

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 JHANG.

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 Jhang, 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, Usman Qadeer S/O Abdul Qadeer, P.O pIR Abdul Rehman, kaowana, Tehsil ahmad Pur sial, District Jhang, is bona-fide resident and registered voter of Constituency No. PP-35 Sialkot-I, of district Sialkot, 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 Jhang 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 Jhang district administratively comprising Four Tehsils, summary of the district and calculation of quota is under-

Summary of District Jhang

Name of Area	Population, Census-2017
District Jhang	2,744,085
Tehsil Jhang	1,466,141
Tehsil 18-Hazari	295,801
Tehsil Shorkot	548,626
Tehsil Ahmad Pur Sial	433,517
Number of PA Seats allocated	7
Quota for each PA seat of Jhang District	$2,744,085/7=392,012$
Maximum upper limit of Population	411,612
Maximum Lower limit of Population	372,411
Maximum permissible variation of population between two or more constituencies of Jhang	39,201

4. That the delimitation of district Jhang as a whole is illegal and unsustainable, as some constituencies have been delimited in separate parts across the rivers having no link or direct approach with each other part.
5. Territorial contiguity and integration, Facility of people, Communication, and homogeneity, nothing has been kept in mind by the Committee and all principles have been violated.
6. That delimitation of constituencies of Jhang district is totally illogical, against the principles of delimitation and best International practices which are respected in the world where such like electoral constituencies are delimited.
7. That the Constituency No. PP-124 Jhang-I lies in amidst of two rivers Chenab and Jhelum but surprisingly one **QH Massan** has been picked and included across the river Jhelum on the west side with constituency No. 125 Jhang-II.
8. That similarly to form constituency No. 124, a **QH Khewa** has been picked from the eastern side of another river Chenab and included in PP-24 which has no link and land direct communication.
9. That all Constituencies of Jhang District full of defects, factually in two or more parts, having no homogeneity and against the principles of Delimitation of Constituencies, and the natural boundaries like rivers and desert (Thal) and cities and plain areas have been mixed up unjustifiably and without any reason whatsoever.
10. That district Jhang has unique physical features, Two rivers Chenab and Jhelum passes through the district and conjoin with each other at Head Trimu, a Thal (desert) on right bank of river Jhelum in 18-Hazari Tehsil, the area of Kacha or Kadhi (river sides) and plain areas irrigated through

canals, and all the area have their own cultures and living styles, habits and means of living and are distinct from each other.

11. That the law emphasise to respect the Natural boundaries but in Jhang district it has been violated blatantly without recording any reason whatsoever.
12. That another stunning example of PP 125, 128, 129 and 130, where constituencies have been crved out in a non-serious way across the River Chenab down stream the Head Trimu. a Group Patwar Circles of Maghiana QH which lies on the Left bank of both the rivers, have been sliced and attached across the River with PP. 125 of major portion comprising 18-Hazari Tehsil, the only communication is Head Trimu Bridge which and no other way of communication to cross the river.
13. That Again A group of Patwar Circles from the Right Bank of River Chenab of QH Mernawala of Ahmad pur tehsil adjacent to PP 125 of 18 hazari Tehsil have been sliced and included in PP 129 having no communication with other except Head trimu Bridge or newly built Shorkot Bridge, both bridges are far away from those patwar circles and hundreds of KMs has to be measured to reach from one part of the contituency to the other part of the constituency.
14. That such like delimitation has never been made in the world. in 2002 both the Rivers were not crossed in NA as well as PP constituencies. all the constituencies were delimited one side of the rivers and facility of people and communication network was respected. But this time Jhang district delimitation seems done in angry mood and to punish the people and candidates of the district.
15. That number of QH have been broken across the rivers just to detach some some patwar circles to include in the constituency lies carved out on the other side of the river and to punish the poeple those Patwar Corles.

16. Similarly, QH Massan and Khewa as a whole have been attached on the other side of the rivers and due to non-availability of direct approach people across the rivers are strangers for each other.
17. That the ECP has carved out Provincial Assembly Constituencies from PP- 124 TO PP 130 can be seen at Annexure A, impugned notification.
18. That the Map of District Jhang marked by the ECP Committee with Provincial Assembly Constituencies is at Annexure- B which establish the claim of the petitioner that delimitation district jhang is un-natural, unjustifiable and violative of law.
19. 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 Jhang District lacking basic two very important Principles i-e- Geographical Compact areas, Natural Boundaries, homogeneity, Facility of people, physical feature and communication infrastructure.
- 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 the Petitioner, 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 for the consideration of the Delimitation Committee while preparing a Draft Delimitation Proposal. The proposal / suggestion has strictly been framed in

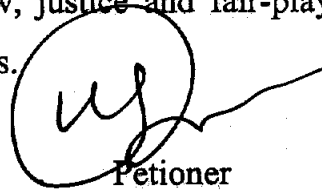
compliance of principles of delimitation in their entirety and totality.
(Proposal is at Annexure-C)

- n) 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 Sialkot 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-D**).
- 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 7 constituencies of the district Jhang.

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.

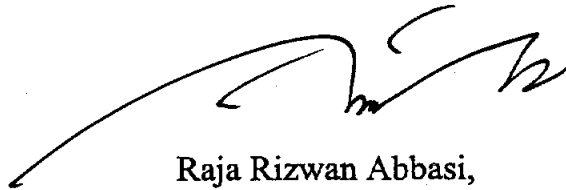
Further prayed that islands created while drafting preliminary List of Constituencies may ver graciously be removed and ended to make the constituencies Compact and Contiguous for the sake of law, justice and fair-play and delimt just constituencies in accordance with law and rules.



Petitioner

Usman Qadeer S/O Abdul Qadeer,
P.O Pir Abdul Rehman, kaowana,
Tehsil ahmad Pur sial, District Jhang,

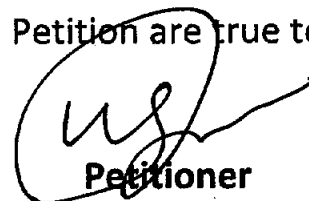
Through



Raja Rizwan Abbasi,
Advocate, High Court
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