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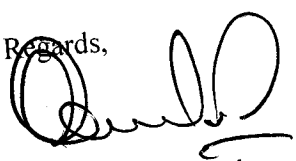
To,
The Secretary
Election Commission of Pakistan
Islamabad,

SUBJECT: REPRESENTATION IN RESPECT OF THE DE-LIMITATION OF CONSTITUENCIES IN DISTRICT NAUSHAHRO FEROZE

Dear Sir,

1. This is to inform you that I act on behalf of Mr. Sardar Muhammad Usman Almani (hereinafter referred to as 'my Client') – who has objected to the de-limitation proposed with regards to the District of Naushahro Feroze (Sindh) by the Election Commission of Pakistan (ECP) pursuant to Section 21 of the Election Act, 2017 read with Rule 10 and 11 of The Election Rules 2017. We therefore file our representation/objection in this regard, in line with Section 21 of the Act and Rule 12 of The Election Rules 2017 which is self-explanatory.
2. All the requisite documentation is attached to the representation. You are requested, therefore, to appraise the undersigned of the venue and date of hearing so that the objection of our Clients to the proposed delimitation can be properly appreciated by the Commissioner.

Regards,



Salahuddin Ahmed
Barrister

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30/03/2018

BEFORE THE HONOURABLE ELECTION COMMISSION OF PAKISTAN

Representation No.

Of 2018

Sardar Muhammad Usman
son of Muhammad Alim Almani Baloch
resident of Almani House
Station Road, Dak Khana Tharu Shah,
District Naushahro Feroz
Mob: 0300-8229222 -----

APPLICANT

VERSUS

The Election Commission of Pakistan,
The Delimitation Committee,
through the Secretary, Election
Commission of Pakistan (Islamabad) -----

RESPONDENT

**REPRESENTATION UNDER SECTION 21 OF THE ELECTIONS ACT
2017 READ WITH RULE 12 OF THE ELECTION RULES 2017**

Being aggrieved of the Preliminary Report and Delimitation Proposal published by the Election Commission of Pakistan [‘ECP’] in the official gazette dated 5.3.2018, the Applicant respectfully begs to submit as under:-

FACTS

1. That the Applicant permanently resides at the address mentioned above and is a voter in NA-211 (as presently proposed by the Delimitation Committee). *Copies of his CNIC and his Voter Registration Certificate are annexed herewith as Annexure ‘A-1’ and ‘A-2’.* He is presently a Member of the Naushahro Feroze District Council

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for UC Kot Satabo Taluka Moro and has previously contested general elections as an independent candidate for the provincial assembly in 2013 (from the erstwhile PS-20).

2. For the reasons set out in the grounds below, it is submitted that the proposed delimitation for District Naushahro Feroze (National Assembly general seats) as published by the ECP on 5.3.2018 is patently defective and violative, inter alia, of Articles 2-A, 4, 10-A, 17, 25 and 222 of the Constitution and section 20 of the Elections Act 2017 and Rules 8 and 10 of the Election Rules 2017 and is, even otherwise, unreasonable, arbitrary and distorted. *Copies of the ECP Preliminary Report along with the extract of Delimitation Proposal for District Naushahro Feroze (National Assembly general seats) as well as the ECP Map of District Naushahro Feroze (NA-211 and NA-212 inclusive) are annexed herewith as Annexure 'B-1', 'B-2' and 'B-3' respectively. A copy of the extract of the Census for District Naushahro Feroze is annexed herewith as Annexure 'C'.*

3. That the Applicant does hereby propose an alternative delimitation for District Naushahro Feroze (National Assembly general seats) that fully satisfies the mandate and requirements of the Constitution, the Election Act 2018 and the Election Rules 2017 and is in keeping with the principles of electoral representation. *A copy of the Applicant's proposed delimitation map and the details thereof are annexed herewith as Annexure 'D-1' and 'D-2'.*

4. That the constituencies as per the ECP proposal are as follows:

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Constituency	Extent of Constituency	Population
NA-211	<p>A) Kandiari Taluka</p> <p>B) Mehrabpur Taluka</p> <p>C) Bhiria Taluka</p> <p>excluding the following areas:</p> <p>i) Tapedar Circle Mad Aleem</p> <p>ii) Tapedar Circle Tharushah</p> <p>iii) Tapedar Circle Molhan</p> <p>iv) Tapedar Circle Dalipota of Bhiria STC and</p> <p>v) Tapedar Circle Gher Gaju of Bhiria Road STC</p> <p>Of District Naushahro Feroze</p>	<p>322,439</p> <p>247,280</p> <p>219,290</p>
	TOTAL	789,009
NA-212	<p>A) Moro Taluka</p> <p>B) Naushahro Feroze Taluka</p> <p>C) The following areas of</p>	<p>368,789</p> <p>372,821</p>

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	Bhiria Taluka:	27,659
	i) Tapedar Circle Mad Aleem	10,769 11,541
	ii) Tapedar Circle Tharushah	14,448
	iii) Tapedar Circle Molhan	17,337
	iv) Tapedar Circle Dalipota of Bhiria STC and	
	v) Tapedar Circle Gher Gaju of Bhiria Road STC	
	Of District Naushahro Feroze	
	Total	823,364

That the constituencies as per the proposal of the Applicant are as follows:

Constituency	Extent of Constituency	Population
NA-211 Naushahro Feroze - I	A) Taluka Kandiaro Including Town Committee Kandiaro	322,439
	B) Taluka Mehrabpur Including Town Committee Halani and Mehrabpur	247,280
	C) Taluka Bhiria, Town	234,193

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	D) Taluka Moro including Municipal Committee Moro	368,789
	TOTAL	808,461

GROUNDS

A) That Rule 10 (5) of the Election Rules 2017 requires, inter alia, that “[a]s far as possible, the delimitation of constituencies shall start from the Northern end of the district [and] then proceed clockwise in a zigzag manner keeping in view that the population among the constituencies of an Assembly shall remain as close as may be practicable to the quota.” As such, the delimitation of District Naushahro Feroze should have been started from Tapa Kamal Dero which is the northernmost Tapedar circle in the District and then other Tapedar circles should have been added to the constituency in a clockwise and zigzag manner. However, the present proposal of the ECP does not follow the prescribed manner of delimitation and is thus defective and unlawful. Towards the southern end of NA-211, this formula is abruptly abandoned and several Tapedar circles (in the shape of a beak or a horn) are surrendered – for no discernible reason or logic – to NA-212. The Applicant’s proposal – on the other hand – follows this prescription fully.

B) That section 20 (3) of the Election Act 2017 requires that variation in population of constituencies “shall not ordinarily exceed 10%” save in “an exceptional case” and then only for reasons to be recorded “in the delimitation order”. The average quota for a constituency of the National Assembly is 785,135. Moreover, Rule 10 (5) requires that the populations among constituencies shall “remain as close as practicable to the quota: Provided that the quota under this sub-rule shall be determined by dividing total population of the district [...] with number of seats allocated to that district.” The total population of District Naushahro Feroze is 1,612,373 and it has been allocated

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two National assembly seats and thus the quota comes to 806,186 per constituency. The table below illustrates the population of each constituency as per the ECP's proposal and the Applicant's proposal and the latter clearly adheres to the legal prescriptions more closely.

	ECP Proposal	Applicant's Proposal
NA-211	789,009	803,912
NA-212	823,363	808,461

The reason for the lopsided size of constituencies in the ECP's proposal is the inclusion of several Tapedar circles with relatively high populations from Taluka Bhiria (which is otherwise in NA-211) into NA-212 for no good rhyme and reason.

C) Indeed, as far as NA-212 is concerned, the only reason why its population is much larger than the other constituency in the District and exceeds the National and district average quota is because five Tapedar circles from Taluka Bhiria were added – for no discernible reason – to the existing Naushahro Feroze Taluka. This not only added to the lopsidedness of NA-212's population but also made it less geographically compact which clearly demonstrates the arbitrariness of the ECP Delimitation Proposal. Moreover, the administrative boundaries of Taluka Bhiria (which should have been respected to the maximum extent possible) so that the maximum population of Bhiria remained within the same constituency have been deviated from nor for equalizing populations between constituencies but for increasing disparities. As such, the Applicant's proposal for delimitation is clearly more reasonable.

D) That section 20 (1) of the Election Act 2017 also requires, inter alia, that constituencies be delimited having regard to "*facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies*". In particular, for obvious reasons it is essential that a constituency's delimitation be carried out in such a way as to facilitate the constituents' access to

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their representatives/candidates (and polling stations) and vice versa. For this reason, the various parts of a constituency should be – as far as possible – well connected through transport links. A brief perusal of the official road maps of District Naushahro Feroze will show that the constituencies delimited as per the Applicant's proposal are much better connected through an internal road network than that proposed by the ECP.

E) As far as the requirement of homogeneity of constituencies in section 20 (1) of the Election Act 2017 is concerned – as per the ECP delimitation proposal, Tharu Shah Town Committee has been separated from the Tharu Shah Tapedar Circle so that the former lies in NA-211 and the latter in NA-212. It is respectfully submitted the Tharu Shah town extends into the Tharu Shah Tapedar Circle and bears strong socio-economic ties with the same and is part of a homogenous community. It is clearly unreasonable to divide the two into different constituencies.

G) That the Applicant craves leave to raise further grounds at the time of hearing.

PRAYERS

- i) That the Honorable Election Commission of Pakistan may be pleased to set aside the preliminary delimitation of the constituencies of National Assembly seats in District Naushahro Feroze of Sindh Province and accept the proposal of Applicant for final List of Constituencies
- ii) Any other relief deemed fit and proper under the circumstances of the case.

ISLAMABAD

DATED: -03-2018

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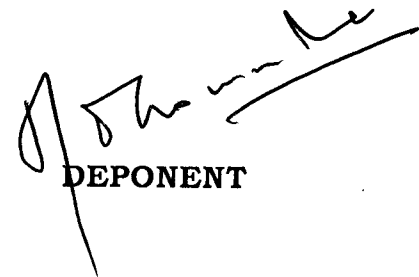

APPLICANT

ADVOCATE FOR APPLICANT

VERIFICATION

I, Sardar Muhammad Usman s/o Muhammad Alim Almani Baloch, resident of Almani House, Station Road, Dak Khana Tharu Shah, District Naushahro Feroz, Muslim, adult, do hereby verify on oath that whatever stated above is true and correct to the best of my knowledge, belief and information.

ISLAMABAD:
DATED: -03-2018


DEPONENT

The deponent above named is known to me and identified by me to the commissioner for taking affidavits.

ADVOCATE

DOCUMENTS FILED & RELIED UPON

Annexure "A-1 to ~~10~~" D-2