

BEFORE THE WORTHY SECRETARY ELECTION COMMISSION PAKISTAN,
ISLAMABAD.

Raza Moeen-ud-Din
Stamp Vender
Lic. No. 183/DRA/2014
F-8 Markaz, Islamabad

30/03/2018
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Sayed Tanveer Hussain Naqvi S/O Sayed Ameer Hussain Naqvi Caste Naqvi R/O
Basti Arri Korra shah, Panwar Janobi, Post office Qasba gujrat, Tehsil Kot Addu
District Muzaffargarh.

VERSUS

Public at Large PP 270, 271 District Muzaffargarh

MEMORANDUM OF OBJECTION
REVIEWING/REVISING THE DELIMITATION REGARDING PC-PANWAR
SHUMALI FROM PP-271 TO PP-270
&
PC-KAHAWAR FROM PP-270 TO PP-271

Applicant/Objector humbly submit as under:

1. That Honorable Election Commission of Pakistan has announced country wide delimitation and last date for submission of Objection is already fixed for 02-04-2018.
2. That in hand objection is being filed within time as per law.
3. That the Petitioner is Registered Voter of District Muaffargarh.
4. That in hand objection is pertains to recently announced PP-270 & PP-271.
5. That PP-270 has been announced consisting of following

PP-270 Muzaffargarh-III

a) The Following QHs of Muzaffargarh Tehsil

- 1) Karam Daad Qureshi
- 2) Following PCs of Basira QH
 - i. Ali Wala
 - ii. Chak Alidha
 - iii. Mehboob Wala
 - iv. Qalandar Wala
 - v. Panjain Wala
 - vi. Wan patafi

b) Gujrat QH of ot Addu Tehsil Excluding the following PCs

1. Alu Rid
 2. Bait Ranoja
 3. Dabbi Shah
 4. Panwar Janobi
 5. Panwar Shumali
- Of District Muzaffargarh

Total

3,55,400/-

6. That PP-271 is consisting of following

PP-271 Muzaffargarh IV

- a. The following QHs of Kot Addu Tehsil
 1. Gurmani: and
 2. Sanwan
- b. Sanawan MC and
- c. The following PCs of Qasba Gujrat QH
 1. Alu Rid
 2. Bait Ranoja
 3. Dabbi Shah
 4. Panwar Janobi and
 5. Panwar Shumali

Total

3,54,250/-

7. That the following Principles of delimitations were omitted by the commission while announcing the delimitations of PP-270 & PP-271.

- a. To protect the equality of the vote, it is recommended to amend the law to restrict differences of population across constituencies. The amendment should also regulate the process whereby the Election Commission may deviate from the general principle. Consideration should be given to allow a maximum of 15% deviation in population of the various constituencies.
- b. To ensure accurate figures, the amended legislation should give explicit mandate to the ECP to delimit using voter registration data in case census data are older than 12 years.
- c. To ensure the regularity of the process, the amended legislation should require the ECP to initiate a review of the boundaries within two years after every general election of the National Assembly and Provincial Assemblies.
- d. To ensure further development of regulatory process, the amended legislation should explicitly require the ECP to develop formal administrative regulations for the schedule of the delimitation process, the criteria and the parameters for delimitation, the manner of publication of delimitation data, and the procedures for appeals on the proposed boundaries.
- e. To protect the contiguity of constituencies in the Federally Administered Tribal Areas (FATA), it is recommended to remove special provisions, which allow non-contiguous constituencies for FATA, from the legislation.

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f. Legislative amendments will render the reform of delimitation incomplete if the amendments are not complemented with administrative regulations. The ECP should be required by legislation to issue a schedule for the delimitation process. The schedule should list the main events and link them to specific dates. It is recommended that the ECP include dates for the schedule of public hearings, publication of preliminary data, periods for complaints and appeals processes, and publication of the final data.

g. Key Considerations in Electoral Delimitation so the Boundary delimitation in the electoral context refers to the establishment of electoral constituencies, sometimes called electoral units or electoral districts.⁴ Boundary delimitation is also called "re-districting" or the "delimitation of electoral districts." It is one of the key features of almost every electoral system and only countries which elect representatives from a single constituency do not need to conduct delimitation. Delimitation has profound consequences for the electoral and political systems of the country.

h. Pillar of Electoral System and Fairness of Elections along with International obligation and commitments in delimitation can be explained as evident by UNHRC General Comments 25(21) that Equality of the vote A fundamental principle in the delimitation process is enshrined in the Universal Declaration of Human Rights. Article 21(3) explicitly requires that elections be conducted by equal suffrage. This is reaffirmed in the International Covenant on Civil and Political Rights, Both UDHR & ICCPR employ the term *equal suffrage* for equality of the vote, which is defined by the UN Human Rights Committee (UNHRC) as

"The principle of one person, one vote must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.

Effective remedy

Access to justice for those who believe their rights have been violated is another key human right guaranteed of the ICCPR.¹⁹ In the context of delimitation, this means the opportunity to challenge how the constituencies are

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delimited and access to the formal appeals process in cases where delimitation violates key principles, such as equality of vote.

Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination²⁰ prohibits discriminatory laws and policies. However, the *Convention* goes beyond the prohibition and allows for special measures such as affirmative action for ethnic minorities who suffer discrimination.

Regarding delimitation, discrimination is interpreted as a prohibition to create constituencies that distort the distribution of voters and discriminate against any group of voters. The UNHRC prohibits discrimination on the basis of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Establishment of constituencies should not be designed to purposely weaken minority representation by increasing the size of constituencies or by distributing them into several constituencies.

Transparency and Public Participation

The basic principle of democratic governance is confirmed by the United Nations Convention against Corruption, article 5(1). The delimitation of constituencies should be done in an inclusive and transparent process. This means that the key aspects of delimitation must be regulated by the law. The law should be drafted with the input of all electoral stakeholders and it should clearly determine the roles of various authorities in the process.

Derogations

The authoritative interpretations of conventions recognize that challenges and deviations are possible. However, derogations are permitted exclusively on objective and reasonable criteria and not ad-hoc or arbitrarily by officials.

Establishing the basis for delimitation

Equal suffrage can be implemented through one or a combination of several criteria, which need to be predetermined. The criteria may include the number of resident population or citizens, but can also be based on the number of registered or actual voters. On the other hand, the boundary lines of constituencies may be determined on the basis of geographical criteria.



Variations in Constituency Magnitude

It is impossible to avoid certain variations in the voting power of each constituency. However, the guiding principles propose that the variations in the size of the constituencies should not exceed 15 percent, except only in exceptional circumstances.

Delimitation Cycle

Delimitation should be conducted in regular periods to ensure equal suffrage. It should be conducted in advance of elections, but no later than one year before elections.

Independence of the delimitation body

The institution in charge of delimitation should be independent from political influence and should possess the technical capacity for delimitation.

8. Legal Framework

The delimitation of constituencies in Pakistan is regulated primarily by the Delimitation of Constituencies Act of 1974 (DCA 1974). However, the complete regulatory framework also includes provisions from the Constitution of Pakistan, amendments to the Delimitation of Constituencies Act, decisions of the Elections Commission of Pakistan, and statutory interpretations of the higher courts and the Supreme Court (SC).

Constitution

The Constitution of Pakistan prescribes several fundamental principles that guide the delimitation of constituencies.³³ It establishes that each member of the National Assembly be elected in a single member constituency³⁴ and it allocates a specific number of constituencies to each federal unit.³⁵ It also establishes the population criteria according to "the last preceding census officially published" for allocation of seats³⁶ to each federal unit. This is somewhat counter-productive, as it effectively requires constitutional amendments after each census to adjust the number of seats. However, it does not link the population census with the review of the boundaries between constituencies.

Legislative Acts

The centerpiece of Pakistan's legal framework on delimitation of constituencies is the Delimitation of Constituencies Act of 1974 (DCA 1974), which was amended several times through presidential ordinances and legislative amendments.





9. That, there are various Grounds for accepting of in hand application:-

- a. The delimitation Process was not conducted in accordance with the law.
- b. The delimitation Process delimiting the constituencies of PP-270 & PP-271 the Physical attachment among the Qanoon-goi Halqa and Patwar-Circle were miserably missed.
- c. That Population of PC Panwar Shumali is 21,285 and the population of PC Khuhawar is 21,717 hence population factor support the stance of the Petitioner because there is no difference or gap in population of both two Patwar circles requested to be exchanged.
- d. That there is no discrimination expected in connection of Population-wise concerns.
- e. Prospective candidates can approach easily.
- f. That it would be easy for the general Public to caste their votes freely and Political activities will be smooth.
- g. That in the larger interest of Justice instant application can be accepted and there is no legal bar on the acceptance of the application in hand.
- h. That the Petitioner has come before this Honorable commission with clean hands.
- i. That the precious rights are involved in the instant matter and Petitioner wants to prove its matter.
- j. That the Petitioner is ready to fulfill legal condition on the occasion of decision of the instant Application.

10. That affidavit in support of the instant petition is attached.

PRAYER:-

In the light of above mentioned submission it is humbly prayed that Presently announced PC Panwar Shumali having Population 21,285 may kindly be added to PP-270 instead to PP-271 and PC Kuhawar having Population 21,717 may kindly be added to PP-271 instead PP-270 of District Muzaffargarh.

Any other relief which this honorable court deem fit and proper may also be granted.

HUMBLE PETITIONER

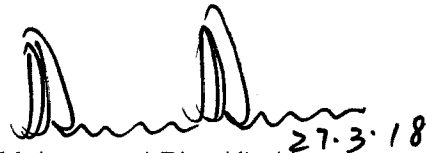
تَنْویر حسین ناقدی

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27.3.18

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