



BEFORE THE ELECTION COMMISSION OF PAKISTAN

REPRESENTATION/OBJECTION PETITION UNDER SECTION 21(2) OF THE ELECTION ACT, 2017, READ WITH RULE 12 OF THE ELECTION RULES, 2017, AGAINST GERRYMANDERING IN THE DELIMITATION OF CONSTITUENCIES OF PROVINCIAL ASSEMBLY OF THE PUNJAB OF DISTRICT CHAKWAL.

Respectfully Sheweth;-

Subject Matter of the Objection Petition,-

That by the submissions, facts, grounds and prayer hereinafter, in essence, through the instant Representation/Objection Petition, the petitioner is aggrieved of and seeks correction in the Constituencies of district Chakwal, published *vide* ECP's Notification No. F.8(3)2018-Elec-1, dated the 5th March, 2018, under Section 21(1) of the Election Act, 2017 (hereinafter to be referred as "the Act"), read with Rule 11 of the Elections Rules, 2017, (hereinafter to be referred as "the Rules"), as **Preliminary List of Constituencies (the Impugned List)**. The claim in the titled Representation is, *inter-alia*, premised on violation of the well established Principles of Delimitation of Constituencies, administrative fairness, constitutional and statutory obligations, duties and violation of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan-1973, (hereinafter to be referred as "the Constitution"). The impugned Constituencies published in the Preliminary List *vide* Notification referred to above are Gerrymandered, without application of independent mind, beyond jurisdiction without observing the procedure laid down under Section 21(1)*ibid.* and evidently incipient, arbitrary, unreasonable, unfounded, tenuous, speculative, irrational, unsubstantiated and illegal, the same is violative of the Constitution and the **Principles of Delimitation of Constituencies** enshrined in the Act.

That the instant Representation / Objection Petition has arisen out of the following necessary facts;

1. That I, Raja Ghulam Abbas S/O Raja Ghulam Haider ,NIC # 37201-4788237-9 R/O Village Chak Khushi, Tehsil Kallar Kahar, District Chakwal is bona-fide resident and registered voter of Constituency No. PP-22 Chakwal-II, of district Chakwal, delimited and published in the Preliminary List of Constituencies.
2. That the Election Commission of Pakistan has published Preliminary List of Provincial Assembly Constituencies of district Chakwal along-with other districts of the Punjab, vide ECP's Notification No. F.8(3)2018-Elec-1, dated the 5th March, 2018. (Annexure-A).
3. That Chakwal district administratively comprising Four Tehsils, i-e, Chakwal, Talagang, Choa Saidan Shah and Kallar Kahar with different physical features and cultures etc, summary and calculation of quota is given hereunder;-

Summary of District Chakwal


Name of Area	Population, Census-2017
District Chakwal	1,495,982
Tehsil Chakwal	656,978
Tehsil Choasaidan Shah	141,844
Tehsil Talagang	401,607
Tehsil Kallar Kahar	169,660
Number of PA Seats allocated	4
Quota for each PA seat of Chakwal District	$1,495,982/4 = 373,996$
Maximum upper limit of Population	392,696
Maximum Lower limit of Population	355,296
Maximum permissible variation of population between two or more constituencies of Chakwal	37,400

4. That the delimitation of district Chakwal as a whole is illegal and unsustainable, as some constituencies have been delimited in violation of natural boundaries and having no regard of ground realities etc.
5. That the ECP has carved out 4 provincial Assembly Constituencies of district Chakwal as under,-

ECP Proposed Constituencies for Provincial Assembly of the Punjab of District Chakwal		
No. & Name of Constituency	Extent of Constituency	Population
PP-21 Chakwal-I	(a) Chakwla MC;	138146
	(b) The following QHs of Chakwal Tehsil:-	
	(i) Chakwal-I;	40066
	(ii) Chakwal-II;	31865
	(iii) Mangwal; and	53767
	(iv) Nila;	42591
	(c) Mureed PC of Balkasar QH of Chakwal Tehsil:-	11928
	(d) Bhaun MC;	18822
	(e) the following PCs of Dhudial QH of Chakwal Tehsil;	6329
	(i) Harchahar Dhab;	11999
(ii) Chak Naurang; and	19728	
(iii) Dhudial;		
of Chakwal District		
	Total Population of the Constituency	375241
	(a) Choa Saidan Shah Tehsil;	141844
	(b) The following QH of Chakwal Tehsil:-	
	(1) Khanpur;	103784
	(2) Karyala; and	49900
	(3) Dhudial excluding following PCs:-	89395
	(i) Harachal Dhab;	-6329
(ii) Chak Naurang; and	-11999	

PP-22 Chakwal-II	(iii) Dhudial;	-19728
	(c) The following PCs of Kallar Kahar QH of Tehsil Kallar Kahar:- (i) Khai; (ii) Karooli; (iii) Khandoola; (iv) Kherpur; and (v) Khokhar Bala; of Chakwal District	5765 4984 3930 6713 3121
	Population of the Constituency	371380
PP-23 Chakwal-III	(a) Balkasar QH of Chakwal Tehsil excluding Mureed PC;	95536
	(b) The following areas of Kallar Kahar Tehsil:- (1) Kallar Kahar MC; (2) Bhoochal Kalan QH; (3) Kallar Kahar QH excluding following PCs:- (i) Khai; (ii) Karooli; (iii) Khandoola; (iv) Kherpur Bala; (v) Khokhar Bala; (c) Talagang MC; (d) The following QH of Tehsil Talagang:- (i) Talagang Sharqi; and (ii) Talagang Garbi; of Chakwal District.	24981 84179 41678 -5765 -4984 -3930 -6713 -3121 63855 29395 65259
	Total Population of the Constituency	380370
PP-24 Chakwal-IV	(a) Lawa Tehsil;	125893
	(b) The following QH of Talagang Tehsil: (i) Jhatla; (ii) Kot Sarang; (iii) Mayal; (iv) Multan Khurd; and (v) Tamman; of Chakwal District	80049 40696 34032 35347 52974
	Total Population of the Constituency	368991

6. That the Map of District Chakwal marked with Provincial Assembly Constituencies shows that PP 23 Chakwal-III has been delimited in a manner that the same bifurcate the district into two different parts, its starts from Khushab district and ends near Chakri Tehsil Taxila District Rawalpindi.(ECP map is at **Annexure- B**).
7. That the Hilly area know as WANHAR comprising Bochhal Kalan QH is natural part of Salt Range and an integral part of the same Range forming part of Tehsil Choa Saidan Shah.
8. That detachment of Bochhal Kalan from Salt Range and inclusion in plain area of Chakwal is un-natral and unlawful.
9. That Bifercation WANHAR area is against the principles of delimitation, the delimitation has also divided the tribe and hundreds years ties of people of the area with eachother.
10. that Natural boundaries have not been kept in mind by the Committee while carving out the constituencies of district Chakwal. Salt Range has been attached with pothohar and pain area.
11. That the homogeneity of the area has been injured seriously and people different cultures have been mixed which had never been done in the past.
12. That the problems and the resources of salt range soan Valley and the Nothern part of the district is entirly different and have no commonality, hence, Constituencies are un-sustainable and nullity in the eyes of law.
13. That the Hilly area of Tehsil Kallar kahar and Choa saidan Shah having same physical features and common culture are natural ally and be kept together as it was done in the past.
14. That Hilly area of both Tehsil had never been the part of Nila, Mangwal Balkasar QHs due its entirely different feature, resources, rites, culture and spurces of living.

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15. That Constituency PP-23 has been created like " Wall of China" which separates the district into two parts against the principles of delimitation of constituencies.
 16. That Constituency is almost more than 110 Kilometers long, which is against the facility of people and the ground realities and a BUFFER STATE has been created in the district under ulterior designs.
 17. That constituency has caused magnifying the problem and miseries of people instead of providing them facility and mitigating the problems of voters as well as candidates.
 18. That the impugned Constituencies are unsustainable *inter-alia* on the following grounds among others;-

GROUNDS

- a) That the constituencies are *de jure* apportionment of space for the purpose of electing representatives of people living in the territorial limits of a democratic state and the elected representatives represent not only the people but also their respective segments of territory, the constituencies.
- b) That these two — the land and the people — and the prevailing law of the country provide the basis for constituency boundaries and their delimitation. The laws concerning constituencies can have two dimensions. The first is related to the laws of enfranchisement as to who among the population have the right to vote. This gives the total number of electors and the number of representatives to be elected and the other aspect of constituencies is the actual drawing of boundaries and enclosing people within the constituency framework. This is indeed a sensitive issue for several reasons.
- c) That first, a lack of understanding of the human geography of the area can divide up people who may in effect lose their representation or voice in the legislature. Second, the division of space into constituencies can be so



organised that it may carve out either a safe support base for a party or a candidate, or create a combination of societal forces which are opposed to a particular party or candidate. Thirdly, a new boundary can change the pattern of electoral representation in the legislature.

- d) That different sets of electoral constituency boundaries can produce different election outcomes, even if the underlying vote patterns are identical. Electoral abuses such as ill-proportioned constituencies (electoral constituency that vary substantially in population) and electoral constituency that have been “gerrymandered” (constituency boundaries intentionally drawn to advantage one political group at the expense of others) can have profound effects on the outcome of an election and the composition of a parliament or an elected body of representatives. If voters and other stakeholders suspect that the constituency boundaries have been unfairly manipulated to produce a particular political outcome, this will affect the credibility of the delimitation process. The legitimacy of the electoral outcome itself could be questioned.
- e) The basic object of delimitation is to secure, so far as practicable, equal representation for equal segments of the population in legislative bodies. Apportionment|| or delimitation or—redistricting|| has the—aim of equalizing the population (or electorate) per seat, in accordance with the principle of one person, one vote, one value. This is usually done with regard to stated constraints of administrative convenience, contiguity, geographical, and communication factors; and unstated influences of party-political advantage. In other words, the delimitation aims at ensuring the observance of the basic tenet of democracy; one man, one vote’. The Principles of delimitation under the Election Act, 2017, include having regard to distribution of population in geographically compact



areas, existing boundaries of administrative units, facilities of communication and public convenience and other cogent factors to ensure homogeneity in the creation of constituencies.

- f) The other equally important aim of delimitation is to divide the geographic areas into territorial constituencies so fairly that no party or candidate may legitimately have a grievance that there has been gerrymandering of constituencies in favour of or against the interests of any particular party or candidate. Suggesting that the right to cast a ballot is meaningless if that ballot is undervalued relative to a ballot cast by a voter in a less populated district. Gerrymandering is —drawing of district boundaries so as to favour one's own chances in future elections.... strategies for gerrymandering have been characterized as — packing’, and cracking’, each of which seeks to minimize the influence of those likely to vote for opponents. -- packing’ when opponents are concentrated in a small number of constituencies; and — cracking’ when opponents are divided between a large number of constituencies,
- g) That the **Principle of Delimitation** have been enumerated under section 20 of the Election Act, 2017, which reads 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.*
- (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."*

h) That we can easily identify and enumerate the Principles of Delimitation which law provides to be complied with, respected and implemented in letter and spirit while delimiting the electoral constituencies, so the not only the candidates but also the voters could be benefited. We can number such principles as under;-

- a) Distribution of Equal Population,
- b) Geographical Compactness,
- c) Physical Features,
- d) Existing Boundaries of Administrative Units,
- e) Facility of Communication,
- f) Public Convenience, And
- g) Homogeneity,

i) That procedure for delimiting constituencies has been provided under Sub-rules 3 to 5 of Rule 10 of the Election Rules, 2017, reproduced as under-,

"(3) In preparing draft proposals for delimitation of constituencies, the Delimitation Committee shall follow the principles of delimitation as laid down in section 20, procedure given in this Chapter and the guidelines provided by the Commission from time to time.

(4) The constituency for an Assembly shall not ordinarily extend to more than one district except in exceptional circumstances for reasons to be recorded by the Delimitation Committee:

Provided that a Patwar Circle or, as the case may be, a Tapedar Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:

Provided further that in case of urban areas census circle shall not be broken under any circumstances.

- (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."*

Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to that district or agency:

Provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit.

- j) That the provincial Assembly Constituencies of Chakwal District lacking basic very important Principles i-e- Equal Distribution of Population and Geographical Compact areas, homogeneity and having regard of Natural Boundaries.
- k) That the Constituencies have been delimited preliminarily without keeping in view the facts on ground and the principles of delimitation of constituencies.
- m) That keeping in view the principles as enshrined under the law a plausible proposal/suggestion has been prepared for the consideration of this Hon'ble commission . the Same is as under;-



Counter Proposal of Constituencies for Provincial Assembly of the Punjab, District Chakwal		
No. & Name of Constituency	Extent of Constituency	Population
PP-21 Chakwal-I	1) The following areas of Chakwal Tehsil;-	53,767
	1. Mangwal QH, excluding the following PCs;-	-5,678
	i. Fareed Kassar	-6,834
	ii. Jethal,	-6,294
	iii. Saral, and	-6,544
	iv. Fim Kassar,	42,591
	II. Nila QH,	107,464
	III. Balkasar excluding Mureed PC.	-11,928
	2. The following areas of Talagang Tehsil;-	63,855
	I. Talagang MC,	29,395
	II. Talagang Sharqi QH,	65,259
	III. Talagang Gharbi QH. and	24,981
	3) The following areas of Tehsil Kallar Kahar;-	3,920
	Kallar Kahar MC,	6,107
The following PCs of Kallar Kahar QH;-	4,853	
i. Bharpur Gang,	2,285	
ii. Bharpur Kalan,		
iii. Walana, and		
iv. Maira,		

	of district Chakwal	
	Total Population of the Constituency	367,199
PP-22 Chakwal-II	The following areas of Tehsil Chakwal.	138,146
	I. Chakwal MC,	18,822
	II. Bhoun MC.	11,928
	III. Mureed PC of Balkasar QH	40,066
	IV. Chakwal-1 QH,	31,865
	V. Chakwal-2 QH	89,395
	VI. Dhudial QH,	
	VII. The following PCs of Karyala QH;-	7,024
	i. Chak Malook,	6,312
	ii. Bhudial, and	5,591
iii. Hardosaba, and	5,678	
VIII. The following PCs of Mangwal QH;-	6,834	
i. Fareed Kassar	6,294	
ii. Jethal,	6,544	
iii. Saral, and		
iv. Fim Kassar,		
	Population of the Constituency	374,499
PP-23 Chakwal-III	1. Tehsil Choa Saidan Shah;	141,844
	2. Tehsil Kallar Kahar, excluding the following areas ;-	169,660
	i, Kallar Kahar MC,	-24,981
	ii. Bhaun MC,	-18,822
	iii. The following PCs of Kallar Kahar QH;-	-3,920
	a) Bharpur Gang,	-6,107
	b) Bharpur Kalan,	-4,853
	c) Walana, and	-2,285
	d) Maira,	103,784
	3. The following areas of Chakwal Tehsil;-	49,900
a) Khanpur QH;-	-7,024	
b) Karyala QH excluding the following PCs;-	-6,312	
i. Chak Malook,	-5,591	
ii. Bhudial, and		
iii. Hardosaba,		
of Chakwal District		

	Total Population of the Constituency	385,293
PP-24 Chakwal-IV	(a) Lawa Tehsil;	125,893
	(b) Talagang Tehsil excluding the following areas;-	401,607
	I. Talagang MC,	-63,855
	II. Talagang Sharqi QH,	-29,395
	III. Talagang Gharbi QH.	-65,259
	of Chakwal District	
	Total Population of the Constituency	368,991

- n) That above proposal / suggestion is submitted to avoid gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted meets the requirement of law and based on **Principles of Delimitation of Constituencies** for the conduct of free, fair and just elections in district chakwal as envisaged under the Constitution. Furthermore, the just and fair creation of electoral constituencies is the pre-requisite of just and fair elections, if the constituencies are gerrymandered, the election's results cannot attain legitimacy which resultantly injure the credibility of Parliament and Legislative bodies. (Map of Proposed Constituencies is at Annexure-C).
- o) That the proposal has also been supported with map and extent of constituencies. The constituencies demarcated on the map, are geographically compact areas and the population has been distributed almost equally. Whereas all the constituencies ensure complete homogeneity and facility of people. Communication network has dully been kept in view while carving out all 4 constituencies of the district Chakwal.

PRAYER.

It is, therefore, very humbly prayed that the proposal / suggestion submitted may kindly be considered on merits and any type of gerrymandering may be checked and avoided to ensure free, fair and just election in accordance with the

constitution and the law and to give level playing fields to all candidates and to promote the essence of democracy and also to attach legitimacy with the elected representatives of the Parliament and provincial Assemblies.

Further prayed that the proposal may kindly be considered in light of Principles of delimitation and ground realities of district, its physical features, culture and natural boundaries to make the constituencies Compact and Contiguous for the sake of law, justice and fair-play and delimit just constituencies in accordance with law and rules.

Petitioner



Raja Ghulam Abbas S/O Raja Ghulam Haider
R/O Nila, Tehsil & District Chakwal
Contact # 0332-5901212

Through

Raja Rizwan Abbasi,
Advocate, High Court
Bloch No. 23, PHA Appartments,
G-7/1, Islamaabad

VERIFICATION

Verified on oath on this-----day of March, 2018 at Islamabad that the contents of the above Representation / Objection Petition are true to the best of my knowledge and belief.

Petitioner

