

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD

Representation No. _____/2018

In the matter of de-limitation of constituencies:

1. **Abbas Shah** s/o Bachal Shah
(CNIC.43304-0951917-5)
Mohala High School Jagan,
Taluka & Distt Shikarpur, Sindh
2. **Gul Hassan** S/o Rahmatullah
(CNIC.43304-3265991-1)
Goth Abdul Samad, Khanpur
District Shikarpur, Sindh
3. **Nimatullah** s/o Ghaus Bukhsh
(CNIC.43304-9204154-7)
Ali Bahar, Taluka Shikarpur
District Shikarpur, Sindh

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-----Petitioners

Representation under § 21(3) of the Election Act, 2017 r/w the Provisions of Chapter-III, Part.A of Election Rules, 2017 on behalf of Petitioners for making appropriate amendments, alterations or modification in the Preliminary List of Proposed Constituencies of Distt Shikarpur Sindh, *inter alia*, Proposed NA.198, (Shikarpur-I)

The Petitioners respectfully submit as follows:

1. The Petitioners are registered voters of District Shikarpur and enjoy good reputation and are known for their dedication, integrity and public work. The relevant record of their standing is being appended herewith.
2. As far as relevant and material to the titled presentations, it is submitted that **Article 51** of the Constitution provides that there shall be **342** of the National Assembly, including seats reserved for women and non-Muslims. According to this Art.51, **61 General Seats** and 14 reserved seats for Women have been allocated to the Province of Sindh for **National Assembly**. According to Art.106 of the Constitution, **130 General Seats**, 29 Reserved Seats for Women and 9 Seats Reserved for Minority have been allocated to the **Province of Sindh for Provincial Assembly**.
3. As far as relevant and material to the titled presentations, it is submitted that **Article 51** of the Constitution provides that there shall be **342** of the National Assembly, including seats reserved for women and non-Muslims. According to

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this Art.51, **61 General Seats** and 14 reserved seats for Women have been allocated to the Province of Sindh for **National Assembly**. According to Art.106 of the Constitution, **130 General Seats**, 29 Reserved Seats for Women and 9 Seats Reserved for Minority have been allocated to the **Province of Sindh for Provincial Assembly**.

4. As far as District Shikarpur Sindh is concerned, in 2002 it had two National Assembly Constituencies - NA.202 (Shikarpur-I) and NA.202 (Shikarpur-II). In the General Elections 2008 and General Elections 2013, basically four constituencies represented the entire population of District Shikarpur in that - NA.198, Sukkur-cum-Shikarpur (Old-Sukkur-I); NA-199 Sukkur-cum-Shikarpur-II (Old Sukkur-II); and NA.202, **Shikarpur (Old Shikarpur-I)** and NA.203, **Shikarpur-cum-Sukkur-cum-Larkana (Old Shikarpur-II)**.
5. As far as relevant to the Provincial Constituencies, District Shikarpur basically had in 2002 constituencies as PS.9 (Shikarpur-I), PS.10 (Shikarpur-II), PS.11 (Shikarpur-III) and PS.12 (Shikarpur-IV). In 2008 these were PS.9 (Shikarpur-cum-Larkana (Old Shikarpur-I), PS.10 (Shikarpur-cum-Sukkur (Old Shikarpur-II), PS.11, Shikarpur-I (Old Shikarpur-III), and PS.12, Shikarpur-II (Old Shikarpur-IV). In the last General Election, 2013, these were PS.9 (Shikarpur-I), PS.10 (Shikarpur-cum-Sukkur (Old-Shikarpur-II), PS.11, Shikarpur-II (old Shikarpur-III) and PS.12, Shikarpur-III (Old Shikarpur-IV).
6. Now the National Constituencies for District Shikarpur have been proposed for as **NA-198 (Shikarpur-I)** and **NA.199 (Shikarpur-II)**. The titled presentation is about Constituencies of the National Assembly, District Shikarpur, Sindh only. As the proposed constituencies - NA.198 and NA.199, if finalized by this Hon'ble Commission as proposed, would adversely affect the rights and interests of the general public of the area for several reasons as, *inter alia*, summarized hereinafter. Hence, this representation for appropriate adjustment and modification in the Proposed Constituencies namely **NA.198** and **NA.199**.
7. **Art.222** of the Constitution provides that 'Parliament may by law provide for, (a) the allocation of seats in the National Assembly as required under Art.51 (3) and (4) of the Constitution, and (b) the delimitation of constituencies by the Election Commission of Pakistan. It is thus, constitutional obligation of this Hon'ble Commission to delimit the constituencies in accordance with law. Now, Section

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17 of the Election Act, 2017 provides that '*Election Commission shall delimit the constituencies after every census officially published*'.

8. To de-limit a constituency, the broader principles have been summarized in § 20 of the Election Act, 2017 that as far as practicable, be delimited having regard to the (i) distribution of population in geographically compact areas, (ii) physical features, (iii) existing boundaries of administrative units, (iv) facilities of communication and public convenience and (v) other cognate factors to ensure homogeneity in the creation of constituencies. It has also been provided that '*as far as possible, variation in population of constituencies of Assembly shall not ordinarily exceed ten percent*'.

9. Now according to the Preliminary Report on Proposed Constituencies issued by this Hon'ble Commission after the publication of the Census Report for 2017, Province of Sindh has been divided into 61 territorial constituencies for National Assembly on the Census of 2017. The so-called *quota* per seat in respect of each National Assembly seat has been determined in relation to Sindh as under:

Total Population of Sindh: 47,893,244

Total Seats for National Assembly of Sindh: 61

Quota Per Seat: $47,893,244/61 = 785,135$

10. Based on the aforesaid population and seat quota with a variation of about 10% as provided in § 20 of the Election Act, 2017, two seats/constituencies have been proposed for District Shikarpur out of 61 seats allocated to the entire Province of Sindh. These two seats (NA.198 and NA.199) have been drawn up, accordingly to Form.5 as under:

1) NA.198, Shikarpur-I - (Population, 643,296)

2) NA-199, Shikarpur-II - (Population, 588,185)

11. In Larkana Division, District Shikarpur is comprised of four Talukas (Tehsils) namely, (i) Taluka Garhi Yasin, which has 315,883 population; (ii) Taluka Khanpur which has 276,283 population; (iii) Taluka Lakhi which has population of 248,143; and (iv) Taluka Shikarpur which has a population of 391,172. It is also pertinent to add that in Shikarpur Taluka, there is almost equal population in urban and rural areas i.e. 195,437 and 195,735 respectively.

12. Right now, the proposed NA.198 extends to (i) Taluka Shikarpur excluding Tapedar Circle of Jano of STC Shikarpur, and (ii) Taluka Khanpur. The

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population of 'proposed NA.198' is thus 643,296. Similarly, the proposed NA.199 extends to, (i) Taluka Lakhi, (ii) Taluka Garhi Yasin, and Tapedar Circle Jano of STC Shikarpur of Taluka Shikarpur. The population of Proposed NA.199 is thus 588,185. Hence, there is a difference of 55,111, which is huge number especially in this area when it is mainly divided in two major groups.

13. It is submitted on behalf of the Petitioners that NA.198 and NA.199 as suggested by the Petitioners and MAP whereof attached herein shall be finalized by this Hon'ble Commission as the 'suggested' constituencies are better than the 'proposed' constituencies of NA.198 and NA.199. The Petitioners are suggesting that 'NA.198' shall include the entire Taluka of Shikarpur excluding *Tapo Jano* of Shikarpur Taluka and *Tapo Thanhirio* of Khanpur Taluka. This way the population of this 'suggested' constituency (NA.198) would come upto 622,788. This would also be geographically compact constituency with administrative units in tact.
14. Similarly, NA.199 shall include entire Taluka Lakhi and Entire Taluka Garhi Yasin and shall also include the aforementioned *Tapo Thanhirio* of Khanpur Taluka and *Tapo Jano* of Taluka Shikarpur. This way the population of suggested constituency (NA.199) would come upto 608,693. This would also be geographically compact constituency with administrative units in tact.
15. And this way, the entire population of District Shikarpur (which is 1,231,481) would have also equal presentations i.e. NA.198 with 622,788 population and NA.199 with 608,693 population. This would offer effective proportional representations to the people of the area. As an easy reference, a suggested map of both constituencies NA.198 (Shikarpur-I), and NA.199 (Shikarpur-II) is attached herewith and reliance is placed thereon.
16. It is submitted that it is settled law and international practice in delimitation of the constituencies that 'totality of circumstances' to be taken into account also known or called as 'redistricting standard'. Accordingly, in view of the 'totality of circumstances' standard, the best presentation is what has been suggested hereinabove. It may be added that, *inter alia*, it is the constitutional right of the general public of the area under Article.17 to have "real representatives". In case, the 'proposed constituencies' are not reviewed, altered and modified as suggested, the rights and interests of the people of the area would be adversely affected and prejudiced. This would not be warranted in law. Hence, this

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presentation before the Hon'ble Commission of Pakistan for directions as suggested hereinabove.

It is therefore most respectfully prayed that the Hon'ble Commission may kindly be pleased to consider and allow the titled presentation and finalized NA.198 (Shikarpur-I), and NA.199 (Shikarpur-II) as suggested hereinabove and may further be pleased to make all appropriate adjustment, amendment, alteration and modification to the Proposed Constituencies in the interest of justice.

غلام عباس شاہ
(1) Abbas Shah,

Gul Hassan
(2) Gul Hassan,

Nimatullah
(3) Nimatullah

Through

Gohar Ali Khan
21/3/2018
Barrister Gohar Ali Khan, ASC

Dated: 21-03-2018