

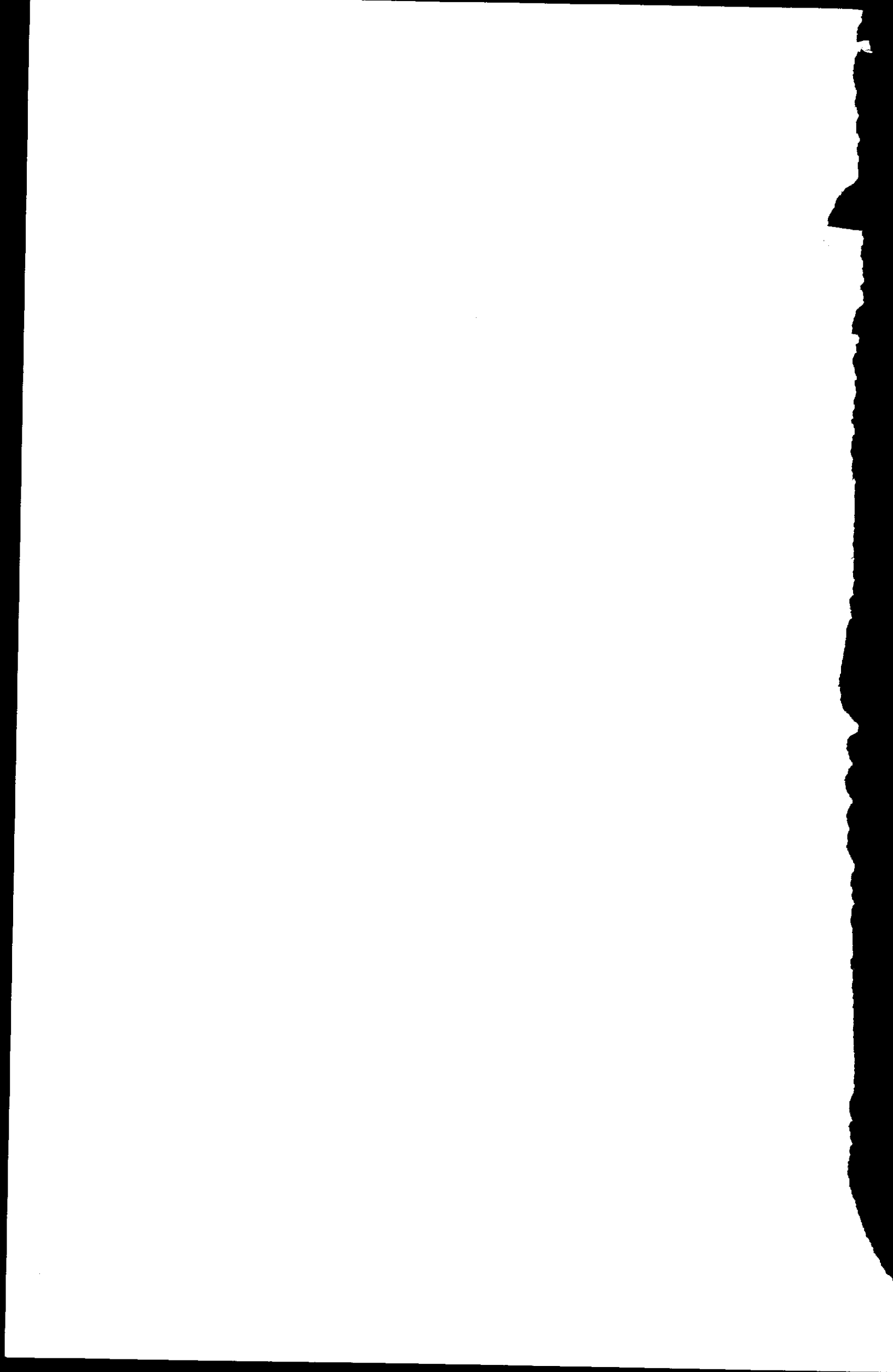
BEFORE THE ELECTION COMMISSION OF PAKISTAN

REPRESENTATION/OBJECTION PETITION UNDER SECTION 21(2) OF THE ELECTION ACT, 2017, READ WITH RULE 12 OF THE ELECTION RULES, 2017, AGAINST GERRYMANDERING IN THE DELIMITATION OF CONSTITUENCIES OF PROVINCIAL ASSEMBLY OF THE PUNJAB OF DISTRICT SIALKOT.

Respectfully Sheweth;-

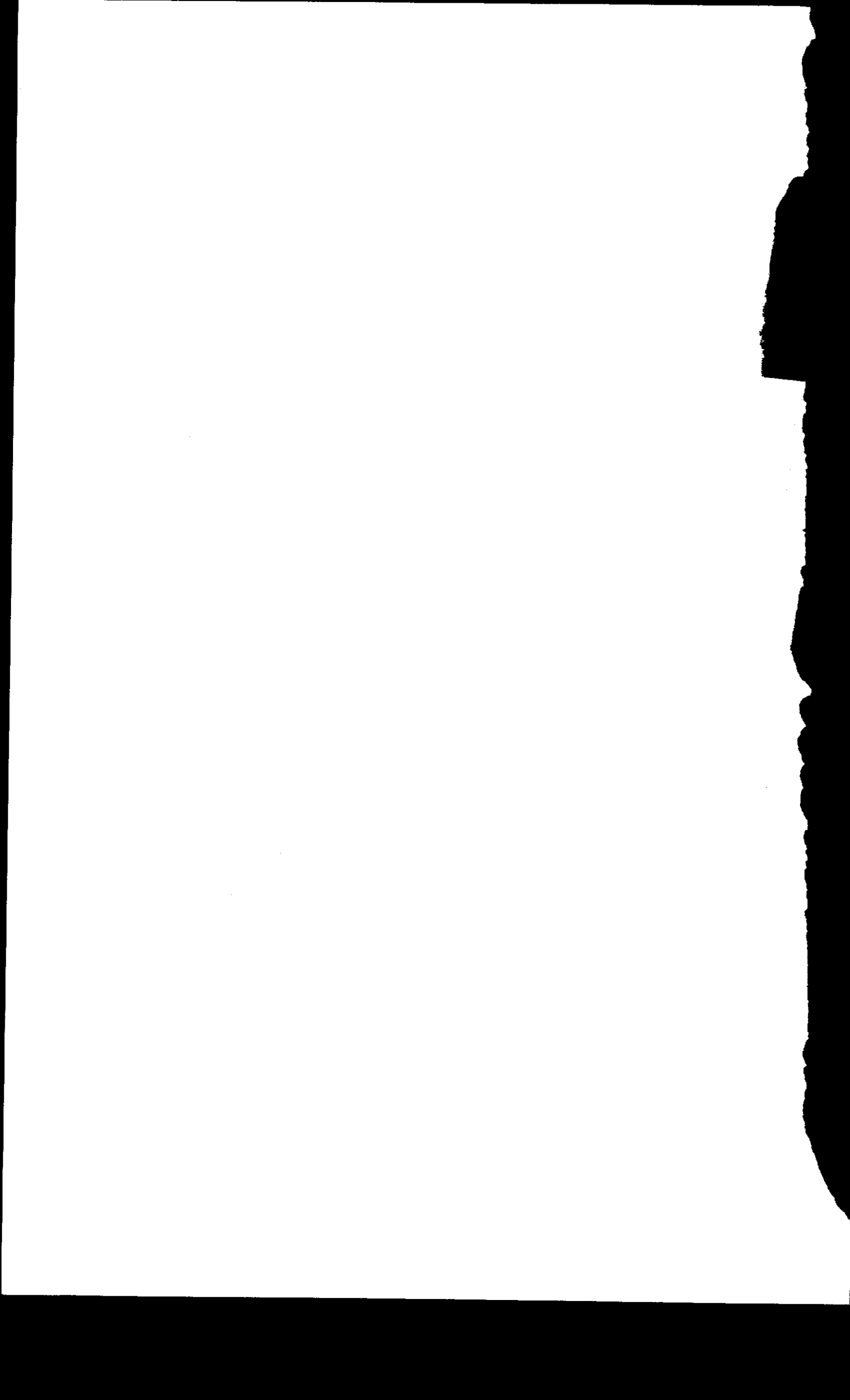
Subject Matter of the Objection Petition,-

That by the submissions, facts, grounds and prayer hereinafter, in essence, through the instant Representation/Objection Petition, the petitioner is aggrieved of and seeks correction in the Constituencies of district Sialkot, published *vide* ECP's Notification No. F.8(3)2018-Elec-1, dated the 5th March, 2018, under Section 21(1) of the Election Act, 2017 (hereinafter to be referred as "the Act"), read with Rule 11 of the Elections Rules, 2017, (hereinafter to be referred as "the Rules"), as **Preliminary List of Constituencies (the Impugned List)**. The claim in the titled Representation is, *inter-alia*, premised on violation of the well established Principles of Delimitation of Constituencies, administrative fairness, constitutional and statutory obligations, duties and violation of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan-1973, (hereinafter to be referred as "the Constitution"). The impugned Constituencies published in the Preliminary List *vide* Notification referred to above are Gerrymandered, without application of independent mind, beyond jurisdiction without observing the procedure laid down under Section 21(1)*ibid.* and evidently incipient, arbitrary, unreasonable, unfounded, tenuous, speculative, irrational, unsubstantiated and illegal, the same is violative of the Constitution and the **Principles of Delimitation of Constituencies** enshrined in the Act.



That the instant Representation / Objection Petition has arisen out of the following necessary facts;

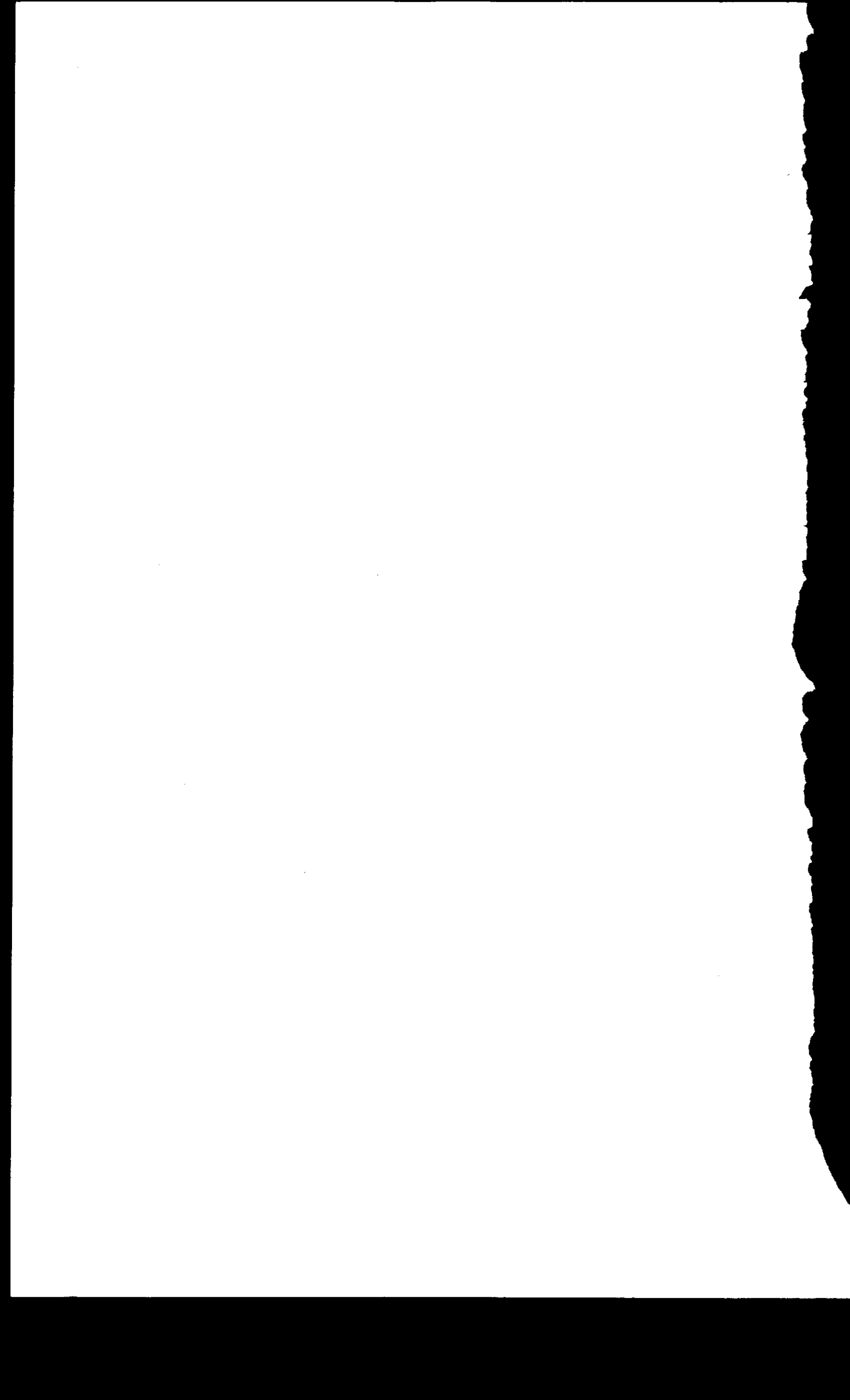
1. That I, Amir Iqbal Awan S/O Malik Muhammad Iqbal Awan, NIC # 34603-2267602-5, R/O Village Shahrak, P/O Bajra Garhi, Tehsil Pasrur District Sialkot is bona-fide resident and registered voter of Constituency No. PP-35 Sialkot-I, of district Sialkot, delimited and published in the Preliminary List of Constituencies.
2. That the Election Commission of Pakistan has published Preliminary List of Provincial Assembly Constituencies of district Sialkot along-with other districts of the Punjab, vide ECP's Notification No. F.8(3)2018-Elec-1, dated the 5th March, 2018. (Annexure-A).
3. That Sialkot district administratively comprising Four Tehsils, i-e, Sialkot, Pasrur, Sambrial and Daska with Total Population of 3,893,672, in terms of Provisional Results of Census-2017, released by the Census Organisation, and has been allocated 11 constituencies of Provincial Assembly of the Punjab.
4. That Quota for each Provincial Assembly Constituency of Sialkot district comes to 354,000 with Maximum upper limit of Population of 371,700 and Maximum Lower limit of Population of 336,300. (Summary of district Sialkot is at Annexure-B)
5. That the delimitation of district Sialkot as a whole is illegal and unsustainable, as some constituencies have been delimited in separate parts having no territorial contiguity and integration and such parts/areas are almost 4 to 6 Kilometers away from each other.
6. That delimitation of constituencies has been started from the Eastern end of the district instead of Northern end with mala-fide intention to accommodate someone and to gerrymander the constituencies of district Sialkot.



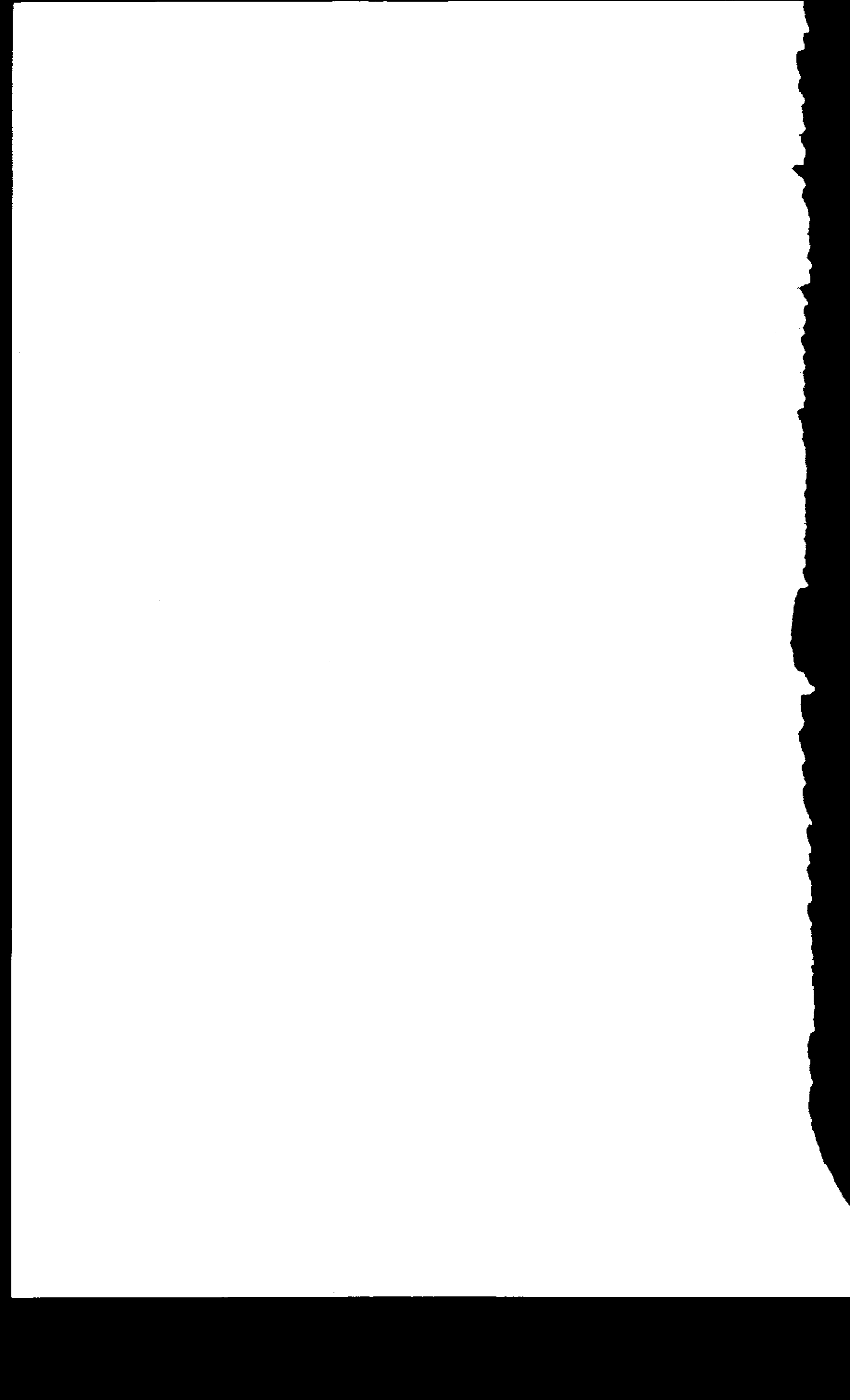
7. That the Constituency numbered as PP-43 Sialkot-IX, in accordance with the rules and precedent should be numbered as PP-35 Sialkot-I. However, starting from Pasrur Tehsil from eastern side of the district is not only illegal but also with ulterior designs to carve out the constituencies at the wishes and for the benefit of the experienced elite class candidates.
8. That all Constituencies of Sialkot District full of defects, factually in two or more parts, having no homogeneity and against the principles of Delimitation of Constituencies.
9. That for Example,- the ECP has carved out Constituency No.37-Sialkot-III, as following:-

No. & Name of Constituency	Extent of Constituency	Population
PP-37 Sialkot- III	(a) The following Q.Hs of Pasrur Tehsil; 1) Saukanwind; 2) The following PCs of Classwala QH; i) Dhodah, ii) Faqiran Wali, iii) Noor Pur (b) The following Q.Hs of Daska Tehsil; 1) Wadala Sandhoan, and 2) Budha Goraya QH excluding the following PCs; i. Jandoke ii. Kanwalit, iii. Lurhiki, and iv. Mondeke, of district Sialkot.	340,269

10. That the Map of District Sialkot marked with Provincial Assembly Constituencies and provided on cost from the office of the Provincial Election Commissioner is illegible, unreadable and nothing more than piece of paper. (Annexure- C).



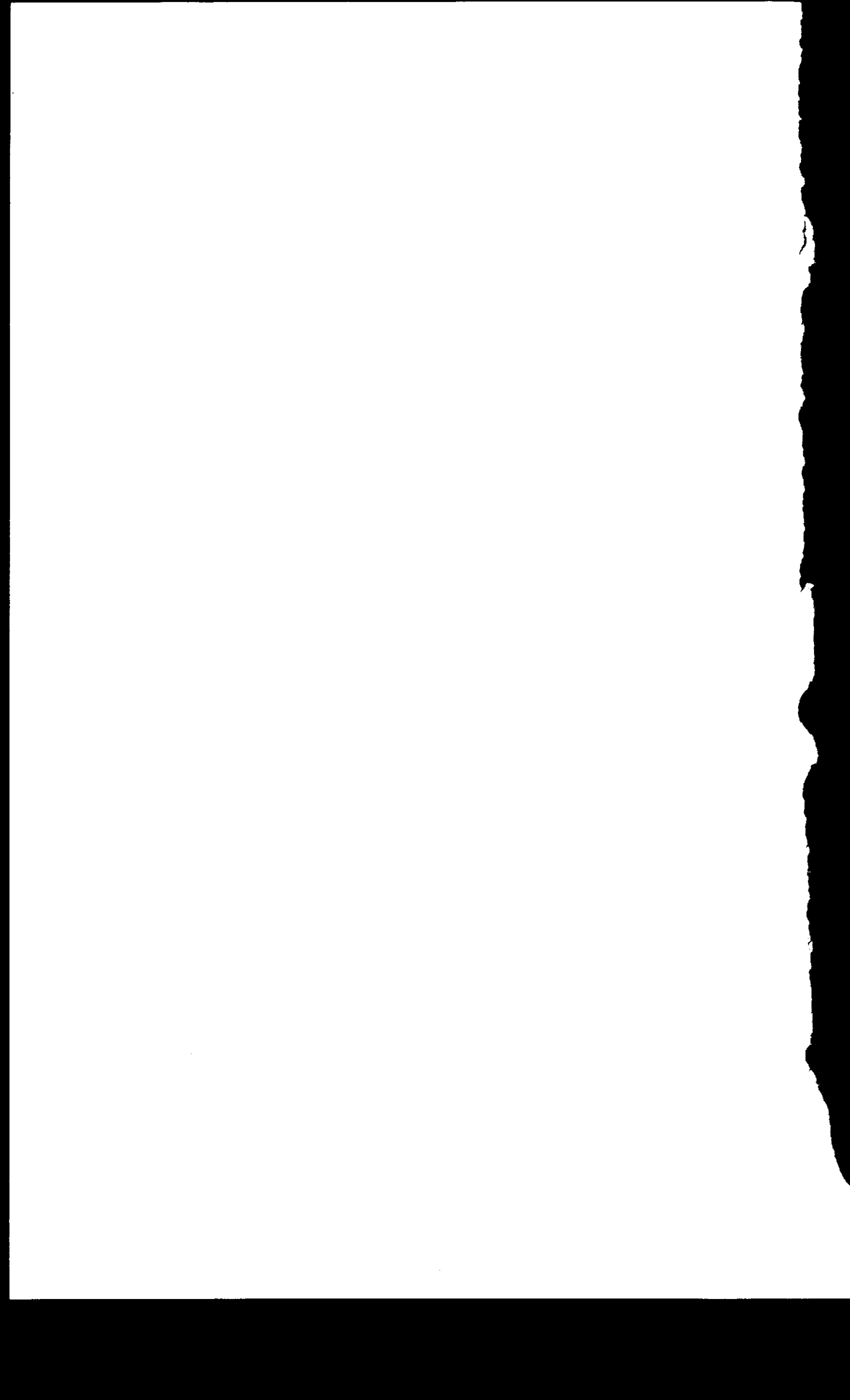
11. That due to illegibility, in-visibility of areas included in the constituencies and un-readability of ECP provided map, the Petitioner has re-marked the Constituencies on map as notified by the Hon'ble Election Commission of Pakistan, for the facility of reference and reading.
12. That evidently as per illustrated map the Constituency No.37 Sialkot-III, is neither compact nor contiguous, rather comprising two parts which are located away from each other. (Illustrated map is at Annexure-D)
13. That Two Patwar Circles of QH Budha Goraya, namely Matteke and Richhara included in the Constituency No. 37 Sialkot-III, are not contiguous and more than 5KM away from rest of the Constituency.
14. That two Patwar Circles of Budha Goraya namely, Matteke and Richhara are not Contiguous with rest of the Patwar Circles of the QH Budha Goraya and surrounded by Mirza Goraya QH, Gunna Kalan QH, Pasrur-1 QH and Pasrur-II QH having no boundary contiguity with rest of the areas of its own QH Budha Goraya.
15. That inclusion of two Patwar Circles Matteke and Richhara in PP-37 Sialkot has bifurcated the constituency into two separate parts.
16. That Similarly proposed constituency No. PP-36 also comprising two separate parts, as two Patwar Circles of Gunna Kalan QH namely Bhoth-I and Bhoth are not contiguous with the rest of the areas of QH and located about 15 KM away from the Constituency.
17. That Both the Patwar Circles are surrounded by Chaprar Khas QH and Sialkot Cantt., Hence Constituency PP-42 is also not sustainable.
18. That PP- 39 Sialkot-V has also been created into two parts, connected only with almost 100 meters. further more the same is not contiguous and in accordance with the Principles of Delimitation of Constituencies.



19. That PP-41 Sialkot- VII is also comprising two parts as one patwar circle Marakewal has no land link with the rest of the constituency, hence not sustainable.
20. That PP-35 Sialkot-I, PP- 36 Sialkot-II have also been got delimited through pick and choose and are gerrymanderred.
21. That the impugned Constituencies are unsustainable *inter-alia* on the following grounds among others;-

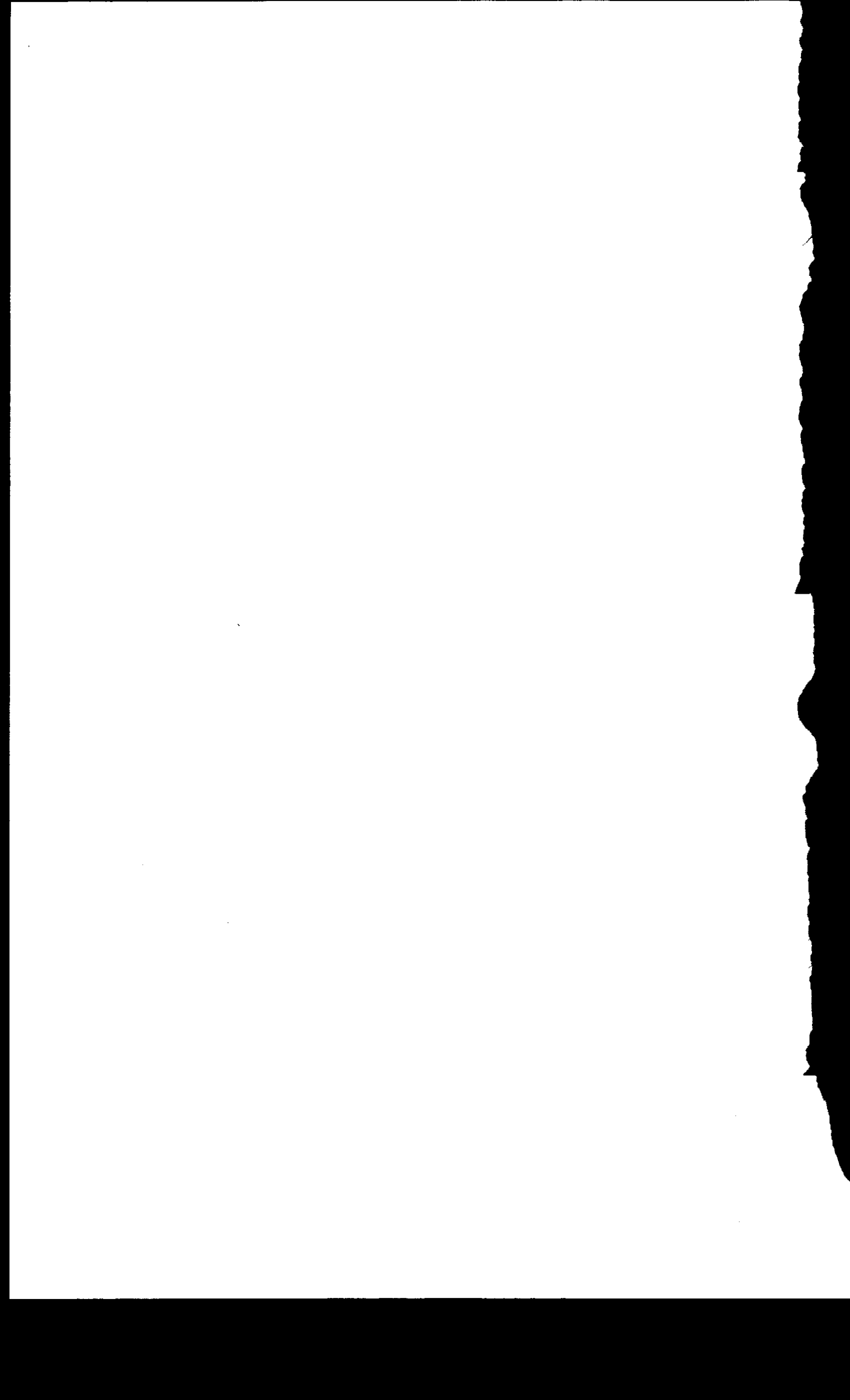
GROUNDS

- a) That the constituencies are *de jure* apportionment of space for the purpose of electing representatives of people living in the territorial limits of a democratic state and the elected representatives represent not only the people but also their respective segments of territory, the constituencies.
- b) That these two — the land and the people — and the prevailing law of the country provide the basis for constituency boundaries and their delimitation. The laws concerning constituencies can have two dimensions. The first is related to the laws of enfranchisement as to who among the population have the right to vote. This gives the total number of electors and the number of representatives to be elected and the other aspect of constituencies is the actual drawing of boundaries and enclosing people within the constituency framework. This is indeed a sensitive issue for several reasons.
- c) That first, a lack of understanding of the human geography of the area can divide up people who may in effect lose their representation or voice in the legislature. Second, the division of space into constituencies can be so organised that it may carve out either a safe support base for a party or a candidate, or create a combination of societal forces which are opposed to a particular party or candidate. Thirdly, a new boundary can change the pattern of electoral representation in the legislature.
- d) That different sets of electoral constituency boundaries can produce



different election outcomes, even if the underlying vote patterns are identical. Electoral abuses such as ill-proportioned constituencies (electoral constituency that vary substantially in population) and electoral constituency that have been “gerrymandered” (constituency boundaries intentionally drawn to advantage one political group at the expense of others) can have profound effects on the outcome of an election and the composition of a parliament or an elected body of representatives. If voters and other stakeholders suspect that the constituency boundaries have been unfairly manipulated to produce a particular political outcome, this will affect the credibility of the delimitation process. The legitimacy of the electoral outcome itself could be questioned.

- e) The basic object of delimitation is to secure, so far as practicable, equal representation for equal segments of the population in legislative bodies. Apportionment|| or delimitation or—redistricting|| has the—aim of equalizing the population (or electorate) per seat, in accordance with the principle of one person, one vote, one value. This is usually done with regard to stated constraints of administrative convenience, contiguity, geographical, and communication factors; and unstated influences of party-political advantage. In other words, the delimitation aims at ensuring the observance of the basic tenet of democracy; one man, one vote. The Principles of delimitation under the Election Act, 2017, include having regard to distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cogent factors to ensure homogeneity in the creation of constituencies.
- f) The other equally important aim of delimitation is to divide the geographic areas into territorial constituencies so fairly that no party or candidate may legitimately have a grievance that there has been gerrymandering of constituencies in favour of or against the interests of



any particular party or candidate. Suggesting that the right to cast a ballot is meaningless if that ballot is undervalued relative to a ballot cast by a voter in a less populated district. Gerrymandering is —drawing of district boundaries so as to favour one’s own chances in future elections....

strategies for gerrymandering have been characterized as ‘packing’, and ‘cracking’, each of which seeks to minimize the influence of those likely to vote for opponents. ‘packing’ when opponents are concentrated in a small number of constituencies; and ‘cracking’ when opponents are divided between a large number of constituencies

g) That the **Principle of Delimitation** have been enumerated under section 20 of the Election Act, 2017, which reads as under-

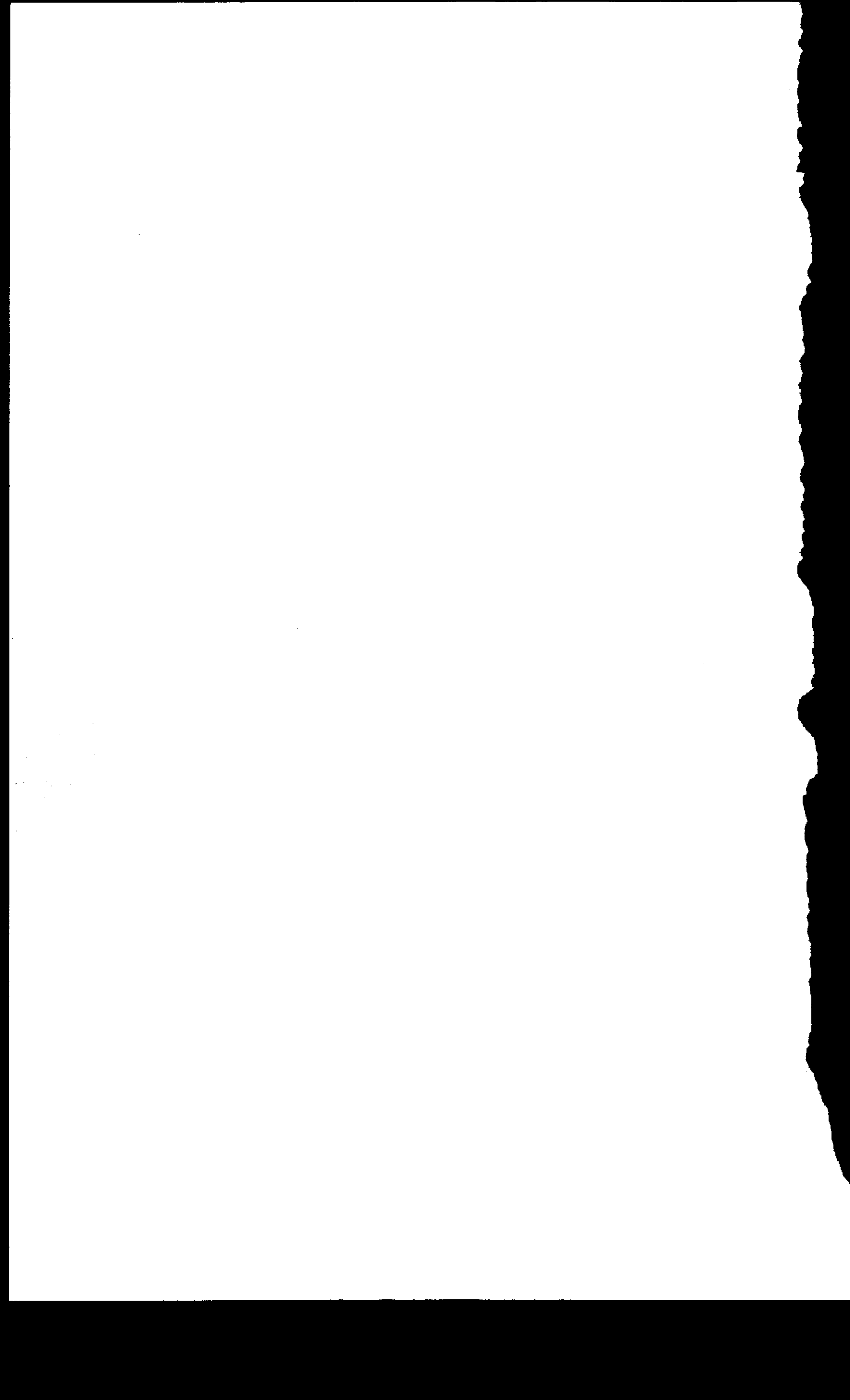
“20. Principles of delimitation.—(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public 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.”

h) That we can easily identify and enumerate the Principles of Delimitation which law provides to be complied with, respected and



implemented in letter and spirit while delimiting the electoral constituencies, so the not only the candidates but also the voters could be benefited. We can number such principles as under;-

- a) Distribution of Equal Population,
 - b) Geographical Compactness,
 - c) Physical Features,
 - d) Existing Boundaries of Administrative Units,
 - e) Facility of Communication,
 - f) Public Convenience, And
 - g) Homogeneity,
- i) That procedure for delimiting constituencies has been provided under Sub-rules 3 to 5 of Rule 10 of the Election Rules, 2017, reproduced as under-,
- “(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.

- j) That the provincial Assembly Constituencies of Sialkot District lacking basic two very important Principles i-e- Equal Distribution of Population and Geographical Compact areas.
- k) That the Constituencies have been delimited preliminarily without keeping in view the facts on ground and the principles of delimitation of constituencies.
- m) That keeping in view the principles as enshrined under the Election Act, 2017 read with Rule 10 of the Election Rules, 2017, a plausible proposal/suggestion has been prepared for the consideration of the Delimitation Committee while preparing a Draft Delimitation Proposal. The proposal / suggestion has strictly been framed in compliance of principles of delimitation in their entirety and totality. **(Proposal is at Annexure-E)**
- n) That suggestion is submitted to avoid gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted meets the requirement of law and based on **Principles of Delimitation of Constituencies** for the conduct of free, fair and just elections in district Sialkot as envisaged under the Constitution. Furthermore, the just and fair creation of electoral

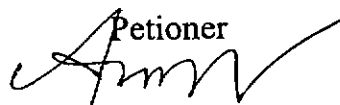
constituencies is the pre-requisite of just and fair elections, if the constituencies are gerrymandered, the election's results cannot attain legitimacy which resultantly injure the credibility of Parliament and Legislative bodies. (Map of Proposed Constituencies is at Annexure-F).

- o) That the proposal has also been supported with map and extent of constituencies. The constituencies demarcated on the map, are geographically compact areas and the population has been distributed almost equally. Whereas all the constituencies ensure complete homogeneity and facility of people. Communication network has dully been kept in view while carving out all 11 constituencies of the district Sialkot

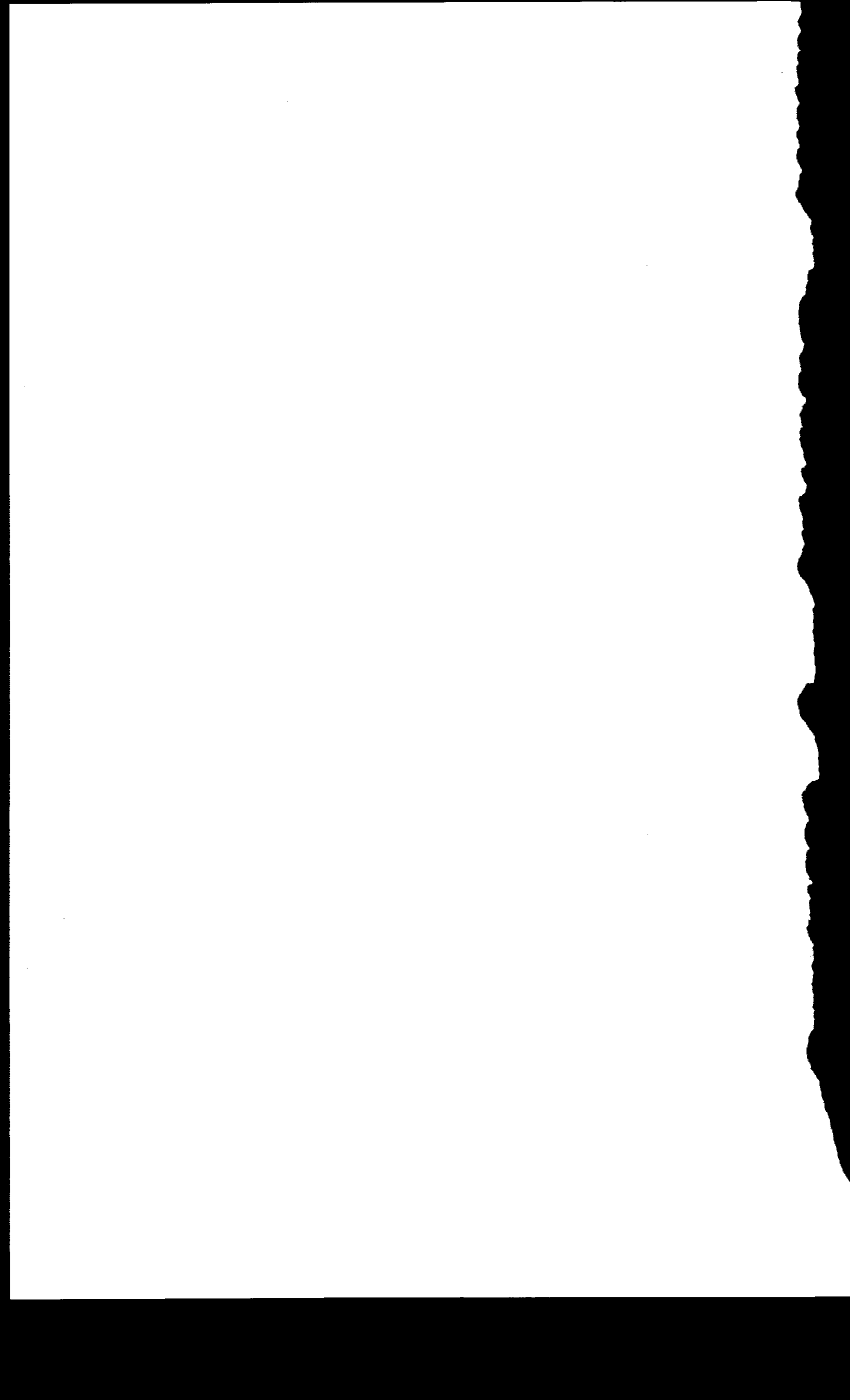
PRAYER.

It is, therefore, very humbly prayed that the proposal / suggestion submitted may kindly be considered on merits and any type of gerrymandering may be checked and avoided to ensure free, fair and just election in accordance with the constitution and the law and to give level playing fields to all candidates and to promote the essence of democracy and also to attach legitimacy with the elected representatives of the Parliament and provincial Assemblies.

Further prayed that islands created while drafting preliminary List of Constituencies may ver graciously be removed and ended to make the constituencies Compact and Contiguous for the sake of law, justice and fair-play and delimt just constituencies in accordance with law and rules.

Petitioner


Amir Iqbal Awan
 R/O Village Shahrak, P/O Bajra Garhi,
 Tehsil Pasrur District Sialkot



Through

Raja Rizwan Abbasi,
Advocate, High Court
G-7/1, Islamaabad

VERIFICATION

Verified on oath on this-----day of ^{2nd April} ~~March~~, 2018 at Islamabad that the contents of the above Representation / Objection Petition are true to the best of my knowledge and belief.



Petitioner

