

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

AD/26/03/2018  
1-6

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

Muhammad Rashid son of Khan Muhammad resident of Mouza Raman, Tehsil & District Bahawalpur

....Petitioner

VERSUS

Delimitation Committee, Province of Punjab, Election Commission of Pakistan

...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-245 Bahawalpur-I, District Bahawalpur**

Respectfully Submitted:

1. That the petitioner is the voter of the constituency and vote of the petitioner is registered as Serial No. 931 of Electoral Area Dera Masti of District Bahawalpur. The petitioner is permanent resident of UC 21 of Bahawalpur MC of District Bahawalpur. Petitioner is an active political worker and is affected by the latest Delimitation and on behalf of the people of the area, in accordance with the requirements of law files the instant representation against the Delimitation of 2018 in respect of PP-246 & 245. The area of the petitioner has been detached from PP-270 (now PP-252) and attached to PP-246 (Old PP-271) totally in violation of law and facts on ground and in contradiction to the principles laid down by the law and Election Commission of Pakistan. 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

HA 26/03/2018

2

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, so far as practicable, equal representation 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 constraints of the administrative convenience,

A/26/3/18  
3

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 revealed 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, 66, 810) in pursuance to Rule 8 of the Election Rules 2017. It is pertinent to mention that the National Assembly seats of the District Bahawalpur were 5 and Provincial Assembly seats of the District were 10 as per delimitation of 2002 and present delimitation of 2018. Neither number of National Assembly nor stated number of Provincial assembly seats have been changed, therefore, the delimitation committee should have considered to delimit only the excessive population in every constituency rather than to redistricting every constituency without considering the Principles sanctioned under the law.
6. Therefore, the petitioner brings before this honorable Commission and assails the Delimitation of Constituency in respect of PP-245 Bahawalpur-I (Old PP-272) of Bahawalpur 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 Bahawalpur District was 24, 33,091 and number of seats allocated to Bahawalpur were 5 for the National Assembly and 10 for the Provincial Assembly. In delimitation of 2018, the number of either Provincial or National Assembly seats has not been changed and remains the same but geographical boundaries of the constituencies have been

AD/24/03/2018 (4)

disturbed drastically. For better assistance of the Honorable Commission The Summary of the Constituency is as under:

Nomenclature	PP-245 BAHAWALPUR-I
Total Population	3, 76, 625
Quota of the District on PP seat	3, 66, 810
Quota of the Province on PP seat	3, 70, 429
Population of the District Bahawalpur as per 2017 Census	36, 68, 106
Constituency PP-245 as formed by ECP	Charge No. 10, 11 & 9(Excluding Circle 9) of Bahawalpur Municipal Corporation
Proposed limits of the Constituency (PP-245) and Constituency position if Representation is accepted	<p>Detail of Population and Map attached as ANNEXURE "A"</p> <ul style="list-style-type: none"> <li>• Charge No. 8 &amp; 9 of Bahawalpur MC</li> <li>• Circle 8 &amp; 9 of Charge No. 6 of Bahawalpur MC</li> <li>• Circle 1, 2, 4, 5 &amp; 7 of Charge No. 7 of Bahawalpur MC</li> <li>• Circle 1 to 5 &amp; 8, 9, 10 of Charge No. 11 of Bahawalpur MC</li> <li>• Circle 5, &amp; 10 of Charge No. 10 of Bahawalpur MC</li> </ul> <p>(Detail of Population and Proposed Map attached as ANNEXURE "B")</p>
Constituency PP-246 as formed by ECP	<ul style="list-style-type: none"> <li>• Charge No. 5, 6, 7, 8 and Circle 9 of Charge 9 of Bahawalpur MC</li> <li>• Bahawalpur Cantt.</li> </ul>
Proposed limits of the Constituency (PP-246) and Constituency position if Representation is accepted	<ul style="list-style-type: none"> <li>• Charge No. 5, 10(Excluding Circle 5, &amp; 10), 7(Excluding Circle 1, 2, 4, 5 &amp; 7).</li> <li>• Circle 6 &amp; 7 of Charge 11</li> <li>• Charge 6 (Excluding Circle 8, 9)</li> <li>• Bahawalpur Cantt.</li> </ul>
Population of the Constituency PP-245 & PP-246 if delimited as per representation	<p>3, 73, 273</p> <p>3, 93, 434</p>
Previous nomenclature and limits as per delimitation of 2002	<p>PP-272 BAHAWALPUR-V</p> <ul style="list-style-type: none"> <li>• Charge No. 8, 9, 11 of Bahawalpur MC</li> <li>• Abbas Nagar &amp; Hamatian QH of Saddar Tehsil</li> <li>• Jhangiwala &amp; Bahawalpur-I QH of City Tehsil</li> <li>• Chak 12/BC &amp; 28/BC PC of Baghdad-ul-Jadid QH</li> </ul>

#### 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 proposed, accordingly.

A/26/03/2018

5

- b. That the Delimitation of the Constituency **PP-245 BAHAWALPUR-I & PP-246 BAHAWALPUR-II** is in violation of the Principles of Representativeness, Equality & Non-Discrimination. The proposal of the petitioner is in line with the said Principles, which makes the constituency homogeneous.
- c. That the constituency has been delimited vividly affecting the equal voting power and Doctrine of Equal Suffrage. The weight of the less developed area in the present delimitation of the constituency has been brought to none in terms of its voting power. Thus, the delimitation cannot be said to fall in ambit of being fair and transparent.
- d. 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.
- e. 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-245 has been formed in such a way detaching the population which was homogenous and those areas have been attached to constituency where they will be alien to the other constituency and will have no representativeness or equality as enunciated under the law.
- f. That the constituency's particular segment of population has been scattered in three constituencies whereas following the Principles as laid down in section 20 of the Elections Act 2017 and Policy of the ECP as spelled out in the notification dated 05-03-2018, the detached areas were completely homogenous, geographically compact and in contiguity.
- g. That as per Rule 10(4) of the Election Rules 2017, the constituency of an Assembly was to be...

11/26/03/2018

clockwise. It is suspicious that in the Delimitation of 2002 the Northern end of the District was considered to start from Ahmadpur tehsil and now called NA-174 BAHAWALPUR-V and from there the delimitation started. Surprisingly, in present delimitation the constituency which was third (then NA-185) in 2002 delimitation was considered to be first and from here the delimitation started.

**PRAYER**

*Therefore, it is humbly prayed that the instant representation may very kindly be allowed and accepted and the Constituency PP-245, PP-246 & PP-252 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.*

PETITIONER

Through

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20-03-2018

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