

MEMORANDUM / REPRESENTATION BY:

MUHAMMAD KHALID SON OF MUHAMMAD YOUSAF
R/O NEAR UBL BANK SIALKOT ROAD, BEHKOPUR,
GUJRANWALA

SUBJECT:

APPLICATION AGAINST THE GERRYMANDERING
IN THE DELIMINATION OF CONSEQUENCIES i.e.

PP.58 and PP.59 OF DISTRICT GUJRANWALA

RESPECTFULLY SHEWETH:

1. That the petitioner Haji Muhammad Khalid Mughal son of Muhammad Yousaf CNIC No.34101-0407334-7 and bona-fide registered voter of District Gujranwala and intended to contest forthcoming General Election 2018 for the seat of Member Provincial Assembly i.e. PP 59 Gujranwala.
2. That it has learnt through media that the Election Commission has constituted a committee for the purpose of preparing a draft proposal of Delimitation of Constituencies, in view of recent Constitutional Amendment, (24th Constitutional Amendment), and the committee has started its work in the Election Commission of Pakistan Secretariat, Islamabad.
3. That It is pertinent to mention here that the petitioner namely Muhammad Khalid is chairman Union Council No.12 has been worked in the above said constituencies and thus petitioner served the people

of his constituencies in every aspect of life and petitioner have tried almost to provide the best standards to his voters and for this reason, the people of his constituencies are very happy and petitioner enjoys a good repute as well as respect among the folk.

4. That, however it has learnt that influential and experienced failed politicians of the area are trying to get created safe constituencies through Gerrymandering to influence the results of elections and to ensure their unlawful victory in the elections. Furthermore they are communicating to the voters of the area that they have managed to get divided the constituency in such a manner that opponent will not be in position to contest election against the candidate of particular group as they have succeeded to gerrymander the constituency of the District Gujranwala to ensure their return in the assembly.
5. That it would not be out of place to mention here that if such elements who are clearing Gerrymandering get succeeded to bypass. The principle of delimitation of constituency as provided in law and best international practices adopted for the delimitation of electoral constituency, then conduct of pole shall be a just symbolic exercise and of no use. Hence to promote democracy and to provide a level playing field for all the contestants, it is absolutely necessary to delimit the constituency justly, fairly and in accordance with principles of the delimitation of constituencies and best international practices.

6. That principle of delimitation has been enumerated under Section 20 of the Election Act 2017 which reads as under:-
- a. All constituencies for general seats shall as far as practicable, be delaminated 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.*
 - b. For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribunal Areas two or more separate areas may be grouped into the constituency.*
 - c. As far as possible, variation in population of constituencies of an assembly or a local government shall not ordinarily exceed 10%.*
 - d. If the limit of 10% under sub-section (3) is exceeded in an exceptional case, the commission shall record the reasons thereof in the delimitation order.*
7. That we can easily identify and enumerate the principle of delimitation which law provided to be compelled with respected and implemented in letter and spirit while delimiting the electoral constituencies so not only the candidates but also the voter could be benefited. We can number such principles as under:-
- i. Distribution of equal population.

- ii. General Compactness.
- iii. Physical Features.
- iv. Existing boundaries of administrative units.
- v. Facilities of communication.
- vi. Public Convenience

And such other cognate features which ensure homogeneity .

8. That procedure for delimiting constituency has been provided under sub Rule 3 to 5 of Rule 10 of the Election Rules 2017, reproduced as under:-

Rule 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.*

Rule 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 Tapadar 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.

Rule 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 stage 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 the 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.

9. 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 or suggestion has been prepared for the consideration of the delimitation committee while preparing a Draft Delimitation Proposal. The Proposal or suggestion has strictly been framed in compliance of principles of delimitation in their entirety and totality.
10. The suggestion is submitted to void Gerrymandering in any manner to create a safe constituency for a particular candidate or contestant. The proposal is submitted as under which meets the requirements of law and based on principles of delimitation of

constituencies for the conduct of free, fair and just elections in District Gujranwala 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 result cannot attain legitimacy which resultantly injure the credibility of Parliament and Legislative bodies. The above proposals have been supported with the map and extended of constituencies. The constituencies demarcated on the map, are geographically compact areas and population has been distributed almost equally. Whereas both the constituencies i.e. P.P 58 and PP.59 ensure complete homogeneity and facility of people. Communication network duly been kept in view while carving out both the constituencies of the District Gujranwala.

11. That the proposed amendments in the preliminary delimitation according to the map attached with the application are hereby colored, with the Red PP.59 and with the yellow PP.58 for the purpose of better understanding.

Pray

It is therefore, most humbly and respectfully prayed that the election commission of Pakistan should follow the principles of natural justice and the above said proposals 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.

Applicant

Through Counsel:-

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