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4/4/79

**RE: MEMORANDUM OF OBJECTIONS  
BEFORE THE ELECTION COMMISSION OF PAKISTAN**

1. **Jam Nafees Ali s/o Jam Sher Ali**  
Muslim, adult  
r/o Jam Nawaz Ali  
Taluka Jam Nawaz Ali  
District Sanghar  
Sindh
  
2. **Haji Khuda Bux Dars s/o Hamza Khan Dars**  
Muslim, adult  
r/o Khipro  
Taluka Khipro  
District Sanghar  
Sindh
  
3. **Chanesar Khan s/o Sher Khan**  
Muslim, adult  
r/o Balu khan Malukhani,  
Taluka Jam Nawaz Ali  
District Sanghar  
Sindh.....Petitioners

**VERSUS**

1. **Election Commission of Pakistan**  
Constitution Avenue, G-5/2  
Through its Secretary  
Islamabad.....Respondent

**MEMORANDUM OF OBJECTIONS TO THE PROVISIONAL  
DELIMITATION IN RESPECT OF THE CONSTITUENCY  
NA-216 SINDH I.E. TALUKA JAM NAWAZ ALI, KHIPRO,  
DISTRICT SANGHAR**

The Petitioners above named most respectfully submit as under:-

1. The Petitioner No.1 is an agriculturalist and a voter in PS-43 and NA- 216 Sanghar. The said Petitioner has also contested general



elections in past on the proposed PS-43. A copy of the voters' certificate is enclosed as **Annex-A1**.

2. That the Petitioner No.1 is filing copy of his CNIC, which is enclosed as **Annex-A2**.
3. That the Petitioner No.2 is an agriculturalist and has served twice as Taluka Nazim Khipro, the said Petitioner has also contested in elections for the seat of National Assembly in 2013. He is a voter in NA- 216 Sanghar II and copy of the voters' certificate is enclosed as **Annex-B1**.
4. That the Petitioner No. 2 is filing copy of his CNIC, which is enclosed as **Annex-B2**. The Petitioner No. 2 is also the duly authorized representative of the Petitioner No. 3, copy of the Power of Attorney is enclosed as **Annex B3**.
5. The Petitioner No.3 is an agriculturist and a voter in NA-216. A copy of the voter's certificate is enclosed as **Annex-C1**.
6. That the Petitioner No. 3 is filing copy of his CNIC, which is enclosed as **Annex-C2**.

**NB:** The description of the Petitioners falling in the respective constituency of NA-216, as mentioned above, is based upon the provisional delimitation which is being objected to by the said Petitioners.



7. After the 2017 Census, the National Assembly constituency in the area in question has been changed and Taluka Jam Nawaz Ali is malafidely annexed with Khipro, whereas, Tando Adam which is closer to Jam Nawaz Ali is proposed to be part of NA-217.
8. Taluka Khipro along with all the area covered by the said Taluka till the national border has been malafidely separated from Sanghar I i.e. NA-215 and annexed with Sanghar II i.e. NA-216.
9. That the provisional delimitation is squarely against the principles of delimitation, which have been spelt out in section 20 of the Elections Act, 2017, in as much as that: -
  - a) it is the elementary principle for causing delimitation that the constituencies of the Provincial Assembly are to be carved from the constituencies of the National Assembly and to provide ease to the people in terms of representation, with natural geographical and ethnical ground so as to ensure continuity and homogeneity. In the present case the constituency of National Assembly i.e. NA-216 comprises of Jam Nawaz Ali, Khipro, Sinjhor and Sanghar, as proposed now, has been carved out in the manner that it will create problems in terms of administration,

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transportation and amenity, thus violating the principle of continuity and homogeneity;

- b) As per the principles of the delimitation the constituencies are to be divided in a manner that they are in geographically compact areas and the existing boundaries of administration units are maintained. This is absolutely necessary for the facility and ease of the people of the area. However, the proposed delimitation is against this elementary principle of delimitation.
- c) the constituency proposed by the Petitioners have been carved out of the natural geographical boundaries of the constituencies (map attached) of the district, so as to provide ease to all political parties as it will save unnecessary expenses and will provide opportunity to the middle and lower class people to participate and contact the MNA of the said constituency; otherwise the people of the same constituency of the Provincial Assembly will have to contact two different MNAs because of the intertwined nature of the infrastructure of the constituency pre-delimitation, and also for redressal of the



grievances pertaining to, interalia, water supply, sanitation, drainage, classification, declassification or reclassification of commercial, residential, agricultural maintenance and development of infrastructure, sewerage, sewage treatment, tube wells, disposal, public health, transportation, education etcetera, which will give rise to discrimination, militating against Article 25 of the Constitution;

- d) Khipro is malafidely included in NA-216 with Jam Nawaz Ali i.e. PS-43, whereas there is no direct road link between Jam Nawaz Ali and Khipro. If there is an elected member from this area then the MNA will be present in Jam Nawaz Ali, in order to go from Khipro city to Jam Nawaz Ali, people will first have to go through Mirpurkhas and more importantly the distance between Jam Nawaz Ali and Tar Jumo, a village in Taluka Khipro is about 200 kilometers. It will be really hard for the locals to contact their representative and travel that far.
- e) Jam Nawaz Ali is about 15 minutes away from Tando Adam, instead of connecting the above

said Talukas that are also in horizontal lines, they share a direct road link and it would be according to the rule 10(5), which gives the clock-wise rule, instead of combining the above said talukas, Tando Adam Taluka is merged with Shahdadpur Taluka to form NA-217

- f) Taluka Jam Nawaz Ali and Taluka Tando Adam share identical history, the people of the said talukas are interconnected and interlinked in every manner in respect of region, ethnicity, religion and education.
- g) It is also pertinent to mention that XEN HESCO office is in Tando Adam, thus people of Jam Nawaz Ali and other villages of the said taluka go to Tando Adam for their issues.
- h) Khipro Taluka was a large Taluka and had a vital importance in every election, however, after the census the district border was trimmed and most of the area that belonged to Khipro was shifted to MirpurKhas district along with Taluka Sindhri, even after the new lines, Khipro has population of about 3,000,000. The said Taluka's border starts from Sanghar

region and stretches till the national border with India.

- i) Khipro and its areas has a wide long border with Sanghar I, it is connected to Sanghar city and Taluka in every way in terms of amenity such as their transport, health, education and community affairs. Many ethnicities live in above areas thus it gives regards to territorial unity, as there are similar families living in both Talukas. It is pertinent to mention that there is a direct road from Khipro city and Sanghar, making Sanghar the only prominent and developed region that has a direct border with Khipro Taluka
- j) Sanghar and Khipro both have desert areas, making it geographically similar. The office of XEN HESCO is situated in Sanghar which handles Khipro region, locals go to Sanghar to resolve their multiple issues such as issues regarding to electricity which is a major problem in the said region.
- k) There are 3 National Assembly seats in Sanghar District. The other two constituencies i.e. NA-215 and NA-217 consist of two talukas only, however, in NA-216, the constituency in

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question has 4 talukas i.e. Jam Nawaz Ali, Sanghar, Sinjhoru and Khipro. It will be illogical to have a different constituency in the same district, making the distance of more than 200 kilometers. Hence it will be rational and for the benefit of the locals that Jam Nawaz Ali Taluka shall be connected with Tando Adam Taluka i.e. NA-217 and Khipro Taluka shall be a part of Sanghar I i.e. NA-215.

- 1) the Petitioners' political party i.e. PML(F) has carried out a lot of development work in district Sanghar in the past as they were elected on both the MNA and MPA seats. Now if the voters are deliberately and malafidely shifted from their constituency their votes will be in minority in the coming elections and hence the opponents i.e. the provincial ruling party PPP will have an edge over them as they have muddled the natural geographical boundaries, thereby not providing them with equal footing or level playing field to contest the elections;

10. That as per requirements of law the Petitioners are filing the following maps/documents:-

- a) the map of Sanghar District showing 3 National Assembly constituencies, as





proposed by the petitioners, which is attached as **Annex-D**;

b) copy of the proposal of the Petitioners in tabulated form is enclosed as **Annex-E**.

11. That in sum and substance the impugned proposal constitutes gerrymandering at the behest of the ruling PPP's Government of Sindh. The idea is to create constituencies so that the MPAs and MNAs hailing from PML(F), including the Petitioners, are not elected in the forthcoming general elections of Provincial and National Assembly.

12. That also the impugned proposal of delimitation is squarely against the principles of delimitation as spelt out in section 20 of the Elections Act, 2017, in that 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, have not been maintained.

13. That the proposed delimitation is also against the principle of delimitation mentioned in rule 10 (5) of the Election Rules, 2017, that specifically points out the clock-wise rule and the proposed delimitation is anti-clock wise that actually pushes the constituencies towards the border. The relevant extract of the said rule is quoted for ready reference:



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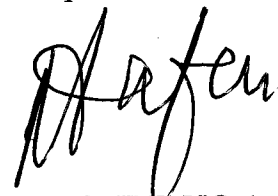
*'As far as possible, the delimitation of constituencies of an Assembly shall start from the Northern end of the district, or, as the case may be, the agency and then proceed clock-wise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable to the quota'*

14. That the Petitioners crave permission of this august Commission to permit their counsel or the said Petitioners to raise or urge any other point or ground at the time of hearing of the petition/memorandum of objections.

**PRAYER**

In light of the above, it is most humbly prayed that the Hon'ble Election Commission of Pakistan may kindly be pleased to recall the proposed delimitation of the relevant area and create the constituencies in terms of map attached, according to which the proposed constituency may be as follows:

- a) Taluka Tando Adam i.e. P.S 44 may be moved with Jam Nawaz Ali i.e. P.S 43 that will constitute NA-216
- b) Taluka Khipro i.e. may be shifted to Sanghar I i.e. P.S 41 to constitute NA-215;
- c) Shahdampur Taluka i.e. P.S 45 may be moved with Sinjhor Taluka i.e. P.S 46 to constitute NA-217;
- d) Area of whole PS-42 may be shifted back to Sanghar I;
- e) any other order deemed fit may be passed in the interest of justice.



**PETITIONER NO.1**