

Before the Secretary, Election Commission Of Pakistan.

Memorandum/Representation by: SAHABZADA AMIR FAREED S/O SAHABZADA

GHULAM FAREED R/O Main Road Aroop, Teh. & Dist. Gujranwala.

SUBJECT:

APPLICATION AGAINST THE GERRYMANDERING IN THE DELIMITATION

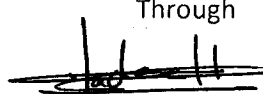
OF CONSTITUENCIES i.e PP-58 and PP-59 of DISTRICT GURANWALA

I N D E X

Sr. No	Description Of Documents Attached	Page No.
1	Memorandum of Objection A/W Affidavit	1 - 8
2	Copy Of Voter List	9
	List of charges in constituency	10 15
3	Map Of Old Constituency i.e PP-95	16
4	Map of Constituency of NA	17
5	Map as per 1 st Proposal	18 19
6	Map as per 2 nd Proposal	20 21
	Power of Attorney	22

APPLICANT

Through


(**RAJA NADEEM HAIDER**)

Advocate Supreme Court,

RAJA ANWAR LAW ASSOCIATES 4 -A Mozang Road Lahore

Before the Secretary, Election Commission Of Pakistan.

03/04/2018

Memorandum/Representation by: SAHABZADA AMIR FAREED S/O SAHABZADA

GHULAM FAREED R/O Main Road Aroop, Teh. & Dist. Gujranwala.

SUBJECT:

**APPLICATION AGAINST THE GERRYMANDERING IN THE DELIMITATION
OF CONSTITUENCIES i.e PP-58 and PP-59 of DISTRICT GURANWALA**

Respectfully Sheweth:

1. That the petitioner **Sahabzada Amir Fareed S/O Sahabzada Ghulam Fareed** **CNIC No.34101-9238602-1is** R/O Main Road Aroop, Tehsil & District Gujranwala and bona-fide registered voter of District Gujranwala and intended to contest forthcoming general election 2018 for the seat of Member Provincial Assembly i.e PP.59 Gujranwala.
2. That it has learnt through media that the Election Commission has constituted a committee for the purpose of preparing a draft proposal of Delimitation of Constituencies, in view of recent Constitutional Amendment, (24th Constitutional Amendment), and the committee has started its work in the Election Commission of Pakistan Secretariat, Islamabad.
3. It is pertinent to mention here that father of petitioner namely Shahbzada Ghulam Fareed has been elected Member Provincial Assembly for two times from this Constituency and thus we have served the people of our constituency in every aspect of life and we have tried utmost to provide the best standards to the our voters and for this reason, the people of our constituency are very happy and we enjoy a good repute as well as respect among the folk.
4. That, however it has learnt that influential and experienced failed politicians of the area are trying to get created safe constituencies 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 area that they have managed to get divided the constituency in such a manner that opponent will not be in position to contest election against the candidate of particular group as they have succeeded to gerrymander the constituency of the District Gujranwala to ensure their return in the assembly.

- 10/09/2018
5. That it would not be out of place to mention here that if such elements who are claiming gerrymandering, get succeeded to bypass, the principle of delimitation of constituency as provided in law and best international practices adopted for the delimitation of electoral constituency, then conduct of pole 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 constituency justly, fairly and in accordance with principles of the delimitation of constituencies and best international practices.
 6. The principle of delimitation has been enumerated under section 20 of the Election Act 2017 which reads as under:-
 - a. **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.**
 - b. **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.**
 - c. **As far as possible, variation in population of constituencies of an assembly or a local government shall not ordinarily exceed 10%.**
 - d. **If the limit of 10% under sub-section(3) is exceeded in an exceptional case, the commission shall record the reasons thereof in the delimitation order.**
 7. That we can easily identify and enumerate the principle of delimitation which law provides to be compelled with respected and implemented in letter and spirit while delimiting the electoral constituencies, so not only the candidates but also the voter could be benefited. We can number such principles as under:

- i. Distribution of equal population.
- ii. Geographical compactness.
- iii. Physical features.
- iv. Existing boundaries of administrative units.
- v. Facilities of communication.
- vi. Public convenience

M/03/09/2018

And such other cognate features which ensure homogeneity.

8. That procedure for delimiting constituency has been provided under Sub Rule 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

H/09/1/28

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.

9. 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 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.
10. The suggestion is submitted to avoid gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted as under which meets the requirements of law and based on principles of delimitation of constituencies for the conduct of free, fair and just elections in District Gujranwala 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.

SUGGESTED AMENDMENTS IN THE PRELIMINARY PROPOSAL.

8/03/04/218

PROPOSAL NO 1

CHARGE NO. 12 (Circle 1 to 7)of Gujranwala Municipal Corporation, should be excluded from PP-59 and included in PP-58.

CHARGE NO. 14, 15, AND 16 (excluding Circle No. 1) should be excluded from PP- 58 and included in PP-59.

Talwandi Musa Khan , QH Pieces Nandi Pur, Bhatti Bhangu should also be excluded from PP-59 and included in PP-58.

The above mentioned amendments will create the following Constituency:

PP-58	AREAS	POPULATION as per census 2017
	The following areas of Gujranwala Municipal Corroboration.	
1	CHARGE NO 10	1,40,064
2	CHARGE NO 11	37,241
3	CHARGE NO 12 Circle 1 to 7	1,17,576
4	CHARGE NO 13	63,725
	The following patwar circles of Talwandi Musa kHan QH Gujranwala Saddar Tehsil	
1	NANDI PUR	4433
2	BHATTI BHANGU	13,256
	Of	
	Gujranwala District	
	TOTAL POPULATION	3,76,293
PP-59	AREAS	POPULATION as per census 2017
	The following areas of Gujranwala Municipal Corporation.	
1	CHARGE NO 12 Circle 8	32,553
	CHARGE NO 12 Circle 9	13,416
3	CHARGE NO 14	65,136
4	CHARGE NO 15	51,143
5	CHARGE NO 16 (excluding Circle 1)	15,366
1	TALWANDI MUSA KHAN QH excluding the Patwar Circle of Nandi pur & Bhatti Bhangu	71,278
	The following Patwar Circles of QH, Saddar Gujranwal Tehsil	
1	FEROZWALA	13,250
2	CHAK JOYA	4977
3	KOTLI MACHRAWAN	4482
4	KOTLI MUGHLAAN	4672
5	SENSRA GORAYA	25,168
1	Gujranwala CITY – II QH of Gujranwala City Tehsil	37,204
	Of Gujranwala	
	District	
	TOTAL POPULATION	3,38,647

6
PROPOSAL NO 2

Handwritten signature and date: 5/10/2018

CHARGE NO. 10,11 of Gujranwala Municipal Corporation, should be excluded from PP-58 and included in PP-59.

Talwandi Musa Khan , QH PCs except Nandi Pur & Bhatti Bhangu should also be excluded from PP-59 IX Gujranwala and included in PP-58 VIII Gujranwala.

The QH PCs Saddar Gujranwala Tehsil & City II QH of Gujranwala City Tehsil should be excluded from PP-59 IX Gujranwala and included in PP-58 ,VIII Gujranwala.

The above mentioned amendments will create the following Constituency:

PP-59	AREAS	POPULATION as per census 2017
	The following areas of Gujranwala Municipal Corroboration.	
1	CHARGE NO 10	1,40,064
2	CHARGE NO 11	37,241
3	CHARGE NO 12	1,63,545
	The following patwar circles of Talwandi Musa kHan QH Saddar Gujranwala Tehsil	
1	NANDI PUR	4433
2	BHATTI BHANGU	13,256
	TOTAL POPULATION	3,58,539

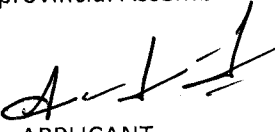
PP-58	AREAS	POPULATION as per census 2017
	The following areas of Gujranwala Municipal Corporation.	
1		
	CHARGE NO 13	63725
3	CHARGE NO 14	65,136
4	CHARGE NO 15	51,143
5	CHARGE NO 16 (excluding Circle 1)	15,366
1	TALWANDI MUSA KHAN QH excluding the Patwar Circle of Nandi pur & Bhatti Bhangu	71,278
	The following Patwar Circles of QH, Saddar Gujranwal Tehsil	
1	FEROZWALA	13,250
2	CHAK JOYA	4977
3	KOTLI MACHRAWAN	4482
4	KOTLI MUGHLAAN	4672
5	SENSRA GORAYA	25,168
1	Gujranwala CITY – II QH of Gujranwala City Tehsil	37,204
	Of Gujranwala District	
	TOTAL POPULATION	3,56,401

The above proposals have been supported with the map and extend of Constituencies. The constituencies demarcated on the map, are geographically compact areas and population has been distributed almost equally. Whereas both the constituencies i.e PP.58 and PP.59 ensure complete homogeneity and facility of people. Communication network duly been kept in view while carving out both the constituencies of the District Gujranwala.

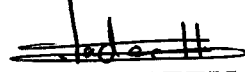
That the proposed amendments in the preliminary delimitation according to the map attached with the application are hereby colored, with Red PP.59 and with the Yellow PP.58 for the purpose of better understanding.

PRAYER:

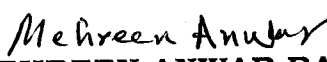
It is therefore, most humbly requested that the above proposals may kindly be considered on merits and any type of gerrymandering may be checked and avoided to ensure free, fair and just election in accordance with the constitution and the law and to give level playing fields to all candidates and to promote the essence of democracy and also to attach legitimacy with the elected representatives of the Parliament and provincial Assemblies.


APPLICANT

Through


(**RAJA NADEEM HAIDER**)
Advocate Supreme Court,
C.C No: P.LH-11529.


(**AMREEN ANWAR RAJA**)
Advocate High Court,


(**MEHREEN ANWAR RAJA**)
Advocate Supreme Court

-2018

RAJA ANWAR LAW ASSOCIATES 4 –A Mozang Road Lahore

CERTIFICATE

As per instructions provided, this is 1ST Appeal on subject matter before this Hon'ble Court.


ADVOCATE