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**BEFORE ELECTION COMMISSIONER OF PAKISTAN
THROUGH ITS SECRETARY CONSTITUTIONAL AVEENUE
ISLAMABAD**

REPRESENTATION NO. _____ 2018
(Against Draft Delimitation of Constituencies
PB- 29 QTA (V), PB-25 QTA (I) and PB-33 QTA (IX) of Quetta
District).

Tahir Mahmood Khan S/O Haji Shair Bahadur Khan
Sitting Member of Balochistan Provincial Assembly and Minister of Education,
Government of Balochistan,
Resident of Ziaee House Amirabad Tal Gudam Quetta PB 29

Petitioner

**REPRESENTATION IN FORM OF MEMORANDUM UNDER RULE
12 OF ELECTION RULES 2017 AGAINST DELIMITATION OF
CONSTITUENCIES PB-29 QTA (V) OF QUETTA DISTRICT AND
PB- 25 QTA (I) AND 33 QTA (IX) OF QUETTA DISTRICT
PUBLISHED BY ELECTION COMMISSION ON
RECOMMENDATION OF DELIMITATION COMMITTEE ON
05-03-2018**

I N D E X

S. No	Description of documents	Pages
1	Copy of the Petition	12
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4.	Copy of the Notification 1/Revenue/2017/Quetta/203-14 25-09-2017	15-17
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District Balochistan).

Tahir MAHmood Khan S/O Haji ShairBahadur Khan
Sitting Member of Balochistan Provincial Assembly
& Minister of Education, Government of Balochistan,
Resident of Ziaee House Amir-a-bad Tal Gudam Quetta (PB 29 QTA V)

PETITIONER

**REPRESENTATION IN FORM OF MEMORANDUM UNDER RULE
12 OF ELECTION RULES 2017 AGAINST DELIMITATION OF
CONSTITUENCIES PB-29 QTA (V) OF QUETTA DISTRICT AND
PB- 25 QTA (I) AND 33 QTA (IX) OF QUETTA DISTRICT
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05-03-2018.**

The petitioner respectfully submits as under:-

1. That petitioner, is a registered voter in Quetta District (PB-29 Qta V) and member of provincial Assembly Baluchistan and therefore is to make REPRESENTATION TO THE Commission.
2. That in retrospect, it would be proper to give short resume of

3. That the P.B 29 Quetta (V) along with other constituencies have published by the Election Commissioner of Pakistan. But the applicant have proposal for modification of Alteration of delimitation. Because great prejudice have been caused to the applicant as well as other voters of the constituency. The P.B 29 Quetta V consisted on urban, Ruler, Cantonment area Mountains, hills and (B) area. According to Map and voter lists that is largest constituency of province.

S/ 30/03/2018

That the area of the P.B 29 QTA V area of constituency is above to 60 kilometers Radius vector and hard the and approach to the voter are to much difficult .

4. That on 02-10-2017 legislation called: ELECTION ACT 2017 (Act No. XXXIII of 2017) was passed, important features whereof may be referred.

- A. (a) By section 241, following laws were repealed:
- i) Electoral Act 1974 (Act No.XXI of 1974),
 - ii) The delimitation of constituencies Act 1974 (Act No.XXXIV) of 1974),
 - iii) The senate (Election) Act 1975 (Act No.LI of 1975)
 - iv) The representation of people Act 1976 (act No.XXXV) of 1976)
 - v) Election Commission Order 2002 (Chief Executive Order No.7 of 2002)
 - vi) Political parties Order 2002 (Chief Executive order No.18 of 2002) and
 - vii) The allocation of Symbols Order 2002.

- B) Section 19 and 20 of Election Act 1917 dealt with:
- i) Delimitation of Constituencies and
 - ii) Principles of Delimitation and are reproduces.

8/20/03/2012

19. Delimitation of constituencies

- 1) For the purpose of election to, the National Assembly, the Commission shall divide.....
 - a) Each Province into as many separate territorial Constituencies as the number of general seats allocated to the province in Article 51 and,
 - b) Islamabad Capital Territory and the Federally Administered Tribal areas into as many separate territorial constituencies as the number of general seats respectively allocated to the Islamabad Capital Territory and the Federally Administered Tribal Areas in Article 51.
- 2) A province shall be single constituency for all seats reserved for Women which are allocated to each Province in Article 51.
- 3) The constituency for all seats reserved for Non-Muslim in the National Ass Assembly shall be the whole country.\
- 4) For the purpose of election to Provincial Assemblies, the commission shall divide each province into as many separate territorial constituencies as the number of general seats specified in Article 106.
- 5) The constituencies for the seat reserved for women and Non-Muslim in the Provincial Assemblies shall be such that each Province forms one constituency with as many such eats as are allocated to that Province in

- 6) For the purpose of election to the local Governments, the Commission shall carry out delimitation with due regard to the applicable local Government law.

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20. Principles of delimitation

1) All constituencies for general seats, 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 conveniences and other cognate factors** to ensure homogeneity in the creation of constituencies.

****Physical geography:***

The branch of geography concerned with the study of the earth's natural features, e.g. mountain ranges, ocean currents etc. CBAMBERS 21st Century Dictionary.

**** Cognate:**

1. Descended from or related to a common ancestor.
2. Said of words or language derived from the same original form.
3. Related akin CHAMBERS ibid.

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 in to one constituency.

3) As far as possible variation in population of constituencies of an Assembly or a local government shall not be ordinarily exceeded ten percent.

(6)

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”**

6) That, in pursuance of Election Act, Rules called. The Election Rules 2017 were framed on 09-11-2017, Chapter III whereof provided for delimitation of Constituencies of Assemblies where-under the commission had to carry out Delimitation of constituencies of general seats in an Assembly in accordance with Section -19 and the procedure laid down in chapter-III

On the basis of population in accordance with last preceding census officially published.

It may here by submitted that there is consensus that last preceding census held in 2017 was not officially published.

As shown here in after amongst ground of representation, the very exercise of delimitation on the basis of population may not be found lawful.

7) That it would have been seen from principles of delimitation under Section 20 of Election Act 2017, that there are two main rules to be followed in delimitation. One requires the constituencies not to vary more then 10pc in population and the others calls for them to remain within district boundaries. They both have merits but certainly cannot be adhered to simultaneously. If one is followed, the other is violated.

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The equalization of population has not been followed and variation in population is more than 10pc.

30/07/2019

This has happened despite Election Act 2017 calling for constituencies to be equal in population as far as possible and asking the Election Commission to provide justification if the size of constituencies varies by more than 10pc. Election Commission has provided justification were it considered necessary. But in most instances, inequality is direct outcome of the law itself that set the principles of delimitation.

A constituency is not allowed to cut across district a boundary which also means that each district shall have a whole number of seats.

The petitioner being highly aggrieved and justified from the boundaries of thee constituencies. Therefore preferring the representation on the following amongst other ground.

GROUND

- A. That the constituencies made by the commission are contrary to the facts, law and justice, therefore same are not acceptable and are liable to be modified/rectified.

Draft list of constituencies in form-5 warrants interference.

- S. M. / 30/07/2018*
- C. Because, indeed, as pointed out in para -6 admitted position is that the last preceding census conducted in year 2017 has not been officially published, therefore exercise of delimitation of constituencies done by the election commission through delimitation Committee was futile and not in conformity with article 2 of article 17 readwith Rule of the Election Rules 2017. The commission shall delimit constituencies after publishing census officially published
- D. Because, delimitation as notified in the gazette previously in relation to PB-1 QTA 1 to PB-6 QTA 6 confirmed to the principle of delimitation as given in Section 20 of Election Act heaving regard to distribution population in geographically compact areas physical features, boundaries of existing units, facilities of communication, public constituencies and other cognate to ensure homogeneity in the creation of constituencies.
- E. That the Election Commission of Pakistan has announce the 9 seats of the provincial Assembly according to the census 2017. PB-25 QTA I, PB-26 QTA II, PB-27 QTA III, PB-28 QTA IV, PB-29 QTA V, PB-30 QTA VI, PB-31 QTA VII, PB-32 QTA VIII, PB-33 QTA IX, The petitioner seeks review and recall of DRAFT list of constituencies as concerns PB-29 QTA (V) and PB-25 QTA (I), PB-33 QTA (IX) for QTA District, and to adjust to be reconstituted according to the population in geographically or compact areas physical features boundaries of existing units facilities of

a) 1ST Preference

To equalize the population of PB-29 QTA (V) & PB-25 QTA(I) and PB-33 QTA(IX) District Quetta. Additionally three circles from PB-29 QTA (V) are namely Hanna Sira Ghugi, Sira Khula and mining area PMDC, Shereen ab, Hoshail, Bojatil, Choki, Dub Balina (Sharqi) District Quetta may be excluded in PB-29 QTA (V) District. Resultantly, population of the PB-29 QTA (V) will be 2,214,45 District whereas the population of PB - 25 QTA (I) (2,64452) and PB-33 QTA (IX) 2,39,780 population which will be minimum equal to that of PB-25 QTA (I) and PB-33 QTA (IX) . By arrangement there is difference which would be less than 10 present and thus permissible without constraining the commission to give the reasons justifications. The Proposed Table Exclude and Include are below.

Proposed Table of Constituencies of Area and Population			
No. and name of Constituency	Exclude area & population of the area	Total Population	Balanced Population
PB-29 QTA V	Hanna. (P) 14,485	2,60,187	2,21445
	SiraGhurhak		
	(P) 11,730		
	Sira Khula 639		
	Mining area (P)11,888		
Total (P) 38,742	38,742(-)		

30/03/2018

Proposed Table of Constitution of Area and Population

No. and name of Constituency	Include area & population of the area	Total population	Balanced population proposed
PB-25 QTA I	Hanna. (P) 14,485	2,37,598	2,37,598
	Sira Ghugi (P) 11,730	26,854 (+)	26,854
	Sira Khula (P) 639		
	Total (P) 26,854		Total 2,64,452
	These Population are mentioned in Patwar Circle Durani II and Durani III,		
PB-33 QTA IX	Mining area 11,888		2,23,504
	PMDC 1037		
	Shereenab 852		16,276(+)
	Hushail 729	2,23,504	
	BojaTil 158	16,276(+)	Total 2,39,780
	CHoki 1363		
	Dub Balina 249		
	(sharqi) These Population are mentioned in Patwar Circle Durani II and Durani III,		

By arrangement there is difference which would be less than 10 present and thus permissible without constraining the commission to give the reasons justifications

The Concerned Map is enclosed as annexure.

1
8/30/03/2018

b) 2nd Preference

2nd preference is PB-29 QTA (V) second priority would be restored the old constituencies as notified in previous gazette. Old names of the PB-(I) QTA (I) and PB (VI) QTA (VI) and PB-(V) QTA (V). Respectively while keeping old patwar circle.

It is prayed accordingly.



PETITIONER

Tahir Mahmood Khan MPA
(Minister) Baluchistan

DATED:- / /2018

ENCLOSURES

I. As per index.

II. Eight 08 copies of representation.

Along with duly marked equal number of
Relevant Maps obtained from commission,
Pakistan Bureau of statistics or,
The Revenue Department on the scale
Approved by the Commission indicating
There in existing administrative and Revenue units in the District.

III. UN marked Maps (Point out) purposed by the petitioner.

IV. Voter List Certificate issued by the District Election Commissioner
Registration office Quetta.



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Resident of Ziaee House Amir a bad Tal Gudam Quetta PB 29

PETITIONER

**REPRESENTATION IN FROM OF MEMORANDUM UNDER RULE
12 OF ELECTION RULES 2017**

AFFIDAVIT

I, Tahir Mahmood (MPA) S/o Haji Sher Bahdur R/o Ziaee House
Amir Abad Tail Gudam Quetta, do hereby solemnly affirm and state on oath
that the contents of the Representation are true to the best of our knowledge
and nothing relevant has been conceal there from.


PETITIONER