

**BEFORE THE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD**

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Representation No \_\_\_\_\_ / 2018

Malik Sajjad Joiya son of Malik Shah Muhammad Joiya caste Joiya resident of Tehsil Kahroor Pacca,  
District Lodhran

....Petitioner

VERSUS

Delimitation Committee, Province of Punjab, Election Commission of Pakistan, Constitution Avenue,  
Islamabad

...Respondent

Representation under Rule 12 read with Rule 10 of the Election Rules,  
2017 read with Section 20 of the Elections Act, 2017 in respect of  
Constituency of the Provincial Assembly, PP-224 Lodhran-I & PP-228  
Lodhran-V District Lodhran

Respectfully Submitted:

1. That the petitioner is the voter of the constituency PP-224 (Old PP-209) and vote of the petitioner is registered in Electoral Area Marri Bhago Khan of District Lodhran. The petitioner is a political and democratic activist. The petitioner's family is returning as member of the Provincial Assembly from this constituency presently called PP-224. Petitioner's father Malik Shah Muhammad Joiya remained MPA in 1977 and 1985 assemblies and after that in the years 1988, 1990 & 1993 the petitioner returned as Member of the Provincial Assembly. Then in the years 1997 and 2002, petitioner's cousins Major (retd) Aslam Joiya and Malik Ajmal Joiya returned as MPAs respectively and then again in present Provincial Assembly the petitioner again returned as MPA. Petitioner is an active political worker and family of the petitioner in particular has been

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playing an important role in the Local Government Elections and General Elections since 1961. Petitioner is well versed with the constituency.

2. That the Government of Pakistan under its constitutional obligation conducted population census in 2017 and published Provisional Census Results, and the parliament through 24<sup>th</sup> Constitutional Amendment enshrined the constitutional duty, under which the ECP was to delimit the National and Provincial Assembly Constituencies in pursuance of the amended constitutional provision of Article 51 which is being reproduced for better assistance of this honorable commission:-

*...Provided that for purpose of the next general elections to be held in 2018 and bye-elections related thereto, the allocation shall be made on the basis of provisional results of the 2017 census which shall be published by the Federal Government.*

3. That the ECP under its constitutional duty sanctioned through Article 222 and Article 218 sub-clause 3 initiated the process of delimitation of constituencies, to organize and conduct the elections and to make such arrangements as are necessary to ensure that the elections is conducted honestly, justly, fairly and in accordance with law as enacted by the parliament in the form of Elections Act 2017, wherein, section 20 of the Elections Act, 2017 define the Principles of delimitation as under:

- Distribution of population in geographically compact areas
- Physical features
- Existing boundaries of administrative units,
- Facilities of communication and public convenience
- Any other cognate factor
- Ensure homogeneity

4. That the delimitation means the demarcation of the boundaries of an electorate constituency in order to ensure fair, just and proportional representation of the people in the elections. The basic object of delimitation as enshrined in the constitution of Pakistan and Elections Act 2017 is to secure,

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for the equal segments of the population in a legislative body. According to the Principles of Delimitation, the delimitation committee / authority constituted by the ECP is responsible to consider stated principles of the administrative convenience, contiguity, geographical and communication factors and unstated influences of party political advantage. However the process of delimitation had to ensure that voting equality was not disturbed and vote of one citizen must in no manner be less than the vote of another citizen. The population parity, geographical compactness, homogeneity of the interest of the community may also be considered in delimitation process.

5. The subordinate legislation in the form of Election Rules 2017 has been devised as well as the guidelines of delimitation have also been issued vide Notification No. F. 8(3)/2018-Elec-I dated 05-03-2018, wherein the population of the Province was divided by total number of allocated seats in the Provincial assembly to determine the quota per seat of the province for the provincial assembly (i.e. 3, 70, 429) and population of the District was divided by the total number of allocated seats in the Provincial Assembly to determine the quota of the PP seat in the District (i.e. 3, 40, 124) in pursuance to Rule 8 of the Election Rules 2017. It is pertinent to mention that the National Assembly seats of the District Lodhran were 2 and Provincial Assembly seats of the District were 5 as per delimitation of 2002 and present delimitation of 2018.
6. Therefore, the petitioner brings before this honorable Commission and assails the Delimitation of Constituency in respect of PP-224 & PP-228 of Lodhran District under section 12 of the Election Rules, 2017. Before parting with the Grounds for the representation and Summary of the constituency, it is to pertinent to mention over here that the population according to 1998 census of Lodhran District was 11, 71, 800 and number of seats allocated to Lodhran were 2 for the National Assembly and 5 for the Provincial Assembly.
7. The delimitation of 2018 by the ECP is in the exactitude of Law, Rules & Guidelines, where the delimitation has started from NORTH and was proceeded clockwise, as per law and international standard, except one error where Burhanpur PC of Amirpur

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Sadaat QH has been attached to PP-228 whereas logically and geographically it has to be in PP-224. For better assistance of the Honorable Commission The Summary of the Constituency with proposal is being given below :

Nomenclature	PP-224
Quota of the District on PP seat	3, 40, 124
Quota of the Province on PP seat	3, 70, 429
Population of the District Lodhran as per 2017 Census	17, 00, 620
Constituency PP-224 as formed by ECP	<ul style="list-style-type: none"> <li>• Municipal Committee Kahrora Pacca</li> <li>• Kahrora Pacca QH excluding following PCs               <ul style="list-style-type: none"> <li>○ Jamrani Wah</li> <li>○ Pacca</li> </ul> </li> <li>• Dakhna Gharoo QH</li> <li>• Following PCs of Amirpur Sadaat QH               <ul style="list-style-type: none"> <li>○ Chowki Rangu Khan</li> <li>○ Muhammad Sai</li> </ul> </li> </ul> <p style="text-align: right;">Population: 3, 44, 160</p>
Proposed limits of the Constituency (PP-224) and Constituency position if Representation is accepted with Total Population	<ul style="list-style-type: none"> <li>• Municipal Committee Kahrora Pacca</li> <li>• Kahrora Pacca QH excluding following PCs               <ul style="list-style-type: none"> <li>○ Jamrani Wah</li> <li>○ Pacca</li> </ul> </li> <li>• Dakhna Gharoo QH</li> <li>• Following PCs of Amirpur Sadaat QH               <ul style="list-style-type: none"> <li>○ Chowki Rangu Khan</li> <li>○ Muhammad Sai</li> <li>○ Burhanpur</li> </ul> </li> </ul> <p style="text-align: right;">Population: 3, 57, 027</p>
Constituency PP-228 as formed by ECP with Population	<ul style="list-style-type: none"> <li>• 12/L QH of Duniyapur Tehsil</li> <li>• 034/M QH excluding following PCs               <ul style="list-style-type: none"> <li>○ 038/M</li> <li>○ Fatehpur</li> <li>○ Kotli Wajwa</li> <li>○ 044/M</li> <li>○ Chak No. 1 to 4/MPR</li> </ul> </li> <li>• Amirpur Sadaat QH excluding following PCs               <ul style="list-style-type: none"> <li>○ Chowki Rangu Khan</li> <li>○ Muhammad Sai</li> </ul> </li> <li>• Dhanote TC (Old)</li> <li>• Jamrani Wah &amp; Pacca PCs of Kahrora Pacca QH</li> </ul> <p style="text-align: right;">Population: 3, 31, 269</p>
Proposed limits of the Constituency PP-228 position if Representation is accepted with Population	<ul style="list-style-type: none"> <li>• 12/L QH of Duniyapur Tehsil</li> <li>• 034/M QH excluding following PCs               <ul style="list-style-type: none"> <li>○ 038/M</li> <li>○ Fatehpur</li> <li>○ Kotli Wajwa</li> <li>○ 044/M</li> <li>○ Chak No. 1 to 4/MPR</li> </ul> </li> <li>• Amirpur Sadaat QH excluding following PCs               <ul style="list-style-type: none"> <li>○ Chowki Rangu Khan</li> <li>○ Muhammad Sai</li> <li>○ Burhanpur</li> </ul> </li> <li>• Dhanote TC (Old)</li> <li>• Jamrani Wah, Pacca PCs of Kahrora Pacca</li> </ul> <p style="text-align: right;">Population: 3, 18, 402</p>

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GROUND S

- a. That the Delimitation of the Constituency is in violation to section 20 of the Elections Act, 2017 and standards of Delimitation and the proposal of the petitioner is according to the said law and merits to be allowed, resultantly the representation merits to be accepted and the Constituency merits to be Delimited as propped, accordingly.
- b. That the Delimitation of the Constituency PP-224 & PP-228 to the extent of Burhanpur PC being made part of PP-228 is against the logic as the physical presence of Burhanpur PC merits to be in PP-224. The proposal of the petitioner is in line with the said Principles, which makes the constituency homogeneous.
- c. That it has been laid down by the Full bench of the Lahore High Court in pronouncement cited at PLD 2014 Lahore 221 [ARSHAD MAHMOOD Vs COMMISSIONER/DELIMITATION AUTHORITY GUJRANWALA & Ors] that Basic Object of Delimitation was to so far as practicable equal representation for equal segments of the population in the legislative bodies. It has to be done in order to secure the principle of One Person, One Vote, One Value.
- d. That it is inevitable in the process of delimitation to ignore the features which guard against possible fear of Vote Dilution and Disenfranchisement. The constituency PP-224 has been formed homogeneous and within the principles enunciated under the law.
- e. That physically Burhanpur PC is in PP-224 but it has been placed in Preliminary list of Delimitation in PP-228. Obviously, the mistake is on the part of the revenue map as the map itself confuses to the extent and this happened. Moreover, if for the sake of maintaining the population is inevitable, which otherwise in line with above proposal stays within 10% above and lower quota, the petitioner proposes inclusion of Nagri PC of Kahror Pacca QH in PP-228 to maintain the standard of ratio of population;

even otherwise if only Burhanpur is included in PP-224 and nothing in included in PP-228, the constituencies will remain according to the Law, Rules and guidelines. However, the alternate proposal in that form the Constituency Position with population will be in following from:

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<p>Proposed limits of the Constituency (PP-224) and Constituency position if Representation is accepted with above alternate proposal with Total Population</p>	<ul style="list-style-type: none"> <li>• Municipal Committee Kahrora Pacca</li> <li>• Kahrora Pacca QH excluding following PCs               <ul style="list-style-type: none"> <li>○ Jamrani Wah</li> <li>○ Pacca</li> <li>○ Nagni</li> </ul> </li> <li>• Dakhna Gharoo QH</li> <li>• Following PCs of Amirpur Sadaat QH               <ul style="list-style-type: none"> <li>○ Chowki Rangu Khan</li> <li>○ Muhammad Sai</li> <li>○ Burhanpur</li> </ul> </li> </ul> <p style="text-align: right;">Population: 3, 51, 339</p>
<p>Proposed limits of the Constituency PP-228 position if Representation is accepted with above alternate Proposal</p>	<ul style="list-style-type: none"> <li>• 12/L QH of Duniyapur Tehsil</li> <li>• 034/M QH excluding following PCs               <ul style="list-style-type: none"> <li>○ 038/M</li> <li>○ Fatehpur</li> <li>○ Kotli Wajwa</li> <li>○ 044/M</li> <li>○ Chak No. 1 to 4/MPR</li> </ul> </li> <li>• Amirpur Sadaat QH excluding following PCs               <ul style="list-style-type: none"> <li>○ Chowki Rangu Khan</li> <li>○ Muhammad Sai</li> <li>○ Burhanpur</li> </ul> </li> <li>• Dhanote TC (Old)</li> <li>• Jamrani Wah, Nagni &amp; Pacca PCs of Kahrora Pacca QH</li> </ul> <p style="text-align: right;">Population: 3, 24, 090</p>

f. That this minor change, as in the first proposal or in the second proposal, does not in any way affects the delimitation done under the principles defined in section 20 or the Rules made there under.

**PRAYER**

*Therefore, it is humbly prayed that the instant representation may very kindly be allowed and accepted and the Constituency PP-224 & PP-228 of Lodhran District may very kindly be delimited as proposed by the petitioner in accordance with law.*

Any other relief which this honorable commission deems fit may also be granted in the supreme interest of justice.

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PETITIONER

Through

*HA/31/03/2018*

28-03-2018

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