

BEFORE THE ELECTION COMMISSION OF PAKISTAN  
ISLAMABAD

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

**MUHAMMAD ANWAR** Son of Muhammad Siddique, Resident of Chak No. 239 – B,  
TDA, Fateh Pur, Tehsil Karor Lal Eason, District Layyah [PP-280 Layyah – I].

VERSUS

PETITIONER

**THE DELIMITATION COMMITTEE FOR PUNJAB, [District Layyah]** Provincial  
Election Commission, Punjab, 10 - Court Street, Lahore.

RESPONDENT

\* \* \* \* \*

REPRESENTATION:

Under Section 21(3) of the Election Act 2017 read with Rule 12 of the Election Rules 2017, against the Impugned Delimitation of the Constituencies of District Bahawalpur [mainly **PP-280 Layyah – I; and PP-281 Layyah – II**], carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections.

\* \* \* \* \*

**RESPECTFULLY SHEWETH: -**

1. That the addresses of the parties as given in the head note of the titled petition are correct for the purposes of their service, etc.
2. That the petitioner being resident and registered voter of **PP-280 Layyah – I**, has a right to object to the delimitation of his constituency, for the purposes of the ensuing General Election in the District Layyah, on general seats. Copies of the CNIC and Voters Extract Certificate are ANNEXURES – A/1 and A/2 respectively.
3. The respondent Delimitation Committee has unilaterally prepared the Preliminary Delimitation and List of Constituencies, therefore, it was full of errors and omissions. Moreover, the **mandatory provisions** of delimitation under **section 20 of the Election Act 2017 and Rule 10 of the Election Rules 2017** i.e., 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, **have been grossly violated**. Hence, the impugned preliminary delimitation is not sustainable. *Copies of the "Preliminary List" Published for delimiting the Constituencies of "Layyah District"; and the Marked Map published by the ECP on the basis of delimitation carried out by the respondent Delimitation Committee are ANNEXURES – B and C respectively.*

4. The petitioner is **aggrieved** of the **Impugned Preliminary Delimitation** of the Constituencies of District Bahawalpur [*mainly PP-280 Layyah – I; and PP-281 Layyah – II*] carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections. Therefore, he **wishes setting aside of the impugned Preliminary Delimitation**; and issuance of the **Final Report and List of Constituencies, only after revising** the Impugned Delimitation / Preliminary List of the newly delimited Constituency, by **making / incorporating necessary amendments, alterations, and modifications, as proposed by the petitioners, as follows:**

**SUGGESTIONS / PROPOSAL**

*That in order to rectify above mentioned illegalities and infringements of principles of delimitation, following suggestions are made:*

**Area Proposed to be Included in PP-280 Layyah – I:**

**(By Exclusion from PP-281 Layyah – II)**

- (a). 306 / TDA QH;
- (b). 318 / TDA QH;
- (c). The following PCs of Shah Pur Thal HQ:
  - (i). 103 / TDA PC;
  - (ii). 105 / TDA PC; and
- (d). The following PCS of Mandi Town Layyah 2 QH:
  - (i). 120 TDA PC; and
  - (ii). 128 TDA PC.

**(Population: 1,30,572)**

**Area Proposed to be Excluded from PP-280 Layyah – I:**

**By Inclusion in PP-281 Layyah – II.**

- (a). MC Karor;
- (b). The following PCs of Jharkal Thal QH:
  - (i). Buchi Wala PC;
  - (ii). 79 - C TDA PC;
  - (iii). Tibbi Khurd Nasheeb PC; and
  - (iv). Marranwali PC.
- (c). The following PCs of Karor Thal Jandi QH:
  - (i). Sargani Thal PC

- (ii). Thal Jandi Bairoon PC; and  
(iii). 84 / TDA PC.  
(d). The following PCs of Karor Nasheeb QH:  
(i). Dinpur PC; and  
(ii). Basti Mohsin Shah PC.

(Population: 1,27,746)

**WITH THE PROPOSED EXCLUSION & INCLUSION:**

**Total population of PP-280 Layyah – I:**

**Enhanced from 3,65,795 to 3,68,621.**

**Total population of PP-281 Layyah – II:**

**Reduced 3,74, 939 to 3,72,113.**

**JUSTIFICATION:**

1. The proposed mutual inclusion / exclusion of areas between the PP-280 and PP-281 is necessary as the inhabitants of the respective areas are historically, socially, geographically, politically, administratively, and ethnically, are one unit and connected (even before 2001), This natural homogeneity has been disturbed by malafidely demarcating / carving out new delimitation by way of gerrymandering, which is unsustainable.
2. That PP-281 has been demarcated in an odd shape (gerrymandered) to stretch the constituency to spread over an area of almost 432 square miles as compared to PP-280 which is mere 280 square miles.
3. That two Municipal Committees i.e., MC Fateh Pur; and MC Karor fall in the constituency of PP-280, whereas, no MC falls in the constituency of PP-281. Thereby, two cities are included in PP-280 i.e. Karor City and Fateh Pur City, whereas, in PP-281 no city area has been included. Consequently, there are five colleges and two THQ Hospitals and One Trauma Centre is situated in PP-280. Whereas, in PP-281 neither there is any college nor THQ Hospital. Therefore, the petitioner has proposed inclusion of MC Fateh Pur in PP-280 and inclusion of MC Karor in PP-281, so that the residents of both the constituencies should have equal opportunity to enjoy the basic facilities / amenities of health and higher education etc within their own constituencies.
4. That in PP-280 the HQ of Tehsil Karor as well as the HQ of Sub-Tehsil Fateh Pur of Tehsil Karor are situated, whereas, in PP-281 neither any Tehsil HQ nor any Sub-Tehsil HQ is situated. The constituency of PP-280 is comprised of just one Tehsil i.e., the whole areas of Tehsil Karor, whereas, the PP-281 is comprised of areas of three different Tehsils i.e., Tehsil Karor; Tehsil Layyah, and Tehsil Chobara. Therefore, under the proposed delimitation, both the PP-280 as well as PP-281 would comprise of two Tehsil areas each.
5. That the petitioner's proposed delimitation has ensured that the residents of both the constituencies of PP-280 and PP-281, should be

able to have convenient access to the HQs of administrative units as well as their representatives, due to parity in the sizes and structure.


6. That both the police stations (main offices) i.e., PS Fateh Pur and PS Karor, are located in PP-280, but although the area of PP-281 falls in the territorial jurisdiction of five different police stations without the main office of even a single police station. Whereas, under the proposed delimitation, both the constituency would have one main office of a Police Station.
7. That the bifurcation of the area two constituencies of PP-280 and 281 has resulted into deprivation of the residents of PP-281, therefore, the petitioner has proposed bifurcation of the area of both these constituencies, to enable the residents of both the constituencies, to enjoy equal status in terms of facilities, amenities, convenience, etc. and should not suffer any discrimination.
8. By the proposed inclusion / restoration of Musa Khel PC in PP-87, both the constituencies of PP-87 and PP-86 would become homogeneous due to distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors.
9. By the proposed inclusion / exclusion, both the constituencies of PP-280 and PP-281 would become homogeneous due to distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors including similarity of language / dialect, social, economic, and ethnic features.


***Copy of the petitioner's Proposed Shaded Map; the Petitioner's Proposed List of Constituencies; and the Relevant Census Report, are ANNEXURES – D, E and F respectively.***

5. That in order to make the impugned delimitation consistent with the law, and the rules, it would be appropriate to revise the impugned delimitation as per the **proposal / suggestions** of the petitioner. **Hence, this Representation.**
6. The **Impugned Preliminary Delimitation**, carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections, **is liable to be set aside**; and the **Final Report and List of Constituencies** is required to **be issued only after revising the Impugned Delimitation / Preliminary List of the newly delimited Constituency**, by **making / incorporating necessary amendments, alterations, and modifications, as proposed by the petitioners**, inter-alia on the following:

## GROUNDS

- (a) The **Impugned Preliminary Delimitation**, carried out by the Respondent Committee and proposed in their Preliminary Report and List of Constituencies, published by the ECP for inviting Objections, is **unsustainable**, for being **carried out in violation** of the **object and spirit** as well as the **mandatory requirements** and **principles** of delimitation laid down under the **Law and the Rules**. Hence, liable to be set aside.
- (b) That in order to make the impugned delimitation consistent with the law, and the rules, it would be appropriate to revise the impugned delimitation as per the **proposal / suggestions** of the petitioner.
- (c) The impugned delimitation has been carried out, **without giving due regard to the foremost principles of delimitation**. Moreover, the **mandatory provisions** of delimitation under **section 20 of the Election Act 2017 and Rule 10 of the Election Rules 2017** i.e., 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, **have been grossly violated**. Therefore, the impugned preliminary delimitation is **full of errors and omissions**, hence, not sustainable.
- (d) As required under **Rule 10(5)** of the Election Rules, 2017, the delimitation was required to start from the Northern end of the district and then proceed **clock-wise in zig-zag manner**, however, the Preliminary Report and Marked Map prepared by the Delimitation Committee reflects that the said provision has been grossly violated.
- (e) That **neither any representations** were **invited or considered nor any inquiry was conducted or any evidence recorded before preparing and publishing the preliminary report and list of constituencies**, as **mandatorily required** under **Section 21 (1)** of the **Election Act 2017**, which has resulted in a preliminary delimitation totally **alien to the ground realities**.


- 
- (f) The **failure** of the Delimitation Committee **to exercise the power and authority vested** in them under the Law and the Rules, has rendered the whole exercise of impugned delimitation / Preliminary Report and List of Constituency etc., as **null and void**.
- (g) That in order to **disenfranchise the petitioner and oust him from the electoral process**, the impugned delimitation has been conducted illegally and malafidely to **deliberately delimit / bifurcate the constituency in order to dilute his majority and ousting him from the electoral process**, which amounts to **pre-poll rigging**. Hence, the petitioner has been discriminated which is not only illegal and unconstitutional but also violative of the principles laid down by the hierarchy of the judgments of the superior courts of Pakistan.
- (h) The impugned delimitation is **politically motivated** to give undue advantage to the local MNAs and MPAs and malafidely cause political damage and deprive the constituents of this area from electing the local representatives of their own choice. The notification of the Preliminary Delimitation itself **exhibits substantial difference / variation in the population**. Whereas, the marked MAP shows **odd shaped wards with substantial variation in sizes**.
- (i) That, the impugned acts / delimitation / notifications are illegal, perverse and tantamount to abuse of law authority as well as the **infringement of constitutional and fundamental rights of the petitioner** ensured under the Constitution of Pakistan. Hence, are void, unfair, unjust, unwarranted, arbitrary, malafide, illegal, unconstitutional and ineffective qua the rights of the petitioner.
- (j) That the impugned delimitation shows that the same have been finalized and published by the Delimitation Committee **on political pressure, and in just mechanical obedience to the illegal dictates of the political bosses, without application of their independent mind** and without even realizing that the said delimitation is not only illegal but also against the public interest. Hence, they failed to discharge their duties as per exigencies of their statutory responsibilities and acted in excess of their lawful authority and in violation of law and the constitutional mandate. Therefore, the conduct of the respondents are violative of the dictates of the Hon'ble Supreme Court laid down in Zahid Akhtar's case reported as



(PLD 1995 SC 530) titled: "Zahid Akhtar - Vs. - Government of Punjab and 2 others", as well as the case reported as (2008 SCMR 105) titled: "Iqbal Hussain - Vs. - Province of Sindh and others." and needs to be judicially reviewed by this Hon'ble Court, as they have acted in mechanical obedience to the illegal, unwarranted and whimsical directions of their political bosses.


- (k) That in order to ensure fair, free and transparent elections as well as to guard against the corrupt and illegal practices, it is the duty of the the Election Commission of Pakistan to ensure that the impugned delimitation is carried out strictly in accordance with the **mandatory Principles** of Delimitation provided under the provisions of **section 20** of the **Election Act, 2017** read with the **Rules 8 and 10** of the **Election Rules**.
- (l) That the impugned delimitation has been **conducted in oblivion of the Law and Rules, which smacks malafide on the part of the respondent Delimitation Committee and also clearly reflects ulterior considerations and extraneous reasons as well as connivance and collusion with the petitioner's political opponents and the predetermination to politically victimize the petitioners and other prospective candidates**. Hence, the impugned acts / decisions / delimitation are clear disregard of the law laid down in **PLD 1969 SC 14**, and **2011 SCMR 11**, wherein, it has been held that: "*Manner of exercising of power in violation of law is also termed as malafide.*". Hence the impugned acts / delimitation are liable to be set aside on this ground also.
- (m) That the impugned acts and delimitation are also **flagrant violation of the well-entrenched principle of administration of justice** that provides that **if the law requires a thing to be done in a particular manner, it must be done in that manner only and not otherwise. [Reliance is placed on 2008 SCMR 1148, 2005 SCMR 177, 2010 SCMR 421, PLD 2010 SC 759, 2010 SCMR 1437, PLD 2011 Lahore 44.]**
- (n) That it would not be out of place to mention here that it is well established principle that the Competent Authorities have **no unbridled powers in exercise of their discretion**, rather the Administrative discretion has to be structured, reasoned, rational, logical and objective, so much so, the exercise of discretion is bound by the rules of reasons, which must be





guided by law and must not be exercised in an arbitrary or fanciful manner. *[Rel. 1997 SCMR 641, 2004 SCMR 1747, 2010 PLC (CS) 240, PLD 2010 Lahore 546, 2011 PLC (CS) 455.]*

- (o) The respondent Delimitation Committee has also ignored the settled principle of law that the public powers must be exercised in the best possible interest and for the most possible furtherance of objectives for which the powers has been conferred. Such exercise of powers must not be whimsical or capricious, rather it must be reasonable and logical, thus the impugned actions / decisions of the Delimitation Committee are against the principal of objectivity and intention of legislation. *[Rel. 2011 PLC (CS) 37].*
- (p) That the impugned notice as well as the proceedings are also a **gross violation of specific provisions of Section 24-A of the General Clauses Act**, which manifestly impresses upon the Authorities/Public functionaries to decide the cases after application of mind on the touchstone of reasonableness, which otherwise is lacking in the instant case. However, the respondent Delimitation Committee, while acting as well as proposing the impugned delimitation in the Preliminary Report and List of Constituencies, have failed to act reasonably, fairly and justly as required under the provision of Section 24-A of General Clauses Act, 1897. *[Rel. 2010 SCMR 1778, 2010 SCMR 1495, 2010 SCMR 1475].*
- (q) That this Hon'ble Authority to make necessary amendment, alteration and modification in the preliminary list of constituencies, for the purposes of issuing / publishing the final Report and List of Constituencies.
- (r) That the impugned acts, orders, and proceedings are also **violative of Article 4 which is a citadel of administrative and judicial governance in the country** and amounts to constitutional reminder especially conveyed to the Government and its functionaries to treat everyone in accordance with law. However, unfortunately, the **petitioner was treated differently instead of in accordance with law and rules, jeopardizing the lawful rights of the petitioner**. Hence, the petitioner's right to be dealt with in accordance with law has also been breached. *[Rel. 1998 SCMR 1863, 2009 PLC (CS) 966, 2010 PLC (CS) 783].*
- (s) That, the impugned acts and orders / preliminary delimitation are illegal, perverse and tantamount to abuse of law, authority as well as the



**infringement of valuable rights of the petitioner.** Therefore, the same are void, unfair, unjust, unwarranted, arbitrary, malafide, illegal, unconstitutional and ineffective qua the rights of the petitioners.

- (t) That the valuable rights have already been created in favour of the petitioner, who cannot be deprived of his valuable rights, without due course of law.
7. That the impugned delimitation and the Preliminary List are not sustainable, hence, need to be reviewed by this Hon'ble Authority.
8. That in order to make the impugned delimitation consistent with the law, and the rules, it would be appropriate to revise the impugned delimitation as per the proposal / suggestions of the petitioner. **Hence, this petition / representation.**
9. That the Petitioner is personally aggrieved in this matter, besides however, a large number of other persons / voters / constituents / prospective candidates are also interested in the subject matter of this petition. Therefore, this matter also involves the public interest.
10. That grave miscarriage of justice has been done to the petitioner, and if the relief sought for in the titled representation / petition is not granted the petitioner shall also suffer irreparable loss.
11. That the petitioner has no other alternate remedy available for redressal of his grievances, therefore, he is left with no other alternate, efficacious and expeditious remedy except to invoke the jurisdiction of this honourable Authority.

**PRAYER:**

In view of the submissions made above it is respectfully prayed that the titled petition may graciously be accepted, and the **Impugned Preliminary Delimitation** of the **Constituencies of District Bahawalpur** [mainly *PP-280 Layyah – I; and PP-281 Layyah – II*], carried out by the Respondent Committee and proposed in their Preliminary Report and List of

B

Constituencies, published by the ECP for inviting Objections, **may graciously be set aside / quashed.**

It is further prayed that **the Final Report and List of Constituencies** may please **be issued only after revising the Impugned Delimitation / Preliminary List of the newly delimited Constituencies of District Layyah [mainly PP-280 Layyah – I; and PP-281 Layyah – II], by making / incorporating** necessary amendments, alterations, and modifications, **as proposed by the petitioner.**

Any other relief which the petitioner is found to be entitled in the circumstances of the case may please also be granted.

PETITIONER

THROUGH:



**(MUBEEN UDDIN QAZI)**

B.A (Pb), LL.B.Hons (IIUI), LL.M (London)  
Diploma in Immig. Law (iLex.UK)

**Advocate Supreme Court of Pakistan**

Former Registered Foreign Lawyer (Eng & Wales)

Former Consultant / Local Govt Legal Expert, Govt of the Punjab

**QAZI & QAZI LAW OFFICES**

**Head Office:** 6 - Turner Road, Behind the High Court, Lahore.

**Islamabad Office:** Office No. 03, Ground Floor, Sahan Arcade, 119 Spring North,  
Phase - 7, Bahria Town, Islamabad.

Tel: 042 3724 1516 Fax: 042 3735 1446 Cell: 0300 844 6260 0333 840 5060

**Dated:** 31.03.2018

**CERTIFICATE:**

1. Certified as per instructions that this is the first Representation on the subject noted above.



**ADVOCATE**

**BOOKS:**

1. The Constitution of Pakistan, 1973.
2. The Election Act 2017.
3. The Election Rules, 2017.