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

Representation by: Ch. Sharafat Hussain Advocate

CNIC No. 34202-0844181-1

(PP-32)

**REPRESENTATION UNDER RULE 12 OF THE ELECTION RULES 2017
READ WITH SECTION 20 OF THE ELECTION ACT CHALLENGING
THE PRELIMINARY PROPOSAL PERTAINING TO THE
DELIMITATION OF PROVINCIAL ASSEMBLY (PUNJAB) WITH
REGARD TO THE CONSTITUTENCIES OF DISTRICT GUJRAT**

Respectfully Sheweth,

1. That the instant representation is being filed by Ch. Sharafat Hussain Advocate (*hereinafter referred to as "the Applicant"*) who is a voter member of PP-32 (Gujrat) provincial constituency of Punjab and is competent to file the instant representation. The applicant is a known political worker of the constituency and in the last election held in 2013, he secured above 16,000 votes as a candidate for the provincial assembly seat. The Applicant is seriously aggrieved of the delimitation of PP-32 culminated through a Notification No. F.8(3)2018-Elec-1 dated 05-03-2018 (*hereinafter referred to as "the preliminary report"*) issued by the Election Commission of Pakistan (*hereinafter referred to as*

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"ECP") under Section 21(1) of the Election Act 2017 read with Rule 11 of the Election Rules 2017.

Copy of certificate issued by the District Election Commissioner showing the Applicant as voter of PP-32 constituency (Gujrat) is annexed as Annexure-A

Copy of last election (2013) result showing above 16000 votes secured by the Applicant is annexed as Annexure- B

Copy of Map issued by the ECP is annexed as Annexure-c

Copy (relevant part relating to Distt. Gujrat) of preliminary report issued by the ECP is annexed as Annexure- D

2. That through the instant representation, the Applicant seeks correction/modification/alteration in the provincial constituencies of District Gujrat particularly PP-32. Through the preliminary report, the ECP has delimited the constituencies of District Gujrat in sheer violation of principles (of delimitation of constituencies) including but not limited to the principle of contiguity, closeness, homogeneity and compactness. Further, the administrative fairness is conspicuously missing in the entire delimitation process. The whole delimitation activity seems to be nothing but *Gerrymandering* which is violation of fundamental rights of the residents/voters of PP-32 and other constituencies of District Gujrat. The instant representation is being instituted *inter alia* on the following grounds;

GROUNDS

A. That as per Rule 10 (5), while delimiting the constituencies, the Delimitation Committee/ officials of the ECP were under obligation to start the process from northern end of the District and thereafter they were supposed to proceed clockwise in a zigzag manner keeping in view that the population among the constituencies should remain as close may be practicable. The command of the quoted rule was badly contravened while delimiting the constituencies. The process, as is obvious from the map prepared by the ECP was not started from the northern end of the District Gujrat and the officials also did not complete the task proceeding clockwise. The northern end of the District Gujrat starts from Tehsil Sarai Alamgir (a busy town located on GT road on the bank of River Jehlum) and as per the command of the quoted rule, the officials were bound to start their process from the said town; however, the delimitation, as is obvious from the map of ECP, was started from the eastern end of the District. Thus the delimitation, as is reflecting in the preliminary report coupled with the map issued by the ECP, is legally not sustainable.

B. That another important fact which requires attention of this Honorable Commission and on the basis of which the applicant earnestly feels that the preliminary report requires to be modified is that there are contradictions between the marked map issued by the ECP and the preliminary report (being impugned through the instant representation) of the ECP. These

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two documents issued by the ECP must be in harmony with each other and there should be no inconsistency between them. To substantiate the aforementioned assertions, it may be added here that as per the map issued by the ECP, there are villages/ populations reflecting in one constituency of District Gujrat but quite strangely in the preliminary report issued by the ECP, the said villages/ populations have been made part of some other constituency.

C. That the map issued by the ECP is not compatible at all with the preliminary report. To substantiate the aforementioned assertion, it may be added here that some patwar circles namely Mughli, Topa Usman, Khoja, Chimma and Chak Mehmood have been shown in PP-30; whereas in preliminary report, quite contrary to their position in map, they are reflecting in PP-32. Given below is a table which clarifies in simple terms and supports the assertion of contradiction/conflict between preliminary report and the map:

Sr No.	Patwar circle	Constituency as per map of ECP	Constituency as per preliminary report of ECP
1	Machiana	PP-30	PP-29
2	Musa	PP-30	PP-29
3	Chodowal	PP-28	PP-29
4	Topa Usman	PP-32	PP-30
5	Khoja	PP-32	PP-30
6	Chimma	PP-32	PP-30
7	Chak Mehmood	PP-32	PP-30
8	Mughli	PP-32	PP-30

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Important Note: The Patwar Circles listed at Sr. No. 4 to 8 (reflecting in PP-32 in preliminary report) have no land contact with PP-32. The map is showing them as islands in PP-30.

Similarly, the Patwar Circles listed at Sr. No. 1 and 2 (reflecting in PP-29 in preliminary report) have no land contact with PP-29 and they have emerged as islands in PP-30 in the map.

Copy of map prepared by the Applicant explaining contradiction between the preliminary report and the map and also showing the above Patwar Circles as islands is annexed as Annexure-F

- D. That it is important to add here that the recent census was carried out on the basis of new patwar circles and accordingly the delimitation should have been conducted on the basis of new patwar circles to avoid any confusion but the factum of creation of new patwar circles has been ignored either due to want of knowledge by the officials of ECP or this has been done deliberately with ulterior motives to benefit a particular political group.
- E. That the Applicant, being a political worker, feels that Patwar Circles namely, (1) Matwanwala (2) Sikeryali (3) Waraichanwala (4) Dhakranwali (5) Chakori Bhelowal (6) Chokar Kalan (7) Chak Pindi (8) Thatta Pore (9) Gorsi (10) Mehmood Chimna (11) Nagrianwala (12) Mughli and (13) Khoja must be excluded from PP-30 and the same should be included in PP-32. As against such exclusion/inclusion, the Municipal Committee Kharian (which is currently part of PP-32) should be included in PP-33. The reasons/grounds of the change

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suggested by the Applicant are numerous and few of them are narrated hereunder:

- 1) As per proposal of the Applicant, Kharian Municipal Committee should be placed in PP-33 where the Cantonment Board Kharian (an integral part of Kharian city) is already existing. Both Kharian Cantonment Board and Kharian Municipal Committee should be placed in one constituency i.e PP-33 for the reason that historically they have never been separated from each other. In case of acceptance of this proposal almost 40,000/- voters (of Kharian Municipal Committee) shall be placed in PP-33 and to cover this gap, Patwar Circles mentioned in para "E" above (containing almost the same number of votes i.e 40,000) should be inserted in PP-32 and resultantly no big change is likely to occur.
- 2) The reasons/grounds for inclusion of Patwar Circles (mentioned in Para "E" above) in PP- 32, as submitted above are numerous. All the residents of the said patwar circles, historically remained connected to Dinga city located in PP-32. The said city is the only busy town in PP-32 where apart from major commercial activities, all big facilities such as educational institutes and hospitals etc are available. The residents of patwar circles (mentioned in Para "E" above) always visit Dinga city to meet their daily needs and they are following this routine since ages.

Their Qanungo Halqa is also Dinga city. Their local businesses are in Dinga city. The nearest Police Station is also located in Dinga city. All family relations/ties of the residents of these areas are in PP-32 for a simple reason that these are the areas which are predominantly occupied by Gujjar clan and PP-30 is a constituency which is dominant by Jatt clan. These are the ground realities and social factors which, as per the provisions of Elections Act, 2017 are considered while delimiting constituencies but unfortunately, all these factors have been ignored in totality causing sheer frustration for the residents/voters of these patwar circles mentioned in Para "E" above.

- F. That Kharian city and Kharian Cantonment are contiguous to each other and historically they have never been separated while delimiting the constituencies. The civil limits of Cantonment Board Kharian fall in patwar circle Kharian but quite strangely the Cantonment Board Kharian and Kharian Municipal Committee have been placed in two different constituencies causing sheer trouble, hardship and inconvenience to the residents of Kharian Municipal Committee and Cantonment Board Kharian. The applicant feels that Kharian Municipal Committee should also be placed in PP-33.
- G. That while delimiting the constituencies particularly PP-32, the ECP has introduced changes whereby certain areas have been placed into a region far away from their original places in sheer disregard of the principles of contiguity, closeness and

homogeneity. While making the preliminary report, the ECP has not kept in consideration the territorial unity and the whole process appears to have been completed in an arbitrary and slipshod manner.

- H. That all forms of *Gerrymandering* such as stacking, packing and cracking have been used to minimize the influence of those likely to vote for the Applicant. The process of delimitation is not only arbitrary, unreasonable but also the result of colorable exercise of powers.
- I. That the delimiting activity appears to have been done ignoring the historical, social, political and cultural contexts of the area. The constituencies of the District Gujrat, particularly PP-32, on the face of it, are odd shaped. The principle of compactness has been blatantly violated. The administrative convenience of the locals has been completely ignored while delimiting the constituencies. The boundaries determined through the questioned process have thus caused sheer disenchantment for the people/ residents/ candidates and the in no way the delimitation can be termed as reasonable and feasible.
- J. That the Applicant, in order to fulfill the statutory requirement, has prepared a proposal (in the shape of Map and Report) which is annexed with the instant representation.

Proposed map prepared by the Applicant is annexed as Annexure-

Proposed report prepared by the applicant is annexed as Annexure-

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Prayer

In view of the above, it is respectfully prayed that the instant representation may kindly be accepted in view of detailed factual and legal grounds taken above.

Applicant



Ch. Sharafat Hussain Advocate

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V.P.O Sekeryali, Tehs: Kharian

District Gujrat

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