

To:

**The Secretary,**  
Election Commission of Pakistan,  
Election Commission Secretariat,  
Sector G-5/2, Constitution Avenue,  
Islamabad.

On Behalf of:

**Mirza Muhammad Nasir Baig**  
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3<sup>rd</sup> March 2018

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**Representation Against Proposed Delimitation Of Constituencies Of Provincial Assembly Of District Lodhran Filed Under Rule No.12 Of The Election Rules 2017, Section No.20 Of Election Act 2017, Read With All Enabling Provisions Of Relevant Laws.**

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It is most respectfully submitted as under:

**ABSTRACT:**

The instant representation is regarding Patwari Circle Jamrani Wah ("PC Jamrani Wah"); which was originally a part of Qanongo Halqa Kehror Pacca ("QH Kehror Pacca") and was within the territorial jurisdiction of PP-209. However, the draft list of constituencies ("Proposed Draft") of Province of Punjab, as published by the Election Commission of Pakistan ("ECP"), has included PC Jamrani Wah with Qanongo Halqa Dunyapur ("QH Dunyapur") and within the territorial jurisdiction of PP-228 which is a clear breach of Section No.20 of the Election Act 2017 ("Election Act"), the rules framed thereunder and the fundamental rights enshrined in the Constitution of Islamic Republic of Pakistan, 1973 ("Constitution").

**BACKGROUND:**

1. The captioned representation is filed by Mirza Muhammad Nasir Baig ("Applicant") who is a bonafide resident and enrolled as a voter on the electoral list of District Lodhran. The Applicant, being a veteran politician and a former Federal Minister, has endeavoured to safeguard vested interests of his fellow citizens generally and residents particularly during his unblemished tenure at the following offices:

- Member District Council Multan 1987-1991;
- Member District Council Lodhran 1991-1994;
- Member National Assembly 1988-1990 from NA 118 (Multan 5);
- Member National Assembly 1993-1996 from NA 118 (Lodhran 2);
- Chairman Standing Committee Science & Technology 1994-1996; and
- Chairman Pakistan Mineral Development Corporation 2010-2013.

*(Copy of voter certificate is annexed herewith as Annexure A)*

2. As delegated by the Articles 218 and 222 of the Constitution and mandated under Section 20 of the Election Act, the ECP has carried out the process of delimitation of the constituencies through its Delimitation Committee for the upcoming general elections and published a Proposed Draft.
3. A cursory glance of Proposed Draft transpires that Delimitation Committee has blatantly violated and miserably failed in adhering to the principle criterion laid down under Constitution, Election Act and Election Rules 2017 ("**Election Rules**").

#### **RELEVANT LAW:**

4. It is pertinent to mention that statutory laws as well as *stare decisis* has been laid down and upheld for the process of delimitation. For ease of reference the significant portions of the applicable laws are being reproduced herein below:

##### **i. Constitution of Pakistan**

*"Article 218. Election Commission. (1) .....*

*(2) .....*

*(3) It shall be the duty of the Election Commission to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.*

##### **ii. "Article 222. Subject to the Constitution, Majlis-e-Shoora (Parliament) may by law provide for:**

*a. ....;*

*b. the delimitation of constituencies by the Election Commission;*

*c. the preparation of electoral rolls, the requirements as to residence in a constituency, the determination of objections pertaining to and the commencement of electoral rolls;*

*d. ....;*

*e. matters relating to corrupt practices and other offences in connection with elections; and*

*f. ....;*

*but no such law shall have the effect of taking away or abridging any of the powers of the Commissioner or an Election Commission under this Part."*

##### **iii. Election Act**

*"Section 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) .....

(3) *As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.*

(4) ....."

iv. **Election Rules**

*"Rule 10. Draft proposals for delimitation of constituencies. (1) .....*

(2) .....

(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) .....

(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 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.*

(6) .....

(7) ....."

**SITUATION AS PER PROPOSED DRAFT:**

5. As per the Proposed Draft the PC Jamrani Wah has been alienated from the rest of its adjoining Patwari Circles that jointly constitute QH Kehror Pacca i.e. PP-224 Lodhran-I and has now proposed to be made part of PP-228 Lodhran-V i.e. QH Duniyapur.

*(Copy of Proposed Draft and Map in line with the Proposed Draft are annexed herewith as Annexure B & C respectively)*

**SUGGESTED AMENDMENT**

6. For reasons illustrated below, it is urged that PC Jamrani Wah should remain part of QH Kehror Pacca i.e. PP-224 Lodhran-I and not be alienated therefrom.

*(Copy of Map reflecting the suggested amendment is annexed herewith as Annexure D).*

**GROUNDS**

7. The Delimitation Committee has failed to follow the procedure laid down under Rule No.12 of Election Rules which obligated *"the Delimitation Committee shall follow the principles of delimitation as laid down in section 20"*.

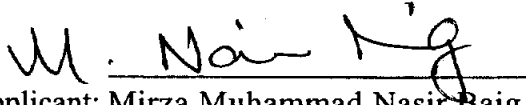
8. Distance wise PC Jamrani Wah is within the administrative unit of QH Kehror Pacca and is not within the vicinity of QH Duniyapur by any stretch of imagination. Delimitation Committee has flagrantly snubbed the benchmarks of "*existing administrative units*" as laid down in Section No.20 of the Election Act.
9. It is noted that PC Jamrani Wah is approximately 15 kilometres far away QH Duniyapur which it is hardly 6 kilometers from QH Kehror Pacca. It is clear that the Delimitation Commission has shown no respect or sanctity to the statutory requirement of maintaining "*geographically compact areas*". The inclusion of PC Jamrani Wah with the far-flung region of QC Duniyapur will cause of disfranchising in local people as the same is not contiguous with their territorial unity. It will be undeniably difficult for representatives and their voters to access each other during the campaigning phase. Additionally, even after the elections the elected representative from this constituency would not be readily available to address the concerns of the people of PC Jamrani Wah due to this logistical controversy.
10. It is highlighted that there is no road link or railway link that connects PC Jamrani Wah with QH Duniyapur whereas the Delimitation Committee was duty bound to consider "*facilities of communication and public convenience*".
11. Further, historically and geographically PC Jamrani Wah has always been a part of QH Kehror Pacca. All the civic facilities including but not limited to hospitals and schools are laid down and maintained in line with the administrative unit of QH Kehror Pacca. Therefore, it is noticed that the Delimitation Committee has not considered any of the "*other cognate factors to ensure homogeneity*".
12. The Constitution requirement to "*ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against*" denotes significance the legislature attaches to transparency. Anything that may diminish public confidence and result in deterring people from participating in the decision-making process concerning their lives is gerrymandering and is likely to wreak havoc.
13. The right to franchise is a fundamental right because the Constitution in its *Preamble* commands that the sovereignty over the entire universe belongs to The Almighty alone and is to be exercised by the people of Pakistan and "*the State shall exercise its powers and authority through the chosen representatives of the people*"; since the representatives can be chosen through elections, therefore, the right to vote in an election to choose/represent is a fundamental right. Any adverse action in violation of fundamental rights will have far reaching effects on the country and freedom to vote shall become a tale of the past.
14. The impact of the derogation of cardinal principles of compactness, contiguity and territorial unity amounts to gerrymandering with an aim to manipulate the contours of the local areas in a manner to benefit the present government. Further the Proposed Draft is not in harmony to the basic objects of delimitation as laid down by the Honourable Lahore High Court vide its judgement reported as PLD 2014 Lahore 221.
15. It is pertinent to mention here that Pakistan has also ratified *International Covenant on Civil and Political Rights* wherein it is stated under paragraph 21 of *General Comment 25*, that the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group

and should not exclude or restrict the right of citizens to choose their representatives freely.

16. It is vehemently emphasised that all such potential threats to our democracy must be snubbed at their very inception and it should be ensured that power is not saturated in the hands of only a few; a phenomenon that also undermines social justice, as guaranteed by Articles 3, 25 and 38 of the Constitution.

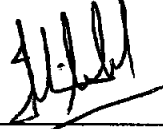
In view of the foregoing it is humbly submitted that the instant representation may kindly be accepted and the Proposed Draft may be declared null and void to the extent of PP-224 Lodhran-1 and PP-228 Lodhran-V and same PPs may graciously be re-delimited in consonance with amendments suggested by the undersigned so that the sanctity of the vote of the people of PC Jamrani Wah can be adequately protected.

Profound Regards,

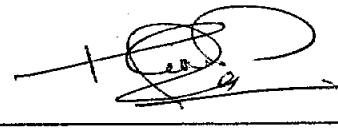


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Through Counsels:



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