographical compactness, homogeneity of the interest of the community may also be considered in delimitation process.

5. The subordinate legislation in the form of Election Rules 2017 has been devised as well as the guidelines of delimitation have also been issued vide Notification No. F. 8(3)/2018-Elec-I dated 05-03-2018, wherein the population of the Province was divided by total number of allocated seats in the National Assembly to determine the quota per seat of the province for the National Assembly (i.e. 7, 80, 266) and population of the District was divided by the total number of allocated seats in the National Assembly to determine the quota of the NA seat in the District (i.e. 7, 33, 621) in pursuance to Rule 8 of the Election Rules 2017. It is pertinent to mention that the National Assembly seats of the District Bahawalpur were 5 and Provincial Assembly seats of the District were 10 as per delimitation of 2002 and present delimitation of 2018. Neither number of National Assembly nor stated number of Provincial assembly seats have been changed, therefore, the delimitation committee should have considered to delimit only the excessive population in every constituency rather than to redistricting every constituency without considering the Principles sanctioned under the law.
6. Therefore, the petitioner brings before this honorable Commission and assails the Delimitation of Constituency in respect of NA-173 Bahawalpur-IV, NA-172 Bahawalpur-III & NA-174 Bahawalpur-V of Bahawalpur District under section 12 of the Election Rules, 2017. Before parting with the Grounds for the representation and Summary of the constituency, it is to pertinent to mention over here that the population according to 1998 census of Bahawalpur District was 24, 33,091 and number of seats allocated to Bahawalpur were 5 for the National Assembly and 10 for the Provincial Assembly. In delimitation of 2018, the number of either Provincial or National Assembly seats has not been changed and remains the same but geographical boundaries of the constituencies have been disturbed drastically. For better assistance of the Honorable Commission The Summary of the Constituency with Proposal is as under:



Nomenclature	NA-173 Bahawalpur-IV
Quota of the District on NA seat	7, 33, 621
Quota of the Province on NA seat	7, 80, 266
Population of the District Bahawalpur as per 2017 Census	36, 68, 106
Constituency NA-173 as formed by ECP	<p>Following QH of Ahmadpur East Tehsil</p> <ul style="list-style-type: none"> • Mandhal • Hatheji • Mubarakpur • Kotla Musa Khan <p style="text-align: right;">Population: 7, 01, 223</p> <p>Samasatta (TC) Old</p> <p>Following QH of Bahawalpur Saddar Tehsil</p> <ul style="list-style-type: none"> • Qasimpur • Kalanchwala • Noorpur Nauranga • Khanqah Sharif
Proposed limits of the Constituency (NA-173) and Constituency position if Representation is accepted with Total Population	<p>Following QH of Ahmadpur East Tehsil</p> <ul style="list-style-type: none"> • Mandhal • Hatheji • Mubarakpur • Kotla Musa Khan Excluding Dhoorkot PC • Samasatta (TC) Old <p style="text-align: right;">Population: 7, 00, 139</p> <p>Following QH of Bahawalpur Saddar Tehsil</p> <ul style="list-style-type: none"> • Qasimpur • Kalanchwala • Noorpur Nauranga • Khanqah Sharif • Chak 12/BC & Chak 28/BC PCs of Baghdad-ul-Jadid QH of Bahawalpur Saddar
Constituency NA-172 & NA-174 as formed by ECP with Population	<p>NA-172:---</p> <ul style="list-style-type: none"> • Yazman Tehsil <p>Following QH of Bahawalpur Saddar Tehsil</p> <ul style="list-style-type: none"> • Hamatian • Baghdad-ul-Jadid <p style="text-align: right;">Population: 7, 61, 252</p> <p>NA-174:---</p> <ul style="list-style-type: none"> • Ahmadpur East MC • Uch Sharif MC <p>Following QH of Ahmadpur East Tehsil</p> <ul style="list-style-type: none"> • Tahirwali • Chani Goth • Uch Gillani • Uch Bukhari • Kulab • Ahmadpur East Urban • Sukhail <p style="text-align: right;">Population: 6, 92, 954</p>
Proposed limits of the Constituency NA-172 & NA-174 and position if Representation is accepted with Population	<p>NA-172:---</p> <ul style="list-style-type: none"> • Yazman Tehsil <p style="text-align: right;">Population: 7, 38, 837</p> <p>Following QH of Bahawalpur Saddar Tehsil</p> <ul style="list-style-type: none"> • Hamatian • Baghdad-ul-Jadid Excluding Chak 12/BC PC & Chak 28/BC PC <p>NA-174:---</p> <ul style="list-style-type: none"> • Ahmadpur East MC • Uch Sharif MC <p style="text-align: right;">Population: 7, 16, 454</p>

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	<p>Following QH of Ahmadpur East Tehsil</p> <ul style="list-style-type: none">• Tahirwali• Chani Goth• Uch Gillani• Uch Bukhari• Kulab• Ahmadpur East Urban• Sukhail <p>Following PC of Kotla Musa Khan QH of Bahawalpur Saddar Tehsil</p> <ul style="list-style-type: none">• Dhoor Kot
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GROUND S

- a. That the Delimitation of the Constituency is in violation to section 20 of the Elections Act, 2017 and standards of Delimitation and the proposal of the petitioner is according to the said law and merits to be allowed, resultantly the representation merits to be accepted and the Constituency merits to be Delimited as propped, accordingly.
- b. That the Delimitation of the Constituency NA-173 BAHAWALPUR-IV is in violation of the Principles of Representativeness, Equality & Non-Discrimination. The proposal of the petitioner is in line with the said Principles, which makes the constituency homogeneous.
- c. That the constituency has been delimited vividly affecting the equal voting power and Doctrine of Equal Suffrage. The weight of the less developed area in the present delimitation of the constituency has been brought to none in terms of its voting power. Thus, the delimitation cannot be said to fall in ambit of being fair and transparent.
- d. That it has been laid down by the Full bench of the Lahore High Court in pronouncement cited at PLD 2014 Lahore 221 [ARSHAD MAHMOOD Vs COMMISSIONER/DELIMITATION AUTHORITY GUJRANWALA & Ors] that Basic Object of Delimitation was to so far as practicable equal representation for equal segments of the population in the legislative bodies. It has to be done in order to secure the principle of One Person, One Vote, One Value.

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- e. That it is inevitable in the process of delimitation to ignore the features which guard against possible fear of Vote Dilution and Disenfranchisement. The constituency NA-173 has been formed in such a way attaching one Dhoorkot PC of Kotla Musa Khan QH of Bahawalpur Saddar, which has always remained part of NA-174 since 2002 and the population of that area is neither homogeneous nor will stand in line with the above stated principles. the population of Dhoorkot PC will be alien to the NA-173 constituency and will have no representativeness or equality as enunciated under the law.
- f. That the inclusion of Dhoorkot PC in NA-173 and that too making the NA-174 the constituency with lowest population casts serious doubts and gives an impression of the making NA-173 person specific.
- g. That the population of two PCs attached with NA-172 is nor homogenous with the rest of the Population of NA-172 and will be deprived of the Representativeness and Equal Suffrage. The proposed formula rather brings the population of all three constituencies in line with the criteria laid down under the guidelines and provisions of law and rules.
- h. That as per Rule 10(4) of the Election Rules 2017, the constituency of an Assembly was to start from Northern end of the District and then proceed clockwise. It is suspicious that in the Delimitation of 2002 the Northern end of the District was considered to start from Ahmadpur tehsil and now called NA-174 BAHAWALPUR-V and from there the delimitation started. Surprisingly, in present delimitation the constituency which was third (then NA-185) in 2002 delimitation was considered to be first and from here the delimitation started.

PRAYER

Therefore, it is humbly prayed that the instant representation may very kindly be allowed and accepted and the Constituency NA-173, NA-172 & NA-

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174 may very kindly be delimited as proposed by the petitioner in accordance with law.

Any other relief which this honorable commission deems fit may also be granted in the supreme interest of justice.

[Signature]
PETITIONER

Through

Hafeez
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Advocate High Court
LL.B, LL.M, Ph. D. (UK)

28-03-2018

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