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**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 GUJRAT.**

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 Gujrat, published *vide* ECP's Notification No. F.8(3)2018-Elec-1, dated the 5<sup>th</sup> 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.

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

1. That we are bona-fide resident and registered voter of Constituency No. PP-34 Gujrat-VII, PP-33 Gujra-VI, PP-32 Gujrat- V, as proposed in the Preliminary List of Constituencies.
2. That Gujrat district comprising Three Tehsils, i-e, Gujrat, Sarai Alamgir and Kharian, summary of the district is given as under;-

**Summary of District Gujrat**

Name of Area	Population, Census-2017
District Gujrat	2,756,110
Tehsil Gujrat	1,497,865
Tehsil Kharian	1,010,912
Tehsil sarai Alamgir	247,333
Number of PA Seats allocated	7
Quota for each PA seat of District	$2,756,110/7=393,730$
Maximum upper limit of Population	413,416
Maximum Lower limit of Population	394,043
Maximum permissible variation of population between two or more constituencies of Gujrat	39,373

3. That the Election Commission of Pakistan has published Preliminary List of Provincial Assembly Constituencies of district Gujrat along-with others districts, by the ECP vide ECP's Notification No. F.8(3)2018-Elec-1, dated the 5<sup>th</sup> March, 2018. (Annexure-A).
4. That the ECP has carved out Constituencies of Gujrat District from PP - 28-Gujrat-I to PP- 34 Gujrat-VII, as following;-

No. & Name of Constituency	Extent of Constituency	Population
PP-28 Gujrat-I	The following QH of Gujrat Tehsil:- 1. Tanda-I 2. Tanda-II 3. Pero Shah-I	

	<p>4. Pero Shah-II 5. Daulat Nagar-II excluding the following PCs: i. Chechian Shammass and ii. Bahuwal (a) The following PCs of Jalalpur Jattan-II QH: i. Thimka and ii. Bharaj</p>	
	of Gujrat district	
	<b>Total</b>	375119
<b>PP-29 Gujrat-II</b>	<p>(a) Jalalpur Jattan MC (b) Jalalpur Jattan-I QH of Gujrat Tehsil (c) Jalalpur Jattan-II QH excluding the following PCs: i. Thimka and ii. Bharaj (d) Daulat Nagar-I H of Gujrat Tehsil (e) The following PCs of Daulat Nagar: i. Chechian Shammass and ii. Bahuwal (f) Dewana-I QH excluding the following PCs: i. Harrian Wala ii. Jhande Wala iii. Narowali iv. Chak Pindi v. Thatta Pour (g) Dewana-II QH excluding the following PCs: i. Majra ii. Nagrian Wala and iii. Saroke (h) Gujrat-I QH excluding the following PCs: i. Chak Boola ii. Dheerke iii. Gillan Wala iv. Gorali v. Madina vi. Sabowal-I and vii. Sook Kalan (i) Gujrat-II QH excluding the following PCs:</p>	

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	<ul style="list-style-type: none"><li>i. Chak Sada</li><li>ii. Kathala</li><li>iii. Mohla</li><li>iv. Qiladar and</li><li>v. Ratti</li></ul> <p>(j) Khwaspur PC of Lalamusa-I QH of Kharian Tehsil</p>	
	of Gujrat District	
	<b>Total</b>	408258
<b>PP-30 Gujrat-III</b>	<ul style="list-style-type: none"><li>1) Kunjah MC</li><li>2) Shadiawal (Old TC) Charge No. 26</li><li>3) Kunjah-I QH of Gujrat Tehsil</li><li>4) Kunjah-II QH of Gujrat Teshil</li><li>5) The following PCs of Gujrat-I QH:<ul style="list-style-type: none"><li>i. Chak Boola</li><li>ii. Dheerke</li><li>iii. Gillan Wala</li><li>iv. Gorali</li><li>v. Madina</li><li>vi. Sabawal-I and</li><li>vii. Sook Kalan</li></ul></li><li>6) The following PCs of Gujrat-II QH:<ul style="list-style-type: none"><li>i. Chak Sada</li><li>ii. Kathala</li><li>iii. Mohla</li><li>iv. Qiladar and</li><li>v. Ratti</li></ul></li><li>7) The following PCs of Dewana-I QH:<ul style="list-style-type: none"><li>i. Harrian Wala</li><li>ii. Jhande Wala</li><li>iii. Narowali</li><li>iv. Chak Pindi and</li><li>v. Thatta Pour</li></ul></li><li>8) The following PCs of Dewana-II QH:<ul style="list-style-type: none"><li>i. Majra</li><li>ii. Nagrian Wala and</li><li>iii. Saroke</li></ul></li><li>9) The following PCs of Jarua-I QH of Kharian Tehsil:<ul style="list-style-type: none"><li>i. Bagrian Wala</li><li>ii. Chakori Bhelowal and</li><li>iii. Dehkranwali</li></ul></li></ul>	

	<p>10) The following PCs of Dinga-II QH of Kharian Tehsil</p> <ul style="list-style-type: none"> <li>i. Tapiala</li> <li>ii. Waraichanwal</li> <li>iii. Sikriali and</li> <li>iv. Matuanwala</li> </ul> <p>11) Chokar Kalan PC of Lalamusa-I QH of Kharian Tehsil</p>	
	<p>Of Gujrat District</p> <p>Total</p>	<p>392212</p>
<p>PP-31 Gujrat-IV</p>	<p>(a) Municipal Corporation Gujrat of Gujrat District</p> <p>Total</p>	<p>390533</p>
<p>PP-32 Gujrat-V</p>	<p>(a) Dinga MC</p> <p>(b) Dinga MC-II of Kharian Tehsil excluding the following PCs:</p> <ul style="list-style-type: none"> <li>i. Tapiala</li> <li>ii. Waraichanwal</li> <li>iii. Sikriali and</li> <li>iv. Matuanwala</li> </ul> <p>(c) Dinga-I QH of Kharian Tehsil</p> <p>(d) Jaura-I of Kharian Tehsil excluding the following PCs:</p> <ul style="list-style-type: none"> <li>i. Bagrian Wala</li> <li>ii. Chakori Bhelowal and</li> <li>iii. Dehkranwali</li> </ul> <p>(e) Jaura-II of Kharian Tehsil</p> <p>(f) Lalamusa-I QH of Kharian Tehsil excluding the following PCs:</p> <ul style="list-style-type: none"> <li>i. Chakori Sherghaz-I</li> <li>ii. Chakori Sherghaz-II</li> <li>iii. Kulewal Shahana</li> <li>iv. Sadogal</li> <li>v. Chokar Kalan and</li> <li>vi. Khawaspur</li> </ul> <p>(g) MC Kharian</p> <p>(h) The following PCs of Kharian-I QH:</p> <ul style="list-style-type: none"> <li>i. Dhuni</li> <li>ii. Mohri</li> <li>iii. Dhoria and</li> </ul>	

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	iv. Barianwala of Gujrat District	
	Total	364424
PP-33 Gujrat-VI	(a) Lalamusa MC (b) Kharian Cantt (c) The following PCs of Lalamusa-I QH: i. Chakori Sherghaz-I ii. Chakori Sherghaz-II iii. Kulewal Shahana iv. Sadogal (d) Lalamusa-II QH (e) The following PCs of Kharian-II QH: i. Arah ii. Bhagowal iii. Doga iv. Makwal v. Sainthal and vi. Sehna (f) Kharian-I QH excluding the following PCs of Kharian Tehsil: i. Dhuni ii. Mohri iii. Dhoria and iv. Barianwala (g) Bazurgwal PC of Sabour-I QH of Kharian Tehsil and (h) Sabour-II QH of Kharian Tehsil of Gujrat District	
	Total	391770
PP-34 Gujrat-VII	(a) Tehsil Sarai Alamgir (b) Kotla Arab Ali Khan-I QH of Kharian Tehsil (c) Kotla Arab Ali Khan-II QH of Kharian Tehsil (d) Sabour-I QH excluding Bazurgwal PC (e) Kharian-II QH excluding the following PCs: i. Arah ii. Bhagowal iii. Doga iv. Makwal v. Sainthal and	

	vi. Sehna of Gujrat District	
	Total	433794

6. that going through the above creation or carving out contituencies, it transpires that almost every QH of Gujrat district has been broken into pieces and patwar circles of one QH has been included more than two constituency, even in one PP, a single Patwar circles has been sliced from Lala musa QH, such like delimitation is un-understandable and the worst shape of gerrymandering.
7. That out of total 7 Provincial Assembly constituencies 5 constituencies have been created in more than one parts, which has been shown in an illustrtd map at Annexure-B.
8. That the Map of District Gujrat marked by the ECP's Committee tasked with the job is also attached at Annexure- B-1.
9. That The Constituencies Nos. 29, 30, 32, 33 and 34 of Gujrat district are neither compact nor contiguous, rather comprising two or more parts parts which are located away from each other and it appears that constituencies have been delimited comprising Islands.
10. That various Patwar Circles of various QH included in one constituency are not contiguous and have no adjacency.
11. That PP 29,30 and 32 comprising two or more pieces of land located separately from eachother and having no land link or contiguity at all.
12. That PP 33 Gujrat is reall shape of Salamander and reminds Mr Jerry who got created such shape of constituency in 1812 in USA.
13. That similarly, PP-34 has been created in the shape of Gun, which starts from Mandi Bahaudin and connects to the boundary of occupied Bhimber and Jammu districts of Jammu & Kashmir State. its length is almost 150 KM, with various physical features which cannot be accumulotated into one constituency.

14. That PP-34 as created by the Committee is one of those constituencies enjoying or suffering with diversified cultural, physical and othe cognate factors.
15. That un-necessary breaking of QHs is an indication of mala-fide and creation of illegal, unjustified and unsustainable contituencies in the district of Gujrat.
16. 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;-

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

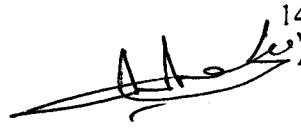
- j) That 5 Constituencies of Gujrat district mentioned above are those constituencies which have exception of above law, principles and well recognised International practices adhered to while creating constituencies for elections.
- k) That keeping in view the principles as enshrined under the Election Act, 2017 read with Rule 10 of the Election Rules, 2017, a plausible proposal/suggestion has been prepared to rectify the error / mistake for the consideration of the Hon'ble this August Commission.
- k) The proposal / suggestion has strictly been framed in compliance of principles of delimitation in their entirety and totality. The Proposal meets the Principles of delimitation envisaged under the law of the land and the best International Practices. (Proposal is at Annexure-C)



- m) That 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 Gujrat 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.
- n) The above 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 Seven constituencies of the district Gujrat. (Proposed marked Map is at **Annexure-D**)

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..

Furthermore, it also humbly prayed that Islands created during the process of drafting of preliminary Constituencies may graciously be finished and constituencies may kindly be ordered to delimited in geographical compact and contiguous areas having regard of equal distribution of Population etc.

Petitioners

<sup>14</sup> Adeel Ashraf S/O Muhammad Ashraf,  
R/O Siddowal Kalan,  
Tehsil Kharian, District Gujrat,  
NIC # 34202-6434950-5  
Q311-7586201

  
Akhtar Ali S/O Noor Muhammad,  
Village & P.O Dhakkar,  
Tehsil Kharian, District Gujrat  
NIC # 34202-0717157-1  


Mudassar Subhani S/O Ch. Ghulam Haidar,  
Village & P.O, Kotla Arab Ali Khan  
Tehsil Kharian, District Gujrat  
NIC # 34202-0663663-7

Through

**Raja Rizwan Abbasi ,**  
Advocate, High Court,  
G-7/1, Islamabad

**VERIFICATION**

Verified on oath on thi 28th day of March, 2018 at Gujrat that the contents of the above Representation / Objection Petition are true to the best of my knowledge and belief.

**Petitioner**

