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BEFORE THE HONOURABLE ELECTION COMISSION OF PAKISTAN

Representation No. Of 2018

Agha Shams-uddin Khan
son of Ahmed Ali Khan
resident of Kakar Mohala,
Sultan Kot, Taluka and
District Shikarpur
Contact: 0300-2856456----------**APPLICANT**

VERSUS

The Delimitation Committee,
Sindh----------**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 PS-7 (as presently proposed by the Delimitation Committee). *A copy of his CNIC is annexed herewith as Annexure 'A-1'.* He is presently a resident of the Shikarpur District (from the erstwhile PS-11).

2. For the reasons set out in the grounds below, it is submitted that the proposed delimitation for District Shikarpur (Provincial Assembly general seats) as published by the ECP on 5.3.2018 is

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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 Shikarpur (Provincial Assembly general seats) as well as the ECP Map of District Shikarpur(PS-7 to PS-9 inclusive) are annexed herewith as Annexure 'B-1', 'B-2' and 'B-3' respectively. A copy of the extract of the Census for District Shikarpur is annexed herewith as Annexure 'C'.*

3. That the Applicant does hereby propose an alternative delimitation for District Shikarpur (Provincial 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 is annexed herewith as Annexure 'D'.*

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

Constituency	Extent of Constituency	Population
PS-7 Shikarpur - I	A) Taluka Shikarpur excluding Jaggan STC B) The following areas of Taluka Khanpur:	346,762
	i) Town Committee Khanpur	24,899
	ii) Tapedar Circle Khanpur of STC Khanpur	7,229
	iii) Tapedar Circle Shah Wah	9,401

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	iv) Tapedar Circle Mian Sahib STC tapa Mian Sahib C) Tapedar Circle Udha of Garhi Yasin STC of Taluka Garhi Yasin of District Shikarpur	17,200 11,474
	TOTAL	**416,965**
PS-8 Shikarpur - II	A) Taluka Khanpur excluding the following areas: i) Tapedar Circle Mian Sahib ii) Tapedar Circle Shah Wah of STC Mian Sahib iii) Town Committee Khanpur and iv) Tapedar Circle Khanpur of STC Khanpur and B) Lakhi Taluka excluding the following areas: i) Tapedar Circle Mari and ii) Tapedar Circle Jhali Kalwari of STC Lakhi Of District Shikarpur	217,554 203,143
	TOTAL	**420,697**
PS-9 Shikarpur-III	A) Taluka Garhi Yasin excluding Tapedar Circle	304,409

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	Udha of STC Garhi Yasin B) Jaggan STC of Shikarpur Taluka and C) The following Tapedar Circles of Lakhi STC of Taluka Lakhi:- i) Mari and ii) Jhali Kalwari Of District Shikarpur	 44,410 22,913 22,087
	TOTAL	**393,819**

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

Constituency	Extent of Constituency	Population
PS-07 Shikarpur - I	A) MC Shikarpur B) From Taluka Shikarpur i. Tapa Baid ii. Tapa Laliyoon iii. Tapa Lodra iv. Tapa Sultankot v. Tapa Shahal C) From Taluka Khanpur i. STC Mian Sahab ii. Town Committee Khanpur iii. Tapa Khanpur iv. Tapa Thahiryo v. Tapa Panhwar	195,735 11782 19863 16930 25103 15142 56402 24899 7229 20535 42654
	TOTAL	**435976**
PS-08 Shikarpur - II	A) Taluka Lakhi B) Tapa Amrote of STC Amrote of Taluka Ghari Yasin C) From Taluka Khanpur i. Tapa Ghari Dakho ii. Tapa Noor Muhammad Shujra	248143 19298 9121 24628

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	iii. Tapa Loi iv. Tapa Pir Bux Shujra v. Tapa Areeja vi. Tapa Ali Murad Kalhoro	34542 30180 11968 14125
	TOTAL	**392,005**
PS-09 Shikarpur-III	A) Taluka Ghari Yasin Except Tapa Amrote B) From Taluka Shikarpur i. STC Jagan ii. Tapa Karan iii. Tapa Shikarpur iv. Tapa Jano v. Tapa Hamayoon	296585 44410 12309 9900 24159 16137
	TOTAL	**403,500**

GROUNDS

A) That the requirement of homogeneity of constituencies in section 20 (1) of the Election Act 2017 – as per the ECP delimitation proposal, has not been complied with as PS-8 Shikarpur-II now consists of Taluka Lakhi and Taluka Khanpur; constituencies that were bifurcated previously into PS-12 and PS-10. These two constituencies were the hot beds of a long-running tribal dispute of Jatoi and Mahar tribe (settled separately in both the constituencies) that dates back to 1987. The Applicant's Proposal has been prepared in contemplation of the fact that the dispute which had been put to sleep after the relentless efforts of multiple jirgas would inevitably resurrect if ECP's proposal is considered. The Applicant being mindful of this has, thus, prepared a comprehensive proposal that has incorporated areas, inter alia, Tapedar Circle Thaniro and Tapedar Circle Panhwar. By doing so, the Applicant not only anticipates socio-economic stability but peace – something that should be of paramount importance to the ECP whilst de-limiting.

B) That Rule 10 (5) of The Election Rules 2017 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 Shikarpur is 1,231,481 and it has been allocated three provincial assembly seats and thus the quota comes to 410,494 per constituency. The table below illustrates the population of each

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constituency as per the ECP's proposal and the Applicant's proposal and it is clear that the latter is closer in terms of adhering to the legal prescriptions.

	ECP Proposal	Applicant's Proposal
PS-7	**416,965**	**435976**
PS-8	**420,697**	**392005**
PS-9	**393,819**	**403500**

As observed above, the population of PS-9 falls short of the prescribed quota i.e. 410,494; therefore, removing Tapedar Circle Udha (Taluka Garhi Yasin) – bordering Town Committee Garhi Yasin – is simply unreasonable and unwarranted. Ergo there seems no plausible reason to carve out Tapedar Circle Udha from PS-9 especially for the difficulty it faces in relation to paucity of population. Nevertheless, merging TC Udha with PS-9 will not be sufficient to obtain the desired effect of raising the population closer to the quota of the constituency. Therefore, the Applicant's Proposal, adhering to Rule 10 (5) as stated above, has proposed the incorporation of Tapedar Circle Jano, Tapedar Circle Shikarpur, Tapedar Circle Karan and Tapedar Circle Hamayoon, in PS-9, thereby, increasing its population as intended. On the other hand, the rise of PS-7's population can be easily justified for the crucial reasons stated above (ibid. (A)).

C) That Section 20 (1) of the Election Act 2017 also requires that regard shall be paid to "existing boundaries of administrative units". The relevant administrative units within the District are Talukas, Supervising Tapedar Circles and Tapedar Circles (and Town Committees). In this regard, as far as Supervising Tapedar Circles (hereinafter referred to as 'the STC') are concerned, the ECP's proposal has divided the STC Mian Sahib amongst PS-7 and PS-8 whereas the Applicant's proposal has encapsulated the entire STC Mian Sahib keeping the existing boundaries intact.

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

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PRAYERS

i. That the Honorable Election Commission of Pakistan may be pleased to set aside the preliminary delimitation of the constituencies of Provincial Assembly in District Shikarpur 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

APPELLANT

ADVOCATE FOR APPELLANT