

Delimitation of Constituencies violate the right of equal representation and equal suffrage in Balochistan

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ABSTRACT

Traditionally, electoral systems have been categorized into three groups: (1) plurality systems, (2) majority systems, and (3) proportional representation systems. The most important element that differentiates these electoral systems from one another is the means by which seats in the legislature are allocated, Pakistan is experiencing the Majoritarian or First Past The Post (FPTP) electoral System with minor variations like separate or joint electorate for minorities, different numbers of special seats for women, allocation of Senate seats to different parties etc. An international human rights instrument very clear defines the importance of equal suffrage and equal representation. Pakistan is the signatory to the International Covenant on Civil and Political Rights (ICCPR) codified this principle in article 25(b), which provides for the principle of equality of votes. Also, paragraph 21 of General Comment 25 (which is the authoritative interpretation of the ICCPR) states that vote of one elector should be equal to the vote of another. Pakistan National Assembly has 272 general seats, 60 seats are reserved for women and 10 seats are for religious minorities. The distributions of the General seats are under article 51 of constitution of Pakistan among the four provinces, Federal Administrative Tribal Area (FATA), and Islamabad capital territory (ICT). The constituencies of women and religious minority seats are distributed among provinces and whole province is the constituency for these both reserved seats in National Assembly of Pakistan, The Allocation of provincial Assemblies seats are also under constitutional provision in relation to article 106 of constitution of Pakistan and the constituency for reserved seats for women and religious minority is the same for national assembly and entire province is declared as constituency for the said reserved seats. The delimitation of national and provincial assembly constituencies in Balochistan seriously affecting the right of equal suffrage of equal representation, there are constituencies having more than thrice registered votes from other constituencies both (national/provincial) even within one district of Balochistan but they have same representative in national and provincial legislative bodies.

Key Words: General Election, 2013, Pakistan, Balochistan, National Assembly, Provincial Assembly, Registered Votes, Election Commission.

Introduction:

Plurality systems, majority systems and three proportional representation systems are the pivotal categories of electoral system. The most important element that differentiates these electoral system. A recent addition to these three categories is the mixed electoral system, which combines elements of both proportional representation

and plurality or majority voting systems. The delimitation of electoral constituency is most commonly associated with plurality and majority electoral systems. Both systems tend to rely heavily, if not exclusively, on single-member electoral districts. (*International Foundation for Electoral System*)

Pakistan is experiencing the Majoritarian or First Past The Post (FPTP) electoral System with minor variations like separate or joint electorate for minorities, different numbers of special seats for women, allocation of Senate seats to different parties etc. (*Pakistan Visionary Forum*)

Delimitation of constituencies is the exercise of redrawing boundaries of Parliamentary constituencies to maintain equitable distribution of population across constituencies. Electoral constituency boundaries should be drawn so that districts are relatively equal in population. Equally populous constituencies allow voters to have an equally weighted vote in the election of representatives. If, for example, a representative is elected from a constituency that has twice as many voters as another constituency, voters in the larger constituency will have half the influence of voters in the smaller constituency. Electoral constituency that vary greatly in population--a condition referred to as "mal apportionment"--violate a central tenet of democracy, namely, that all voters should be able to cast a vote of equal weight. (*The electoral Knowledge network*)

An international human rights instrument very clear defines the importance of equal suffrage and equal representation. Pakistan is the signatory to the International Covenant on Civil and Political Rights (ICCPR) codified this principle in article 25(b), which provides for the principle of equality of votes. Also, paragraph 21 of General Comment 25 (which is the authoritative interpretation of the ICCPR) states that the vote of one elector should be equal to the vote of another; the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely. Pakistan ratified the ICCPR in 2010. (*UNDP*)

Pakistan National Assembly has 272 general seats, 60 seats are reserved for women and 10 seats are for religious minorities. The distribution of the General seats is under article 51 of constitution of Pakistan among the four provinces, Federal Administrative Tribal Area (FATA), and Islamabad capital territory (ICT). The constituencies of women and religious minority seats are distributed among provinces and whole province is the constituency for these both reserved seats in National Assembly of Pakistan, The Allocation of provincial Assemblies seats are also under constitutional provision under the article 106 of constitution of Pakistan and the constituency for reserved seats for women and religious minority is the same the national assembly whole province is the constituency for these reserved seats.

It is the responsibility of Election Commission of Pakistan to fix the territorial limits of national assembly constituencies as well as for provincial assembly constituencies under the delimitation act 1974, Election Commission of Pakistan conducts delimitation for national and provincial assembly seats on the bases of census in the

country.

The last delimitation of constituencies took place in 2002 on the bases of census 1998, Election commission of Pakistan in a meeting held on March 4, 2002 resolved to delimit territorial constituencies for election to the National Assembly and to each provincial assembly,

Election commission of Pakistan decided the following principles for delimitation, the distribution of population, in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of the constituencies, as for as may be the constituencies for election to the same assembly shall be equal among themselves in population, in result, Balochistan province has 14 seats in National Assembly and 51 general seats in provincial legislative body.

Methodology for the Study:

Keeping the assessment, time to time evaluation of national & provincial assemblies' seats, changes in the constituencies' demographic areas, this study was designed to investigate that parameter which reflects & highlight the importance of voters' rights & to determine the weight-age & importance of their vote for both national & provincial assemblies of the country. The data were collected through primary & secondary sources & is presented in tabulated form with graphic illustration.

Results & Discussion:

The plausible results with discussion are elaborated as:

Legal provision of Delimitation of Constituencies in Pakistan:

According to the delimitation of constituencies' act 1974, of Pakistan. The constituencies for elections to the National and Provincial Assemblies are to be delimited after every census. The principles are to the effect that all constituencies shall as far as practicable. Delimited having regard to the distribution of population in geographically compact areas existing boundaries of administrative units. Facilities of communication and public convenience and other cognate factors of ensure homogeneity in creation of the constituencies, As for as may be the constituencies for elections to the same assembly shall be equal among themselves in population.

According to article 5 of the conduct of general elections order 2002, the national assembly consists of 357 and according to article 6 the seats for provincial assemblies have been allocated as following

Situation of National Assembly seats in Balochistan.

Balochistan, geographically largest and economically poorest province of the country constituting approximately 43 % of total area of Pakistan and about 50 percent population is living under the poverty line, according to the census 1998; Balochistan

had a population of roughly 6.5 million. Balochistan has fourteen national assembly seats.

The delimitation of national assembly constituencies in Balochistan seriously affecting the right of equal suffrage of equal representation.

The constituencies for national assembly from Balochistan can be divided in to three categories first category having more than four hundred thousand registered voters including NA 260 Quetta Chaghi consist on three districts about Seven hundred kilo meter distance and five provincial assembly seats only one provincial assembly seat among these five PB6 Quetta 6 having 174049 registered voters which is more than registered voters for NA266, NA 271, NA 269 The second largest constituency registered voters is Naseerabad, Jaffarabad having 409664 registered voters.

The second category can be defined as constituencies having more than two hundred thousand registered voters and less than three hundred thousand registered voters which is seven including NA 259 Quetta, NA 261 Pishin Cum Ziarat, NA264 Zhob Cum Qila Saifullah, cum Sherani, NA265 Sibi Cum Kholo, Dera Bughti, Harnai NA 270 Awaran Cum Lasbela and 272 Kech Cum gawadar.

The third category can be illustrate that the constituencies having less than two thousand registered voters including NA 263 Qila Abdullah, NA267 Kachi cum Jahl Magsi, NA268 Kalat Cum Mastund, NA 269 Khuzdar, NA 271 Kharan Cum Washak.

Unequal Delimitation among provincial assembly seats:

Balochistan assembly has 51 general seats for direct election and 14 reserved seats for women and religious minorities living in the province as affirmative action for marginalized segment of the society. 3301257 registered voters were suppose to cost their votes for 51 representatives and the average voters for per provincial assembly constituency is 64730 registered votes but there is variety of each constituency voters , can not find even two equal registered voters constituencies in the province, 32764 registered voters have equal representation in provincial assembly as 174049 registered voters, These constituencies are again seriously effecting the equal suffrage and equal representation of people in provincial legislative body.

There are nine provincial assembly constituencies having less than 50000 registered votes including PB 43 Panjgur 2 having 32764 registered voters, BP 37 Kalat 2 having 36917 registered votes, PB 47 Washuk consist on 38171 registered voters, the fourth one is PB 12 Qila Abdullah 2 with 40314 registered voters, on number sixth PB 33 Khuzdar 1 where total registered voters are 42196, PB 31 Jahl Magsi is also in this category with 44551 registered voters PB 46 Kharan and PB 1 Quetta 1 are also falls in this category having 45176 and 49042 registered voters subsequently.

Following figures shows the details of each constituency having less than 50000 registered voters.

There are fourteen constituencies of provincial assembly of Balochistan among these constituencies seven constituencies have less than sixty thousand registered voters and

other seven having more than 60000 and less than 70000 thousand registered voters including PB35 Khuzdar 3. With 51222 registered voters, PB 15 Musakhal having 51864 registered voters, PB 31 Bolan 2, is there with 53983 registered voters, PB 46 Kharan has just 45176 registered voters, PB 41 Awaran have 57656 registered voters , PB 27 Jaffarabad 3, having 57557 registered voters, PB 19 Zhob 59516 registered voters, the other seven provincial assembly constituencies having less than 70000 and more than 60000 registered voters are PB 40 Nushki 61882 registered voters, PB 24 Dera Bughti 63954 registered voters, PB 4 Quetta 4, 66979 registered voters, PB 18 Sherani-Cum Zhob 68599 registered voters, PB 16 Loralai 2, 69796 registered voters PB 36 Kalat 1, total registered voters are 66695, PB 39 chaghi 1 with 66842 registered voters.

The following figure shows the details of second category having more than 50000 and less than 70000 registered voters.

There are nine provincial assembly constituencies across the province having more than 70000 and less than 90000 registered voters among these nine constituencies five constituencies having less than 80000 registered voters including PB34 Khuzdar 2, having 72175 registered voters, PB2 Quetta 2 having 72643 registered voters, PB 21 Sibi is also in this category with 73674 registered voters, PB 48 Kechi 1, having 74374 registered voters, PB 28 Naseerabad 1, have 78151 registered voters.

Other four constituencies of provincial assembly with more than 80000 registered voters are PB 44 Lasbela 1 having 83386 registered voters PB29 Naseerabad 2, total; registered voters are 84198, PB 38 Mastung Cum Quetta have 87702 registered voters and PB 25 Jaffarabad 1 with 87958 registered voters.

Following figure shows the details of these constituencies falls under third category having more than 70000 registered voters and less than 90000 registered voters

There are five provincial assembly constituencies falls in this category the highest constituency is PB 6 Quetta 6 having 174049 registered voters followed by another constituency of Quetta district PB 5 Quetta 5 with 123130 registered voters and the third highest registered voters provincial assembly constituency is PB 26 Jaffarabad 2, with 101800 registered voters , the fourth position of highest registered voters got the constituency PB 45 Lasbela 2 with 99871 registered voters and fifth constituency having more than 90000 registered voters is PB 51 Gawadar with 93691 registered voters.

Unequal constituencies of provincial assembly at provincial capital Quetta

District Quetta is the provincial capital of Balochistan having more than 2 million population, the capital city is divided in six constituencies for provincial assembly seats, The data again shows the discrimination among the registered voters of each constituency,

The PB1 Quetta 1 consist on only 49042 registered voters and they have equal representation in provincial assembly as other five provincial assembly constituencies

as PB 2 Quetta 2 has 72643 registered voters, BP3 Quetta 3 has 70217 registered voters, PB 4 Quetta 4 has one member of provincial assembly as representative with 66979 registered voters, but when the constituency covers the suburb of Quetta the registered voters increase as PB 5 Quetta 5 has 123130 registered voters and the highest registered of the constituencies among the provincial 51 constituencies is PB 6 Quetta 6 with 174049 registered voters.

Recommendations:

1. The Government should immediately conduct censuses in the country which is a constitutional requirement to determine the population of different provinces and districts.
2. A delimitation commission should be established and in the Terms of Reference of the commission to review the current delimitation and on the basis of census results and by ensuring the equal suffrage and equal representation draw a comprehensive report.
3. The Election Commission of Pakistan should take steps to ensure the implementation of delimitation commission recommendations.

References:

1. Election Commission of Pakistan. 2013
2. Census Report. 1998. Government of Pakistan.
3. Election Laws of Pakistan. Islamabad-Pakistan.
4. The Electoral Knowledge Network. Islamabad-Pakistan.
5. United Nations Development Programme-UNDP.
6. International Foundation for Electoral Systems.
7. Pakistan Visionary Forum, Islamabad-Pakistan.

Table # 1: Number of Members province wise in National Assembly of Pakistan.

Province	General Seats	Seats Reserved for Women	Seats Reserved for Technocrats	Total Seats
Punjab	148	35	15	198
Sind	61	14	6	81
K P K	35	8	3	46
Balochistan	14	3	1	18
FATA	12	-	-	12
Federal Capital	02	-	-	02
Total	272	60	25	357

Table # 2: Number of Members province wise in Provincial Assemblies of Pakistan.

Province	General Seats	Seats Reserved for Women	Seats Reserved for Technocrats	Total Seats
Punjab	297	66	27	390
Sind	130	29	12	171
K P K	99	22	09	130
Balochistan	51	11	05	67
Total	577	128	53	758

Table # 3: Quota per seat in respect of each Province/Area/Agency in the National Assembly has been determined as under.

Provincial/Area/Agency	Population	No of Seat	Quota of Seat
K P K	17,735,912	35	$17,735,912 \div 35 = 506,740$
FATA	3,176,331	12	$3,176,332 \div 12 = 264,694$
Federal Capital	805,235	2	$805,235 \div 2 = 402,441$
Punjab	73,621,290	148	$73,621,290 \div 148 = 496,441$
Sindh	3,0439893	61	$3,0439893 \div 61 = 499,015$
Balochistan	6,565,885	14	$6,565,885 \div 14 = 468,992$
Total	132,344,546	272	272

Table # 4: Quota per seat in Provincial Assembly has been Determined as under

Provincial/Area/Agency	Population	No of Seat	Quota of Seat
K P K	17,735,912	99	$17,735,912 \div 99 = 179151$
Punjab	73,621,290	297	$73,621,290 \div 297 = 247883$
Sindh	3,0439893	130	$3,0439893 \div 130 = 234153$
Balochistan	6,565,885	51	$6,565,885 \div 51 = 128743$

Table # 5: Table shows the details of all category constituencies in Balochistan for national Assembly.

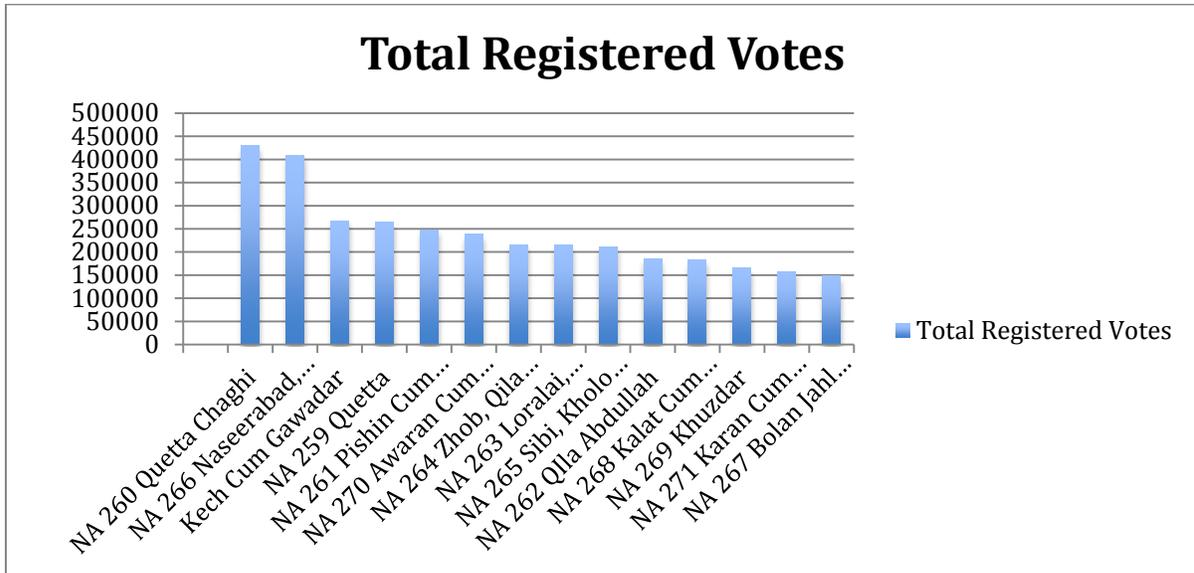
Constituency for National Assembly	Total Registered Votes
NA 260 Quetta Chaghi	429794
NA 266 Naseerabad, Jaffarabad	409664
Kech Cum Gawadar	267667
NA 259 Quetta	264293
NA 261 Pishin Cum Ziarat	248179
NA 270 Awaran Cum Lasbela	238664
NA 264 Zhob, Qila Saifullah, Sherani	215250
NA 263 Loralai, Barkhan, Musakhail	214322
NA 265 Sibi, Kholo Dera Bughti, Harnai	211471
NA 262 Qila Abdullah	185836
NA 268 Kalat Cum Mastung	183932
NA 269 Khuzdar	165632
NA 271 Karan Cum Washak Cum Panjgur	158164
NA 267 Bolan Jahl Magsi	147595

Source: Election Commission of Pakistan

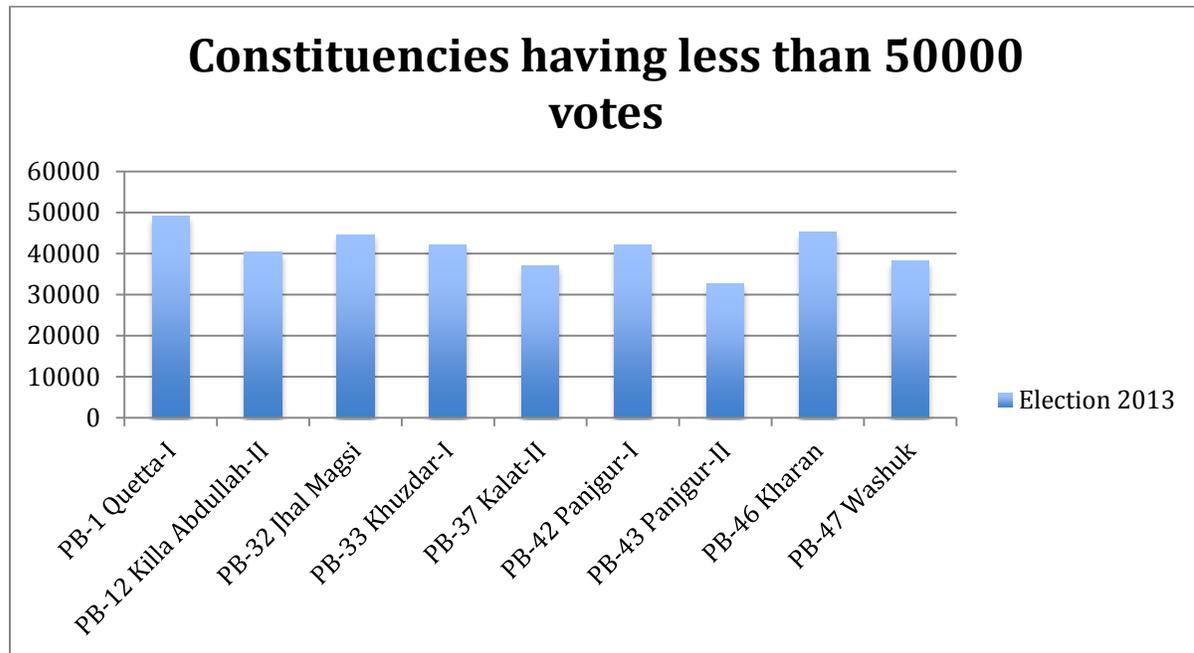
Table # 6: Table shows the registered votes of Quetta six constituencies of provincial Assemblies

S No	Constituency for provincial Assembly	Registered voters
1	PB 1 Quetta 1	49042
2	PB 2 Quetta 2	72643
3	PB 3 Quetta 3	70217
4	PB 4 Quetta 4	66979
5	PB 5 Quetta 5	123130
6	PB 6 Quetta 6	174049

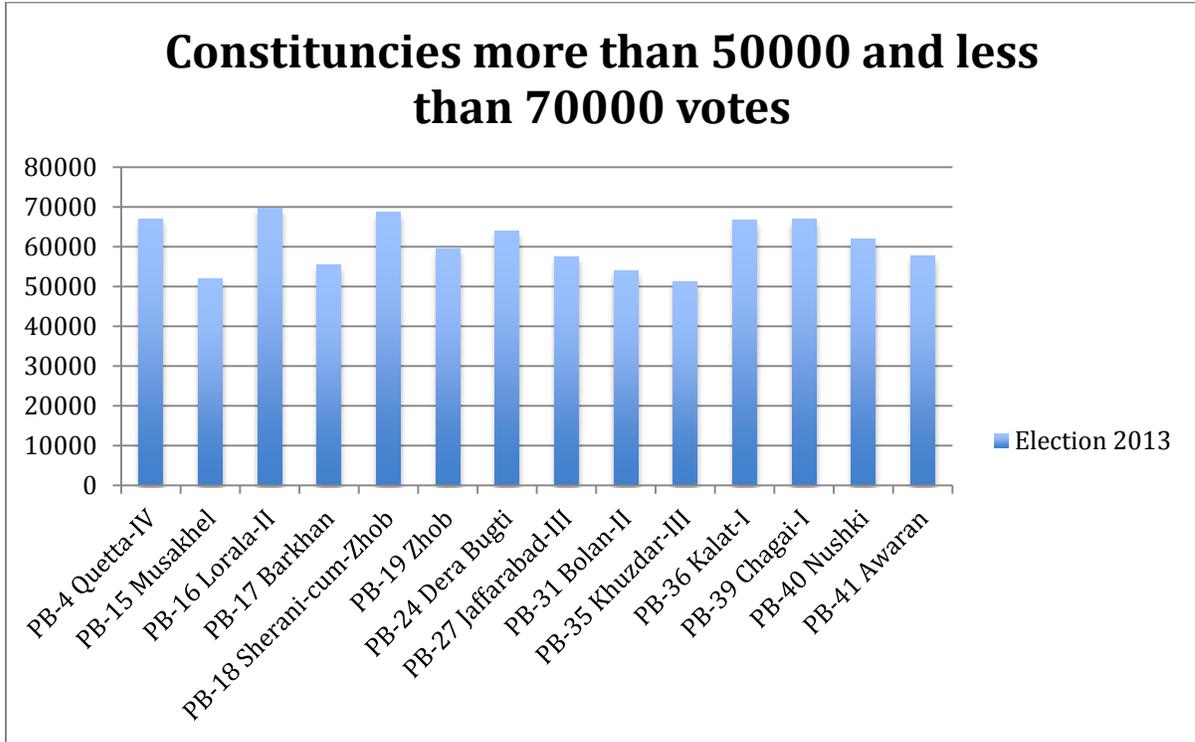
Source: Election Commission of Pakistan



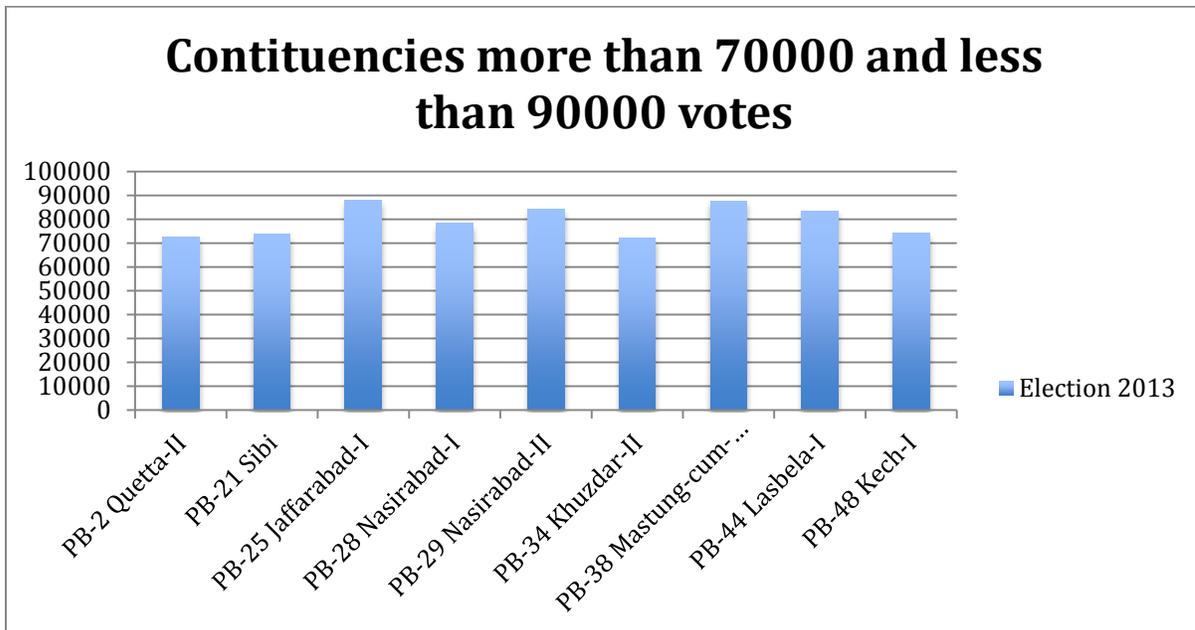
Graphic Illustration of the total registered votes from Balochistan for national Assembly of Pakistan.



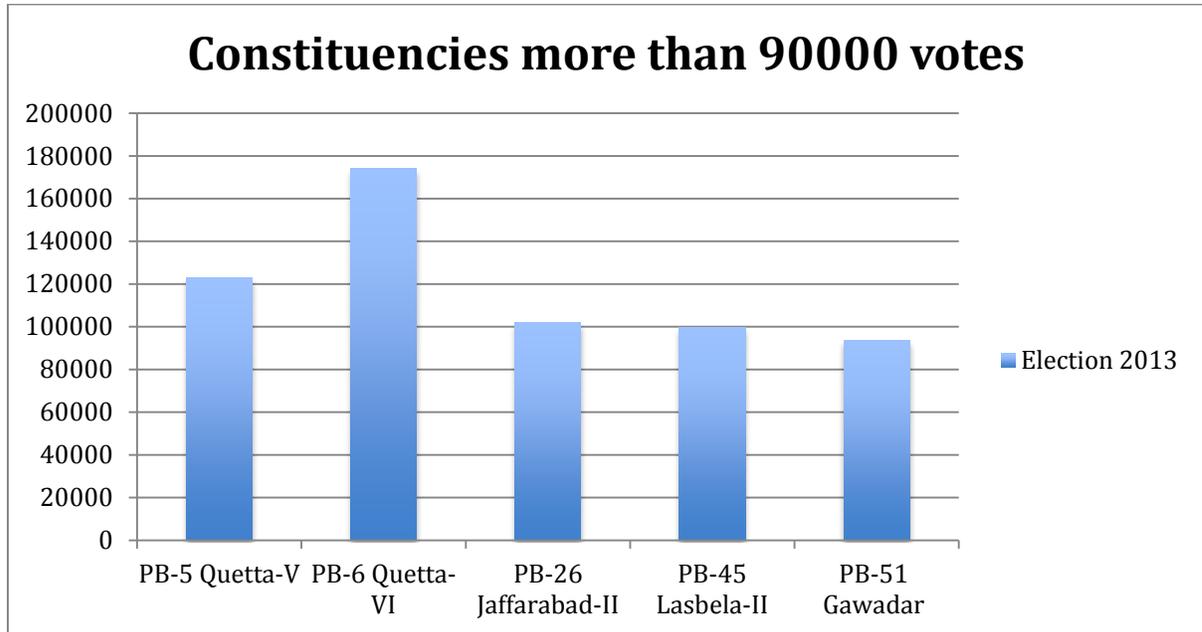
Graphic Illustration of constituencies having less than 50000 votes for provincial assembly of Balochistan.



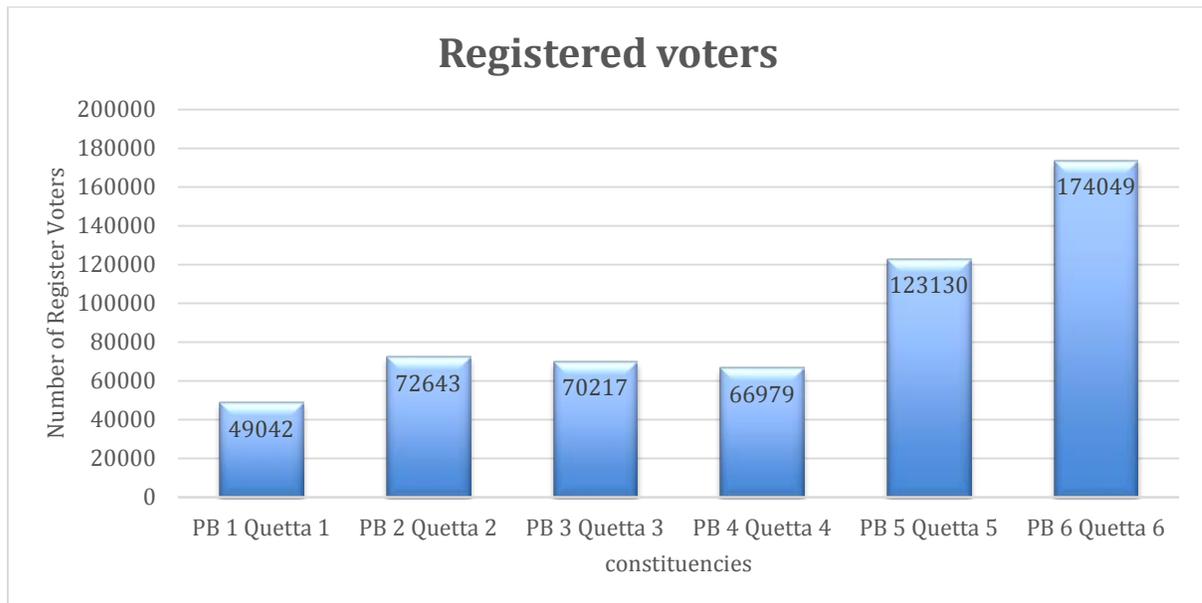
Graphic Illustration of the constituencies having registered votes more than 50000 but less than 70000 for Balochistan Assembly.



Graphic Illustration of the constituencies having registered voters more than 70000 but less than 90000 for Balochistan Assembly.



Graphic Illustration of the constituencies having registered voters more than 90000 for Balochistan Assembly.



Graphic Illustration of the registered voters for six constituencies of Quetta.