

The Secretary
Election Commission of Pakistan
G-5/2, Islamabad

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RE: **INTERVENER APPLICATION UNDER ORDER 1 RULE 10(2) OF THE CODE OF CIVIL PROCEDURE 1908 READ WITH SECTION 21(3) OF THE ELECTIONS ACT 2017 AND RULE 12 OF THE ELECTION RULES 2017 WITH RESPECT NA-215, NA-216 AND NA-217 DISTRICT SANGHAR**

It is respectfully submitted that:

1. The undersigned Applicant is a registered voter of NA-216, District Sanghar, permanently residing in Taluka Khipro. Copies of the Applicants CNIC and registered voter certificate are attached as **Annex A-1 and A-2**.
2. On 05.03.2018, the Election Commission of Pakistan ("ECP") issued the preliminary delimitation for NA 215, NA 216 and NA 217, District Sanghar ("**preliminary delimitation**"). Copy of the detailed preliminary delimitation for NA 215, 216 and 217 along with true copy of delimitation map are attached as **Annex B-1 and B-2**.
3. On 28.03.2018, Mr. Rustom Ali S/o Abdul Khalique, resident of Village Abdul Khalique Dars, Tapo Roonjho, Taluka Khipro, District Sanghar, Sindh, filed a Representation under Section 21(3) of the Election Act, 2017 ("Act 2017) read with Rule 12 of the Election Rules 2017 ("2017 Rules") - ("**Representation**"). This representation has been posted on the ECP's website. Copies of the Representation and the proposed map are attached as **Annex C-1 and C-2**.
4. Through this Representation, Mr. Rustom Ali has challenged the preliminary delimitation with respect to NA 215, 216 and 217 and submitted a proposal for the amendment and modification of the preliminary delimitation.

5. The Applicant is also a registered voter of NA 216 like Mr. Rustom Ali and will be prejudiced if the ECP were to accept the Representation made by Mr. Rustom Ali's. The Applicant has, therefore, filed this intervener application to request the ECP to hear the Applicant along with and at the time of hearing the Representation of Mr. Rustom Ali.

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6. The preliminary delimitation is in accordance and conformity with the provisions of the Election Act, 2017 ("Act 2017") and Election Rules, 2017 ("Rules 2017"). It adheres to basic principles of delimitation as the ECP has given due regard to the distribution of population, physical features, existing boundaries of administrative units, facilities of communications and most importantly public convenience.

7. The preliminary delimitation is in consonance with Section 20 of the Act 2017 read with the proviso to Rule 10(5) of the 2017 Rules. The variation in population among NA 215, 216 and 217 is less than 10%.

8. The delimitation proposed by Mr. Rustom Ali has much greater variation of population among the constituencies. A comparative chart is reproduced:

Preliminary delimitation	Mr. Rustom Ali's proposal
NA 215 = 696,216	NA 215 = 672,340
NA 216 = 667,156	NA 216 = 720,198
NA 217 = 693,585	NA 217 = 664,519

9. As the foregoing chart shows, in the preliminary determination the constituencies have roughly similar populations, which is in keeping with the guidelines prescribed in the Act 2017 and Rules 2017 for delimitation of constituencies. In the proposed delimitation, however, the population size of NA 216 has been disproportionately increased at the cost NA 215

and 217 (by almost 50,000 in the case of NA 215 and almost 60,000 in the case of NA 216). There is no justification for creating such a disproportionately large constituency except to favor parochial and party interests. The proposed delimitation is a thinly veiled attempt to help secure the vote bank of a particular political party at the expense of fairness and the rights of voters.

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10. More importantly, as a result of the preliminary delimitation, each NA constituency has exactly two PA constituencies under it; no PA constituency spreads across two or more NA constituencies. This is, in fact, the first time that this has been achieved. For instance, previously, PS 81 (presently PS 43) straddled across two NA constituencies, NA 235 (presently NA 216) and NA 234 (presently NA 215). There is no such overlap of PA constituencies in the preliminary delimitation. NA 215 includes PS 41 and 46, NA 216 includes PS 42 and PS 43 and NA 217 includes PS 44 and 45. This greatly strengthens the vote of the persons in these PA constituencies, since each such constituency will now also vote for the same NA constituency. The voters of the area will, therefore, get more effective representation in the National Assembly.

11. The delimitation proposed by Mr. Rustom Ali, however, would mean that singly PA constituencies in District Sanghar would once again spread across two or more NA constituencies. For instance PS 81 will spread across NA 216 and 217. Where a single PA constituency spreads across two or more NA constituencies, the voters of that PA constituency then have to look to and petition two different Members of the National Assembly to safeguard and fight for their interests. The representation of these voters at the national level (i.e. in the National Assembly) is severely compromised (when compared to those PA voters, whose PA constituency falls in a single NA constituency). This greatly weakens the

vote of members of these PA constituencies and indirectly disenfranchises them. This result should, therefore, be avoided at all costs. Mr. Rustom Ali has failed to provide any justification for taking such a drastic measure.

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12. The preliminary delimitation also closely follows the earlier existing delimitation and creates the least possible disturbance in existing voting blocks. Elected officials and aspiring candidates have all been working in the District on the basis of the existing earlier delimitations. Voters have been identifying themselves with particular constituencies and evaluated elected officials and aspiring candidates on this basis. By following the earlier existing delimitation as closely as possible, the preliminary determination minimizes confusion among voters and fragmentation of votes.
13. The delimitation proposed by Mr. Rustom Ali, however, would force a drastic change in the delimitation of constituencies only a few months before the election. If his proposal is accepted, in each constituency i.e. NA 215, 216 and 217, at least half of the population would stand replaced and earmarked to a new constituency. For instance he proposes that Taluka Sanghar, excluding Town Committee Kandiari, Town Committee Perumal and STC Setharpir, be joined with Taluka Khipro to form one NA seat. This would mean that almost half of the population of NA 216 i.e. Taluka Jam Nawaz Ali and Taluka Sinjhorro will be replaced by the population of Taluka Sanghar. This will invariably lead to chaos and result in disenfranchising voters by creating confusion and fragmentation.
14. That if this Hon'ble Commission accepts the proposal of Mr Rustom Ali, it would violate Section 20(3) of the Act 2017 as it would end up varying the population of NA 216 over 10% from the population of NA 235, which was the earlier existing constituency on which NA 216 is based.

15. The preliminary delimitation fulfills the requirements of Rule 10(5) of the 2017 Rules. This provision, which is directory and not mandatory (since it begins with the words, "As far as possible..."), states that delimitation shall start from the Northern end of the district. The preliminary delimitation has been conducted by taking the Northern end of District Sanghar from the center of the district. This is the most sensible manner for determining the Northern end of a district i.e. taking the most northern point from the center of the district. Mr. Rustom Ali, however, arbitrarily interprets Rule 10(5) as requiring that the delimitation start from the northern most tip of any district. He provides no reason for this interpretation. Such an interpretation is illogical and arbitrary. In any case, as shown above, it also leads to incongruous results.

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16. In paragraph 8 of his representation, Mr. Rustom Ali states that NA 216, in the preliminary delimitation is composed of four talukas i.e. Khipro, Sanghar, Jam Nawaz Ali and Shahdadpur and alleges that this is a violation of Section 20 of the Act 2017 and Rule 10(5) of 2017 Rules. At the outset, there is no requirement either in Section 20 of the Act 2017 or Rule 10(5) of the 2017 Rules that a NA constituency should consist of a particular number of talukas. The absurdity of this allegation is laid bare by Mr. Rustom Ali's own proposal where he suggests that the second NA constituency in District Sanghar should consist of talukas Jam Nawaz Ali, Tando Adam, Sanghar and Sinjhor. This proposal would in fact violate his own alleged reading of Section 20 of the Act and Rule 10(5) of the 2017 Rules. It is, therefore, clear that Mr. Rustom Ali's proposal has been made with the sole aim of furthering the interest of a single political party at the expense of the voters of the area.


17. The preliminary delimitation has given due regard to public convenience, variation of population as explained hereinabove and the practical effect on the electorate.
18. The Applicant respectfully submits that the representation of Mr. Rustom Ali be rejected.
19. In case the ECP requires, the Applicant is available to make more detailed submissions in support of the preliminary representation, in writing or orally, at any time convenient to the ECP.

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PRAYER

It is, therefore, respectfully prayed in the interest of justice that representation of Mr. Rustom Ali and that the preliminary delimitation of the ECP issued on 05.03.2018 with respect to NA 215, 216 and 217 may be maintained without any change and issued as the final determination.

It is further prayed that if the ECP holds any hearing in relation to any objections to or any representation against the preliminary delimitation of District Sanghar, it may kindly provide the Applicant an opportunity to attend the hearing and address the ECP.


Anwar Ali
S/o Ghulam Hussain
Resident of Taluka Khipro
District Sanghar
CNIC No. 44202-4293222-7

Islamabad
Dated: 3rd April 2018


ADVOCATE FOR THE APPLICANT