

Jcr
4/4/18

To,

**Secretary,
ELECTION COMMISSION OF PAKISTAN**

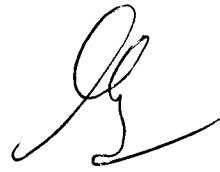
**SUBJECT: REPRESENTATION AGAINST THE
GERRYMANDERING OF CONSTITUENCIES OF
PROVINCIAL ASSEMBLY "PP-224, PP225, PP-226, PP-
227 AND PP-228 DISTRICT LODHRAN.**

Representation made by:

**Muhammad Kamil son of Mian Muhammad Aslam resident of PO Rawani, Kotli Jahandir, Tehsil and District Lodhran. CNIC 36203-8369324-1
Mob: 0345-7343941**

It is respectfully submitted as under:

1. That petitioner, Muhammad Kamil, is registered voter of District Lodhran and intend to contest forthcoming General Elections to be held in the year 2018 for the seat of member Provincial Assembly from District Lodhran.
2. That Election Commission of Pakistan has issued Notification dated 05-03-2018 which was published in Official Gazette on 08-03-2018 in which preliminary list of constituencies for the national assembly and Provincial Assemblies have been provided.
3. That it has been learnt that some experienced and influential politicians of the Lodhran also enjoying high offices in the incumbent regime are trying to get created safe constituencies



2

through gerrymandering, to influence the results of elections and to ensure their unlawful victory in the elections. Furthermore, they are communicating to the voters of the district that they have managed to get divided the district Lodhran in such a manner that the opponents will not be in a position even to contest election against the candidates of a particular Party/Group, as they have succeeded to gerrymander the constituencies of district Lodhran to ensure their return in the Assembly.

4. That it would not be out of place to mention here that if such elements who are claiming gerrymandering, get succeeded to bypass the principles of delimitation of Constituencies as provided in the law and best international practices adopted for the delimitation of electoral constituencies, then conduct of poll shall be a just symbolic exercise and of no use, hence to promote democracy and to provide a level playing field for all the contestants, it is absolutely necessary to delimit the constituencies justly, fairly and in accordance with the principles of delimitation of constituencies and best international practices.
5. That the delimitation of provincial constituency specially PP-225 to PP-227 have not been delimited in accordance with the requirement of Section 20 of The Election Act, 2017 (Act 2017). Said section is reproduced here for facility of reference:-

Je

3

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.

Bare perusal of above section the yardsticks as given therein have not been followed. The delimitation has not been made "clockwise" viz: by starting from North to East then towards South and then West. Whereas perusal of Map regarding District Lodhran, delimitation has been made anti clockwise. Thus the delimitation of provincial constituencies especially PP-225 to PP-227 have been disturbed which have not been proposed as per said criteria.

6. That delimitation is a serious business which could not be done in a slipshod manner or in spur of the moment but it required hectic and strenuous efforts. Electoral districts were delimited in different ways sometimes they were drawn based on traditional boundaries sometimes based on the physical characteristics of the region and, often, the lines were drawn based on the social, political and cultural contexts of the area. Therefore, while

Jy

4

preparing preliminary proposal, for provincial constituency mentioned supra, following yardstick should be observed

- a. Geographical compactness of area,
- b. Distribution of population in uniformity,
- c. Physical features
- d. Existing boundaries of Administrative Units,
- e. Facility of Communication,
- f. Convenience of public at large
- g. Other cognate factors ensuring Homogeneity

Perusal of draft of preliminary proposal reveals that above said principles of delimitation, as provided under the law, have not been kept in mind rather they have been deviated from which is against the mandatory requirement of Section 20 of Act 2017 and rules made thereunder. Draft proposal have been prepared while sitting in the offices using google maps without physical verification in accordance with requirements and criteria laid down for the said proposal.

7. That procedure for delimitation of constituencies has been provided in Sub-Rules 3 to 5 of Rule 10 of the Election Rules, 2017. Said sub-Rules of Rule 10 are reproduced here for facility of reference:

"(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.



5 -

- (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."

While preparing draft proposal for delimitation of provincial constituencies, neither the requirement of Section 20 nor Sub-Rules 3 to 5 of Rule 10 have been complied with or followed. In PP-225 to PP-227 exiting boundaries of administrative units such as limits of Tehsils have been broken. Patwar Circles/ Halqa Kanoongo of Rawani has been broken and Chonnu Shahbaz and Rawani have been excluded from PP-226 Lodhran III and has been included in PP-227. Even Kanoorgo Halqa is known as Rawani whereas main village/Mouza Rawani has been excluded therefrom. This Kanoongo circle remained part of same constituency previously numbered as PP-211. It is relevant to mention here that one Tariq Masood son of Namat Ali has also filed a representation/objections against delimitation of theses



6-

connected constituencies i.e. PP-224 to PP-228. In the said objection he had also raised objections by highlighting that Rawani and Chonnu Shahbaz remained part of one constituency, as stated above and had wrongly been detached from said constituency, PP-226 and included in PP-227 Lodhran-IV. Similarly, /Kanoongo Bhootiji have also been broken and Malikpur and Pogelwari have been excluded from PP-225 Lodhran-II and included in PP-226 partially. As highlighted above, administrative unit including limits of Tehsil and Halqa Kanoongo or Patwar circle should not be disturbed or broken but perusal of proposed delimitation clearly shows that said administrative unit have been blindly distributed by dividing them into different constituencies detailed supra. It has not only causing inconvenience to public at large but also affect the compactness of areas and cultural and social bonds which is against the said Section 20 and sub Rule 3 to 5 of Rule 10 of Election Rules 2017.

8. That if Patwar circle Rawani is made compact and chonnu Shahbaz are reallocated in PP-226 and similarly Kanoongo circle Bhootiji is made compact and Malikpur and Pogelwari are included in PP-225 then allocation of abadis/voters shall be as follows:



ly

PP-224 Lodhran-I	a. MC Kehror Pacca; b. Kehror Pacca QH excluding the following PCs i. Jarmani Wah and ii. Pacca c. Dakhna Gharo QH; and d. The following PCs of Amirpur Sadaat QH: - i. Chowki Rangu Khan; and ii. Muhammad Sai of Lodhran District	3,44,160
PP-225 Lodhran-II	a. MC Lodhran; b. The following CHs of Lodhran Tehsil i. Lodhran, and ii. Bhootiji of Lodhran District	<u>3,68,749</u>
PP-226 Lodhran-III	a. The following QHs of Lodhran Tehsil:- i. Gogran, ii. Rajapur; iii. Rawani of Lodhran District	<u>3,35,921</u>
PP-227 Lodhran-IV	a. MC Dunyapur; b. The following QHs of Dunyapur Tehsil i. Dunyapur; and ii. 02/L c. The following PCs of 034/M QH of Dunyapur Tehsil: - i. 038/M ii. Fateh pur iii. Kotli Wajwa iv. 044/M; and v. Chak No. 001 to 4/MPR of Lodhran District	<u>3,20,523</u>
PP-228 Lodhran-V	a. The following QHs of Dunyapur Tehsil: 1. 12/L; 2. 034/M excluding the following PCs i. 038/M; ii. Fateh pur iii. Kotli Wajwa; iv. 044/M; and v. Chak No. 001 to 4/MPR b. The following areas of Kahrur Pacca Tehsil: 1. Amirpur Sadat QH excluding the following PCs: - i. Chowki Rango Khan; and ii. Muhammad Saai 2. Dhanote TC (OLD)	<u>3,31,269</u>

lu

	c. the following PCs of Kharor Pacca QHs: - 1. Jamrani Wah; and 2. Pacca of Lodhran District	
--	--	--

9. That the petitioner has made efforts over the map issued by ECP and has made draft proposals and earmarked the boundaries of constituencies in red color in accordance with the requirement of Section 20 of Act, 2017 read with Sub-Rule 3 to 5 of Rule 10 of Election Rules 2017 for consideration and facilitation of forum which may kindly be read as part hereof.

It is, therefore, respectfully prayed that gerrymandering of provincial constituencies of District Lodhran, as proposed in draft proposals may kindly be set aside and the delimitation of provincial constituencies of District Lodhran may kindly be ordered to be made in accordance with the draft proposals, annexed with the instant presentation, made by the petitioner in accordance with the principles of delimitation as proposed in the attached map and full particulars of the area

Petitioner

Through

MS

MUHAMMAD ILYAS SHEIKH
ADVOCATE SUPREME COURT OF PAKISTAN

MUHAMMAD TAIMUR MALIK
Advocate High Court

ly

BEFORE HONOURABLE ELECTION COMMISSION OF PAKISTAN

AFFIDAVIT

I, **Muhammad Kamil** son of **Mian Muhammad Aslam** resident of PO Rawani, Kotli Jahandir, Tehsil and District Lodhran. CNIC 36203-8369324-1 do, hereby, solemnly affirm and declare That instant presentation has been drafted under my instruction and I adopt its contents as true and correct to the best of my knowledge and belief. This affidavit may kindly be read as integral part of accompanying presentation.

[Signature]
DEPONENT

VERIFICATION

Verified on Oath at Rawalpindi on this 24th day of April 2018 that contents of affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed.

I affirm that the above
is true to the best of
my knowledge and belief
[Signature]

[Signature]
ATTESTED
Muhammad Sayyad Amin
Oath Commissioner
Appointed w.e.f 25-4-2009 to 24-4-2012
Extension w.e.f 25-4-2012 to 24-4-2015
2nd Extension w.e.f 25-4-2015 to 24-4-2018
District & Session Court Rawalpindi.

[Signature]
DEPONENT

[Signature]
Muhammad Sayyad Amin, B.A., LL.B
(Retd) PS To Hon'ble Judge
High Court of Sindh
Oath Commissioner Rawalpindi