

**BEFORE THE ELECTION COMMISSION OF
PAKISTAN THROUGH THE HONOURABLE
SECRETARY AT ISLAMABAD**

Waleed Bizenjo
Son of Mohammad Tahir Bizenjo,
Muslim, adult, permanent resident of,
Sardari Shahar Nal, Dakkhana Nal, Tehsil Nal,
District Khuzdar, Balochistan,
Having Vote Seria; No: 75

..... Objector

Versus

Delimitation Committee of Balochistan Respondent

**REPRESENTATION ON THE PRELIMINARY/ DRAFT LIST
OF CONSTITUENCIES FILED UNDER SECTION 21(3) OF
THE ELECTIONS ACT, 2017 AND RULE 12(1) OF THE
ELECTION RULES, 2017.**

Being aggrieved and dissatisfied with the preliminary delimitation list of constituencies published on 05.03.2018 issued by the Delimitation Committee Balochistan for the seat PB-40, Khuzdar - II, of the Provincial Assembly of Balochistan, the above named objector respectfully submits his representation, praying inter alia therein that the Honourble Election Commission of Pakistan (ECP) may be pleased to call for record and proceedings to the extent of district Khuzdar and may be pleased to check the legality, propriety, validity and correctness of the preliminary delimitation and may further be pleased to alter and modify the preliminary delimitation of the constituencies of District Khuzdar and finalize the same by accepting the proposal filed by the Objector, taking into consideration the following facts and grounds:

Copy of the Preliminary List of Provincial Assembly Constituencies is filed herewith and marked as Annexure "A".

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FACTS

1. That the Objector filing this representation is a permanent resident and registered voter of the existing seat of PB-34, Khuzdar – II, of the Balochistan Assembly. The PB-34 constituency has been on the electoral map of Balochistan Assembly for sixteen years since the year 2002 and the constituents have been represented in the Balochistan Assembly through their elected representatives for the last three general elections.

2. That in terms of Article 106 of the Constitution, 1973, the Balochistan Assembly shall have fifty one (51) General Seats. In terms of Section 19 (4) of the Election Act, 2017, for the purpose of election to a Provincial Assembly, the Election Commission shall divide each Province into as many separate territorial constituencies as the number of seats provided under Article 106 of the Constitution. According to Rule 8 (3) of the Election Rules, 2017 (Rules, 2017), the Commission shall divide total population of a Province by the number of general seats in the Provincial Assembly to determine quota per seat in that Assembly. The population of the province of Balochistan, according to the Provisional Census Results of 2017 is 12,334,739 (Twelve million three hundred thirty four thousand seven hundred and thirty nine). This population is to be divided and balanced between the 51 (fifty one) General Seats that have been allocated to the Balochistan Assembly. Therefore the population quota per seat comes to 242,054.



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3. That the constituency for the purpose of the Balochistan Assembly has to be created by keeping the quota per seat of 242,054 through applying the principles of delimitation, that 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, as provided under Section 20(1) of the Act, 2017. The one of principle of delimitation of having regard to distribution of population in geographically compact areas has been given relaxation through Section 20(3) which states that as far as possible, the variation in population of constituencies of an assembly shall not ordinarily exceed ten percent. It is further submitted that in terms of section 20 (4) of the Election Act, 2017, the ECP has been allowed to deviate in an exceptional case from the quota range by exceeding the ten percent limit from either side, however in that case the ECP is required to record the reasons in the delimitation order. It is submitted that this relaxation to deviate from the 10% limit rule has been specifically provided so that to ensure that other principles of delimitation can be adhered to in appropriate circumstance.
4. That the ECP on 05.03.2018 without taking into the consideration the principle of delimitation, in particularly, physical features, existing boundaries of administrative



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units, facilities of communication and public convenience, as provided under Section 20(1) of the Act, 2017, the ECP published a list, whereby, the District of Khuzdar, with a population of 802,207 has been allocated one (1) National Assembly and three (3) Provincial Assembly seats bearing numbers PB-39, PB-40, and PB-41, in utter disregard for all other principles of delimitation, except population.

Copy of the Notification dated 05.03.2018 is filed herewith and marked as Annexure "B".

5. That it is pertinent to mention that under the 2002 delimitation, the District Khuzdar also had one National Assembly seat i.e. NA-269 (comprising entire district) and three Provincial seats i.e. PB-33 (comprising Khuzdar Tehsil excluding M.C Khuzdar, Zehri Tehsil, Karakh Sub-Tehsil), PB-34 (comprising Khuzdar M.C, Naal Tehsil excluding Sub-Tehsil Oranch) and PB-35 (comprising Wadh Tehsil, Aranji Sub-Tehsil, Oranch Sub-Tehsil, Saroona Sub-Tehsil, Moola Sub-Tehsil). It is submitted that since the last delimitation in the year 2002, the people of District Khuzdar have been electing their representatives from the above constituencies and there has been no change in the number of seats allotted to the district Khuzdar under the 2017 proposed delimitation. Furthermore, it is pertinent to mention here that above mentioned constituencies largely adhere to all the principles of delimitation and the people of the district have strong tribal, cultural, and political relationships in their respective constituencies.



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6. That as there were no changes in the allotted seats for the District Khuzdar, therefore, there is no need to change and disturb existing constituencies, particularly, when the same adhere to all the principles of delimitation. However, in the proposed list, the Naal Tehsil has been further divided by removing Patwar Circles of Qanongo Halqa Saddar Nal (i) Garak and (ii) Darnali from BP-40 Khuzdar II (Old PB-34) and merging it with PB 41 Khuzdar III (Old PB-35).

Copy of Election Commission Pakistan proposed Map of Khuzdar is filed herewith and marked as Annexure "C".

7. That while delimiting the provincial constituencies of District Khuzdar, the ECP has not followed the principles of delimitation as provided under S. 20 of the Election Act, 2017. It appears that in order to achieve population equality, the delimitation committee has failed to consideration and has completely ignored other statutory principles of delimitation such as 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. It is submitted that the Patwar Circles of Qanongo Halqa Saddar Nal of Tehsil Nal; Garak and Darnali have almost no communication and / or infrastructure links with PB-41 Khuzdar III headquarters and rest of the constituency, which will create severe inconvenience for the general public. Whereas, headquarter in Naal is within 3kms from Darnali. Furthermore, the distance from Darnali to Saroona is more



than 400kms, with extremely poor or no infrastructure links resulting in no communication channel between the people.

8. That the constituency of PB-40 Khuzdar III consists mainly of the Bizenjo tribe and its sub tribes. Through PB-40 the Bizenjo Tribe including all its sub tribes had a voice in the Provincial Assembly since the year 2002 and through the preliminary list of constituencies that voice has been taken away by the delimitation committee. By eliminating Patwar Circles of Qanongo Halqa Saddar Nal of Tehsil Nal; Garak and Darnali, the Bizenjo Tribe and its sub tribes have been divided into PB-40 and PB-41, without any cogent reasons. The Delimitation Committee has acted against the laws and the concept of delimitation as by eliminating above mentioned Patwar Circles from PB-40 Khuzdar II, the Bizenjo Tribe and its sub tribes that had an independent voice through the said constituency for sixteen years, are now diluted in the two different seats. It is submitted that this dilution of a particular tribe falls within the definition of gerrymandering and is illegal.
9. It is further submitted that there is a long history of tribal conflict between the people of Nal, which includes, Darnali and Garak with the people of Wadh (KhuzdarIII). This delimitation can result in a bloodletting election and everlasting tribal conflict.
10. That there is glaring disparity in the population of various other constituencies of the Balochistan Assembly as



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proposed by the delimitation committee. For example, BP-17 Jhal Magsi has been proposed as the constituency with lowest population of 149,225 and BP-24 Killa Abdullah being with the highest population of 407323. This shows that the delimitation committee has itself ignored the principle of equality of population in view of other factors and principles of delimitation.

11. That the ECP while delimiting the boundaries of a constituency is required to keep in mind certain important factors as the boundaries according to law must be drawn in such a manner that the constituents should have an opportunity to elect candidates they feel truly represent them. This usually means that constituency boundaries should coincide with communities of interest as much as possible. Communities of interest can be defined in a variety of ways. For example, they can be geographically defined communities delineated by administrative boundaries or physical features such as mountains or islands, or they can be 'communities' that share a common race, ethnic or tribal background, or the same religion or language. If constituencies are not composed of communities of interest, however defined, it may be difficult for representatives to serve the constituency well.
12. That unbalanced or discriminatory delimitation is called gerrymandering. Gerrymandering may be used to help or hinder a particular demographic, such as a political, ethnic,



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racial, linguistic, religious, or class group and in the instant case the dilution of the Bizenjo Tribe and its Sub Tribes by taking away their representation and voice of 16 years through dividing them in two constituencies falls under the definition of gerrymandering hence on this ground alone the Preliminary delimitation of the constituencies of District Khuzdar may be set aside and the proposal of the Objector may be accepted.

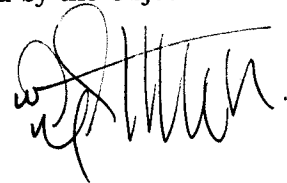
13. In view of above, it is hereby proposed on behalf of the Objector, that keeping in view of the principles of delimitation, there is no legal and / or any other justification for disturbing the existing constituencies of district Khuzdar, and constituency of PB-40 Khuzdar II as well as PB-39 Khuzdar I and PB-41 Khuzdar III may be delimited as per the existing delimitation done in the year 2002. The following is the proposal for delimitation of the three provincial assembly seats of District Khuzdar.

Copy of the Coloured Map of District Khuzdar in terms of Proposal is filed herewith and marked as Annexure "D"

PRAYER

It is humbly prayed that the ECP may delimit the District of Khuzdar in terms of the Proposal submitted by the Objector.

Islamabad.
Dated:



WALEED BIZENJO
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