

BEFORE THE ELECTION COMMISSION OF PAKISTAN ISLAMABAD

Representation No. _____/2018

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Muhammad Rustam Son of Noor Muhammad Caste Parhar resident of Ladam Sir
Cholistan Tehsil Yazman District Bahawalpur.

VS

Delimitation Committee, Province of Punjab Election Commission of Pakistan

**Representation under rule 12 read with rule 10 of Election
Rules 2017 read with section 20 of Election Act 2017 in
Respect of Constituency of the provincial assembly PP-
250 Bahawalpur District Bahawalpur**

Respectfully sweth.

1. That the petitioner is voter of the constituency and vote of petitioner is registered on serial No.44 of Electoral Area Ladam Sir Tehsil Yazman District Bahawalpur. The petitioner is permanent resident and Lambardar of the Ladam Sir. The petitioner is an active political workers and is affected by the latest delimitation and on behalf of the people of area and in accordance with the requirement of law files the instant representation against the delimitation of 2018 in respect of PP-250, the area of the petitioner is not included in PP-250 mentioning and totally in violation of law and facts and in contradiction to the principles laid down by the law and election commission of Pakistan that petitioner is well versed with the constituency.
2. That Govt. of the Pakistan under its constitutional obligation conducted the population census and published provisional census results. In recent

census Cholistan was declared a separate census district. Whose code No. was 166, as Cholistan fall in three districts. The majority area fall in PP-250 of Bahawalpur.

3. As in parliament through 24th constitutional amended enshrined the constitutional duty under which ECP was to delimit the National and Provincial assembly constituency in pursuance of amended constitutional provision of article 41 which is being reproduced as under.
4. Provided that for the purpose of next general election to be held in 2018 and Bye-elections thereto, the allocations shall be made on basis of provisional results of 2017 of provisional results of 2017 census which shall be published by Federal Govt. of Pakistan.
5. That ECP under the constitutional and duly sanctioned through article 222 and article 218 sub clause 3, initiated the process of delimitation to organize and conduct the election 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 election act 2017, wherein, section 20 of the Election 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 the communication and public convenience
 - Any other cognate factor
 - Ensure homogeneity
6. That the delimitation means demarcation of the boundaries of an electoral 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 constitutions 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 constrained of the administrative convenience, contiguity,

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geographical and communication factors and unstated influences of party political advantage. However the process of delimitation had to ensure that voting equity 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.

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7. 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.F8(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 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.
 8. Therefore, the petitioner brings before this honorable Commission and assails the Delimitation of Constituency in respect of PP-250 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 2018, the number of either provincial or National assembly seats has not been change and remains the same

but geographical boundaries of the constituencies have been disbursed drastically. For better assistance of the Honorable Commission the summary of the constituency is as under:-

Nomenclature	PP-250 Bahawalpur
Total population	3,80,878
Quota of the District on PP Seat	3,66,810
Quota of the Province on PP Seat	3,80,374
Population of the District Bahawalpur as per 2017 census	36,68,106
Constituency PP-250 as formed by ECP	The area which is to be included Qanogoi Ladam Sar Detail of Population and Map attached as Annexure A
Proposed limits of the constituency (PP-250) and Constituency position if representation is accepted	The area which is to be included Qanogoi Ladam Sar Detail of Population and proposed Map attached as Annexure B
Constituency PP-249 as formed by ECP	The area which is to be included Chak No.110/DB, 111/DB, 112/DB, 113/DB, 114/DB, 115/DB. Detail of Population and Map attached as Annexure
Proposed limits of the constituency (PP-249) and Constituency position if representation is accepted	The area which is to be included Chak No.110/DB, 111/DB, 112/DB, 113/DB, 114/DB, 115/DB. Detail of Population and proposed Map attached as Annexure

GROUNDS

- 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.
- b. That the delimitation of the constituency PP-250 Bahawalpur is in violation of the principles of Representativeness, Equality & Non-Discrimination. The proposal of the petitioners is in line with the said principles, which makes the constituency homogeneous.

- c. That the constituency has been delimited vividly effecting 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 segment 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 Cholistan is a separate notified having its administration through a separate antagonist constitution Cholistan Development Authority whereas the residence of Cholistan have fair separate identity having thir own parameters on the basis of which different allotment scheme framed. Further more Cholistan fall in the category of indigenous people having there separate culture. Monadic living style and they have their special rights as acknowledge by UNO in their conventional of indigenous and Pakistan our country is also its signatory by delimitation of our Qanagoi Ladam Sar they will be in minority in other constituency and their problems would not redressed.
- f. That all the four union councils Cholistan except Ladam Sar Qanagoi fall in the same constituency of PP-250 it will be discrimination for the people of area of petitioner not to include them with their class people. Further more it would be injustice for the people of backward area like Cholistan who are already deprived commoditize their mandate will be divided and they will loss strength in their proper constituency as compared to such like area their in Sindh which has separate three district and number of separate constituencies.
- g. That it is inevitable for the process of the delimitation to ignored the features which guard against possible fear of vote dilution and of disenfranchise. The constituency is forward I a way that population

must be homogenous and the area attached to constituency or alien to other constituency will have no representativeness or equalize as enunciated under the law.

- h. That by detecting area of Lada Sar the rule of compactness and unity of territorial boundary is also violated by leeing Ladam Sar and by crossing this Qanagoi Jugait Peer which is also port of Cholistan UC 75 DB in included in the constituency.
- i. That it is process able under law of delimitation that 10% of population as may be included in the constituency

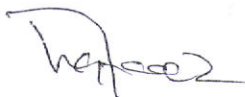
Prayer:

Therefore by keeping in view the above mentioned circumstances it is humbly prayed that instant representation may in allowed and the Qanagoi Ladam Sar of Cholistan may kindly be include in PP-250 from PP-249 and may very kindly be delimited as purposed by the petitioner.

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

Petitioner

Through counsel



Dr. Malik Muhammad Hafeez
Advocate High Court
CC NO.27810



Rae Muhammad Sharif
Advocate High Court