

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

AA/29/03/2018
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March 28, 2018

Subject: **OBJECTIONS & PROPOSALS TO PRLIMINARY PROPOSED LIST OF CONSTITUENCIES WITH RESPECT TO THE SEATS OF THE NATIONAL ASSEMBLY FOR DISTRICT SHIKARPUR**

Dear Sir/Madam,

It is most respectfully stated on behalf of Mr. Agha Massihuddin Khan Durrani, CNIC No. 61101-7589364-9, resident of District Shikarpur (*henceforth referred to as the "Objector"*) as follows: -

1. That the Objector is the Chairman of District Council for District Shikarpur and as such is a registered voter in the same district.

(Annexed herewith the copies of the voting certificate and CNIC of the Objector as Annexure "A" & "A-1")

2. That the draft proposal of delimitation of District Shikarpur as prepared by the Delimitation Committee has caused great havoc, uncertainty and confusion among the voters of District.

3. That the District of Shikarpur is divided into four Tehsils, namely;

- a. Tehsil Shikarpur
- b. Tehsil Khanpur
- c. Tehsil Lakhi
- d. Tehsil Gari Yasin

4. That as per the old demarcation District Shikarpur was allocated 2 seats of National Assembly (*henceforth referred to as N.A.*) and 4 seats for the Provincial Assembly (one seat per Tehsil). However, following census 2017, the Election Commission of Pakistan vide its Notification dated 05.03.2018, reduced the number of Provincial Assembly (*henceforth referred to as P.S.*) seats from four (4) to three (3).

(Annexed herewith copy of the old map for National Assembly seats for District Shikarpur as Annexure "B")

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5. That the Delimitation Committee has also failed to properly address the issue of constituencies with respect to the Seat of National Assembly (N.A. 199 and N.A. 199). The Proposal of the Committee is as follows: -

• N.A. 198, SIIP 1

Population

643,323 people

Areas Removed

Tapo Jano (24,132 people)

• N.A. 199, SIIP 2

Population

588,158 people

Areas Added

Tapo Jano (24,132 people)

(Annexed herewith copy of the proposal and the map of the same as Annexure "C" & "C-1")

6. That it is pertinent to mention here that the above proposal for constituencies with respect to N.A. seats is greatly disbalanced and is not in line with the Election Rules and Act 2017, and as such lacks any justification.

7. That per the requirements laid down by the Election Commission of Pakistan's notification dated 05.03.2018, relied on the principle of delimitation laid down in Section 20 of the Elections Act, 2017, which is reproduced hereunder: -

"20. Principles of delimitation – (1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

(2) For the purpose of delimiting constituencies for the general seats of the National Assembly or the Tribal Areas two or more separate areas may be grouped into one constituency.

(3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinary exceed ten percent.

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(4) If the limit of ten percent under subsection (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order”

8. That furthermore, the Delimitation Committee has to take into consideration measures mentioned under Rule 10 of the Election Rules, 2017, which is reproduced hereunder :-

“10. *Draft proposals for delimitation of constituencies.*— (1) A Delimitation Committee constituted under rule 9 shall, immediately after its constitution, proceed to obtain from Pakistan Bureau of Statistics, population data of last census officially published along with relevant maps showing therein census charges, census circles and census blocks along with description, relating to a Province, a district, an agency, or any other administrative or revenue unit as it may require.

(2) The Delimitation Committee shall also obtain district maps along with description, duly authenticated by Pakistan Bureau of Statistics, or, as the case may be, the district head of Revenue Department, prepared on a uniform scale as may be determined by the Commission indicating therein details of all administrative and revenue units in the district to the level of a Patwar Circle or, as the case may be, a Tapedar Circle, as well as prominent geographical and physical features, such as rivers and mountains and any other information as may be determined by the Commission or required by the Committee.

(3) In preparing draft proposals for delimitation of constituencies, the Delimitation Committee shall follow the principles of delimitation as laid down in section 20, procedure given in this Chapter and the guidelines provided by the Commission from time to time.

(4) The constituency for an Assembly shall not ordinarily extend to more than one district except in exceptional circumstances for reasons to be recorded by the Delimitation Committee:

Provided that a Patwar Circle or, as the case may be, a Tapedar Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:

Provided further that in case of urban areas census circle shall not be broken under any circumstances.

(5) 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

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the constituencies of an Assembly shall remain as close as may be practicable to the quota:

Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to that district or agency:

Provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit.

(6) For the purpose of preparation of draft proposals for delimitation the Delimitation Committee may require assistance from any Federal, Provincial or, as the case may be, a Local Government Authority.

(7) After the draft proposals for delimitation of constituencies are finalized on Form-5, the Delimitation Committee shall send the same to the Commission, within the time specified and, in the manner, as may be determined by the Commission.”

9. That the problems with the proposed draft for the constituencies is that the delimitation committee has not demarcated the constituencies as per rule 10 of the Election Rules 2017 nor as per Section 20 of the Election Act 2017. as the Committee has with unjust reasons, chopped constituencies without following the clock wise principle laid down under Rule 10 (5) of Election Rules 2017. This negligent act on part of the Delimitation Committee has caused great havoc on the people of the constituencies who have approached the district councils in protest of the said proposal.

10. That moreover, it could also be seen that N.A. 198 covers areas of Tehsils Shikarpur and Khanpur and N.A. 199 covers Tehsils Lakhi and Garhi Yasin. Tapo Jano is part of the Shikarpur Tehsil in proposed list of constituencies for P.S. seats whilst it is made part of Tehsil Garhi Yasin in list of constituencies for N.A. seats. Furthermore, Tapo Jani has always been part of the Shikarpur Town as such could be witnessed from the fact that all of the important government offices are placed in this Tapo Jano and by removing this Tapo from the ambit of N.A. 198, will mean that the committee is dividing the Shikarpur city into two parts.

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11. That the Objector proposes the following proposals for the list of constituencies for N.A. seats: -

- N.A. 198, SHP 1

Population

624,801 people

Areas Added

Tapo Jano (24,132 people) added to N.A. 198, SHP 1

Areas Removed

Tapo Panhwar (42,654 people) added to N.A. 199, SHP 2

- N.A. 199, SHP 2

Population

606,680 people

Areas Added

Tapo Panhwar (42,654 people) added from N.A. 198, SHP 1

Areas Removed

Tapo Jano (24,132 people) added to N.A. 198, SHP 1

(Annexed herewith map of the draft proposal by the Objector alongwith the map of the same as Annexure "D" & "D-1")

12. That the proposal made by the Objector, causes no prejudice to anyone and is the most balanced delimitation of the constituencies.

13. That the current proposal is ultravires of the Constitution of Pakistan, 1973 and as such should be set aside.

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Thus, in light of the objections and proposals mentioned above, the undersigned requests the Commission to set aside the Proposal for constituencies by the Delimitation Committee for District Shikarpur and implement the proposals mentioned above by the Objector.

Kind Regards,



AGHA SHAHBAZ ALI DURRANI
CNIC NO: 42000-3094635-1
(duly authorised Power of Attorney of the Objector)