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;-

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

1. That I Syed Shah Faisal Shah s/o Syed Mansha Husain, NIC # 34601-8408620-1, is *bona-fide* resident and registered voter of PP-39 Sialkot-VII of District Sialkot and intend to contest forthcoming General Elections-2018, from district Sialkot from PP-39- Sialkot-VII, delimited and published in the Preliminary List of Constituencies by the Election commisssion of Pakistan.
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 un-sustaible, as some constituencies have been delimited in separate parts having no territirial contiguity and integration and such parts/areas are almost 4 to 6 Kilometers away from eachother.

6. That delimitation of constituencies has been started from the Eastern end of the district instead of Northern end with mala-fide intention to accomodate someone and to gerrymander the constituencies of district Sialkot.

7. That the Consituency numebered as PP-43 Sialkot-IX, in accordance with the rules and precedent should be numbered as PP-35 Sailkot-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 wishses and for the benefit of the experinced elite class candidates.

8. That all Constituencies of Sialkot District full of defacts, factually in two or more parts, having no homogeniety and against the principles of Delimitation of Constituencies.

9. That the Map of District Sialkot marked with Provincial Assembly Constituencies by the Election Commisssion of Pakistan has been illustrated with different colours in respect of Constituency Nos. PP-38, 39 and 40. (**Annexure- C**).

10. **That PP- 39 Sialkot-V has a been created into two parts, connected with very thin belt against the Principles of Delimitation of Constituencies and f the same is not almost contiguous .**

11. 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 the after distribution of population eaually into constituencies, it must be ensured that the constituencies are in compact areas and contiguous and not in various parts.

d) 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.

e) 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 Priciples i-e- Equal Distribution of Population and Geographical Compact areas.

k) That the Constituencies have been delimited preliminarily without keepinig inview 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, and the facts two patwar Circles namely Badoke and Kharolian Aslampur of Gojra QH of Sambrial Tehsil are required to be included in PP-39 instead of PP-40 as proposed by the Election Commission of Pakistan in the draft constituencies published through impugned Notification dated 5th March, 2018.

n) That a plausible proposal/suggestion rather correction has been proposed in PP 39 and PP 40 to make both the constituencies compact and sustainable under the law for the consideration of thsi August Commission. The proposal / suggestion has strictly been framed in compliance of principles of delimitation in their entirety and totality. **(Proposal is at Annexure-D)**

n) That suggestion is submitted to avoid disconnection of constituency and to make it compact and contiguous. 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. (**Map of Proposed Constituencies is at Annexure-E).**

PRAYER.

It is, therefore, very humbly prayed that the proposal / suggestion submitted may kindly be considered on merits and two patwar Circles Badoke and Khrolian may be included in PP39 and Patwar circles Malkhan wala being adjacent to pp40 may kindly be ordered to slice from PP 39 and to include in PP 40 to make the constituency particularly PP 40 as contiguous and compact.

Petioner

Syed Shah Faisal S/O Syed Mansha Husain,
R/O, Village Alomahar,
Tehsil Daska & District Sialkot

VERIFICATION

Verified on oath on this------day of April 2018 at Islamabad that the contents of the above Representation / Objestion Petition are true to the best of my knowledge and belief.

Petitioner

Rana Rashid Jameel
Advocate High Court

SYED ANWAR-UL-HAQ GILANI
Advocate High Court & Federal Shariat Court
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