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To,

Secretary,
ELECTION COMMISSION OF PAKISTAN

**SUBJECT: REPRESENTATION AGAINST THE
GERRYMANDERING OF CONSTITUENCIES OF
PROVINCIAL ASSEMBLY "PP-257, PP258, PP-259
AND PP-261 RAHIM YAR KHAN**

Representation made by:

Nazir Hussain Khan Rind Balouch son of Sardar Rabnawaz Khan resident of Mouza Muhammad Khan Mohallah Basti Sardar Muhammad Nawaz Khan Zahir Pir, Tehsil Khanpur, district Rahim Yar Khan. CNIC 31301-7854611-7
Mob: 0300-8671222

It is respectfully submitted as under:

1. That petitioner, Nazir Hussain Khan Rind Balouch, is registered voter of Mouza Muhammad Khan, MC Zahid Pir, Tehsil Khanpur (currently marked as PP-259) District Rahim Yar Khan and intend to contest forthcoming General Elections to be held in the year 2018 for the seat of member Provincial Assembly from District Rahim Yar Khan.
2. That Election Commission of Pakistan has issued Notification dated 05-03-2018 which was published in Official Gazette on 08-03-2018 in which preliminary list of constituencies for the national assembly and Provincial Assemblies have been provided.

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3. That it has been learnt that some experienced and influential politicians of the District Rahim Yar Khan also enjoying high offices in the incumbent regime 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 district that they have managed to get divided the district Rahim Yar Khan in such a manner that the opponents will not be in a position even to contest election against the candidates of a particular Party/Group, as they have succeeded to gerrymander the constituencies of district Rahim Yar Khan to ensure their return in the Assembly.

4. That it would not be out of place to mention here that if such elements who are claiming gerrymandering, get succeeded to bypass the principles of delimitation of Constituencies as provided in the law and best international practices adopted for the delimitation of electoral constituencies, then conduct of poll 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 constituencies justly, fairly and in accordance with the principles of delimitation of constituencies and best international practices.

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5. That the delimitation of provincial constituency specially PP-258, PP-259, PP-261 etc. have not been delimited in accordance with the requirement of Section 20 of The Election Act, 2017 (Act 2017). Said section is reproduced here for facility of reference:-

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.

Bare perusal of above section the yardsticks as given therein have not been followed. The delimitation has not been made "clockwise" viz: by starting from North to East then towards South and then West. Whereas perusal of Map regarding District Rahim Yar Khan, delimitation has been made anti clockwise viz: it has ben started from North to West and then South and again towards West. Thus the delimitation of provincial constituencies especially PP-258, PP-259 and PP-261 have not been proposed as per said criteria.

6. That delimitation is a serious business which could not be done in a slipshod manner or in spur of the moment but it required hectic and strenuous efforts. Electoral districts were delimited in

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different ways sometimes they were drawn based on traditional boundaries sometimes based on the physical characteristics of the region and, often, the lines were drawn based on the social, political and cultural contexts of the area. Therefore while preparing preliminary proposal, for provincial constituency mentioned supra, following yardstick should be observed

- a. Geographical compactness of area,
- b. Distribution of population in uniformity,
- c. Physical features
- d. Existing boundaries of Administrative Units,
- e. Facility of Communication,
- f. Convenience of public at large
- g. Other cognate factors ensuring Homogeneity

Perusal of draft of preliminary proposal reveals that above said principles of delimitation, as provided under the law, have not been kept in mind rather they have been deviated from which is against the mandatory requirement of Section 20 of Act 2017 and rules made thereunder. Draft proposal have been prepared while sitting in the offices using google maps without physical verification in accordance with requirements and criteria laid down for the said proposal.

7. That procedure for delimitation of constituencies has been provided in Sub-Rules 3 to 5 of Rule 10 of the Election Rules, 2017. Said sub-Rules of Rule 10 are reproduced here for facility of reference:

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"(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."

While preparing draft proposal for delimitation of provincial constituencies, neither the requirement of Section 20 nor Sub-Rules 3 to 5 of Rule 10 have been complied with or followed. In PP-256, PP-258, PP-259 and PP-261 existing boundaries of administrative units such as limits of Tehsils have been broken. Number of Patwar circles and Halqa Kanoongo of Tehsil Khan Pur have been included in Tehsil Liaqat Pur and Tehsil Rahim Yar Khan which is causing inconvenience to public at large and facilities of communication and other cognate factors viz: language, cultural differences such as *saraiki, Punjabi*.

8. That the petitioner has made efforts over the map issued by ECP and has made draft proposals and earmarked the boundaries of

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constituencies in red color in accordance with the requirement of Section 20 of Act, 2017 read with Sub-Rule 3 to 5 of Rule 10 of Election Rules 2017 for consideration and facilitation of forum which may kindly be read as part hereof.


9. That in the Map attached with the draft proposal, Kanoongo and patwar circles have also been divided and Mouza *Chandia* of Halqa Kanoongo *Chachra* has been shown in Kanoongo *Smooka* similarly Mouza Mianwali has not been shown in map although it is part of Halqa Kanoongo *Chachra* which error is apparent on the face of the record.

It is, therefore, respectfully prayed that gerrymandering of provincial constituencies of District Rahim Yar Khan, as proposed in draft proposals may kindly be set aside and the delimitation of provincial constituencies of District Rahim Yar Khan may kindly be ordered to be made in accordance with the draft proposals, annexed with the instant presentation, made by the petitioner in accordance with the principles of delimitation as proposed in the attached map and full particulars of the area


Petitioner

Through


MUHAMMAD ILYAS SHEIKH
ADVOCATE SUPREME COURT OF PAKISTAN


MUHAMMAD TAIMUR MALIK
Advocate High Court