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11/05/09/2018

**BEFORE THE SECRETARY (ECP) SECRETARIAT, ELECTION HOUSE,  
CONSTITUTION AVENUE, G-5/2 ISLAMABAD**

On the behalf of:

1. **ALLAH WADHAYO**

S/o Muhammad Soomar

CNIC No. 45102-1414929-5

R/o Village Rais Jamal Post office Sarhad Jahanpur Tehsil and District Ghotki.

2. **MUHAMMAD YOUNUS**

S/o Mandhan

CNIC No. 45102-8053749-3

R/o Village Ahmed Ali Post Office Sarhad, Deh Miani Tehsil and District Ghotki.

**APPLICANTS/PETITIONERS**

**REPRESENTATION UNDER SECTION 21(3) OF ELECTION ACT 2017  
READ WITH RULE 11(4) AND OTHER ENABLING PROVISIONS OF  
THE ELECTION RULE 2017 FOR THE DE-LEMITATION OF THE  
PROPOSED CONSTITUENCY NO PS-21 AND PS 20 IN THE  
PRELIMINARY REPORT**

Respectfully Sheweth:

**CLAIM IN REPRESENTATION:**

That Tapa Wasti Qutub din should be excluded from P.S-21 and included in P.S-20 and Tapa Sanghri should be excluded from P.S-20 and be included in P.S-21 by considering the grounds elucidated in instant petition and it is pertinent to mention here that purposed amendments are in accordance with the parameters of section 20 of Election Act 2017 and the same does not affect the population Quota.

**ABSTRACT**

1. That District Ghotki of Sindh has been proposed to be divided into Four Provincial Constituencies bearing No. P.S-18, P.S-19, P.S-20 and P.S-21, the instant issue pertains to constituency P.S-20 and P.S-21.

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2. That **P.S-20** includes Tehsils i.e.. 1. Khangarh, 2. Ghotki, 3. Mirpur Mathelo and collectively having population of 402266/- and **P.S-21** includes Tehsil Ghotki and having population of 3,93,488/-
3. That the petitioners is resident and registered voter of Tapa Wasti Qutab din which Tapa now has been included in constituency P.S-21 whereas inclusion of said Tapa Wasti Qutub din in P.S-21 from P.S-20 has been done by altogether ignoring the fact that tribes of Tapa Wasti Qutub din are in enmity with Tribe namely Lakhan and if both Lakhan and Wasti Qutubdin would be included in P.S-21 there is great apprehension of bloodshed and quarrel between the two tribes which might result in deaths and same is also great threat to the tranquility of peace in the area and if Tapa Wasti Qutub din is not excluded from P.S-21 and included in P.S-20 peaceful election without facing the loss of lives of both tribes would be impossible. It is further observed that inclusion of Tapa Wasti Qutub din in P.S-21 and inclusion of Tapa Sanghri in P.S-20 is in sheer violation of Section 20 of Election Act 2017 as by including Tapa Wasti Qutub din into P.S-21 and excluding Tapa Sanghri from P.S-21, the geographical compact areas, physical features, existing boundaries of administrative units, facilities of communications and public convenience and homogeneity has not been considered hence the same is in the sheer violation of law and cannot be sustained and same is challenged on following grounds.

**GROUND:**

- a. That Tapa Sanghri is geographically connected with STC Ghotki which is part of P.S-21 and people of Tapa Sanghri are also socially well connected with the said STC Ghotki and same is also having inter se distance of 5 km.
- b. That the preliminary list of provincial assembly constituencies of District Ghotki in particular P.S-21 and P.S-20 have been made in violation of Section 20 of Election act 2017 as the present constituency P.S-21 and P.S-20 are objectionable on the ground that the geographical compact, areas, physical features, existing boundaries of administrative units, facilities of communications and public convenience and homogeneity has not been considered properly due to which the areas included in said constituency do not match with each other hence public will face a lot of difficulties and otherwise the formation of said constituencies are not feasible and cannot be run and monitored properly and easily and transparency also cannot be expected.

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- c. That by including Tapa Wasti Qutubdin in P.S-21, the authorities altogether ignored the fact that Tribes of Tapa Wasti Qutubdin are in enmity with Tribe namely Lakhan and if Tapa Wasti which according to preliminary delimitation list included in P.S-21 is now geographically adjacent to the Lakhan and if both Lakhan and Wasti Qutubdin would be included in P.S-21 there is great apprehension of bloodshed and quarrel between the two tribes which might result in deaths and same is also great threat to the tranquility of the peace in the area and if Tapa Wasti Qutubdin is not excluded from P.S-21 and included in P.S-20 peaceful election without facing the loss of lives of both tribes would be impossible.
- d. That earlier since 2002 Tapa Sanghri was part of P.S 21 whereas Tapa Wasti Qutubdin was part of P.S-20, total population of Wasti Qutubdin is 12461 and total population of sanghri is 15518 and if Wasti Qutubdin is excluded from P.S-21 and made part of P.S-20 and on the other hand Sanghri if excluded from P.S 20 and included in P.S-21 there will be no violation of Section 20 of Election Act rather it would be more convenient from all aspects and the principles laid down for delimitation under Section 20 will be fulfilled and satisfied.
- e. That geographically and for public convenience Wasti Qutubdin cannot become part of P.S-21 and same is also not suitable due to reasons mentioned above whereas if Sanghri which is geographically connected with areas of P.S-21 and inter se distance between Sanghri and STC Ghotki is only 5KM and if Sanghri is included in P.S-21 it would be in more suitable condition and would be in the interest of public.
- f. That as per Preliminary Draft List of Constituency P.S-21 Ghotki-IV includes following Tapas 1. Ghotki (Population=128501), 2. Qadirpur (Population=43909), 3. Hussain Beli (Population=17182) 4. Bindi (Population=15191) 5. Bandh (Population= 35192) 6. Mathelo (Population=17194) 7. Khuhara (Population= 32915) 8. Muhammad Pur (Population=8760) 9. Ruk (Population= 31292) 10. Baksho Ghoto (Population=16415) 11. Saleh Mahar (Population=12292), 12. Adilpur (Population=22184), 13. Wasti Qutub din Shah (Population=12461) and total population of P.S-21 is **393488**.
- g. That P.S-20 Ghotki III includes following Tapas 1. Khanpur (Population=32155) 2. Ari Mahar (Population=9145) 3. Ali Mahar (Population=13866) 4. Mithri (Population=11901) 5. Qazi Badal (Population=11589) 6. Shahpur (Population=12339) 7. Chhawani (Population=11285) 8. Naro (Population=9630) 9. Lohi (Population=14835) 10. Khandhlo (Population=22263) 11. Jahanpur

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(Population=21415) 12. Bago Daho (Population=14600) 13. Kotlo Bullo  
(Population=12018) 14. Motoo Mahar (Population=35637) 15. Sanghri  
(Population=15518) 16. Beriri (Population=14249) 17. Darwesh Naich  
(Population=13106) 18. Garhi Chakar (Population=1557) 19. Hayat Pitafi  
(Population=14575) 20. Jarwar (Population=25336) 21. Sabar bozdar  
(Population=7772) 22. Machlo (Population=16068) 23. Bhiri leghari  
(Population=15648) 24. Khuhi-khengi (Population=13631) 25. Mitho lund  
(Population=18423) 26. Wahi ghoto (Population=13711) total population is  
402266/-

**PROPOSAL FOR P.S-21 BY THE APPLICANT ARE AS UNDER:**

**(Copy of Proposed Map is annexed with the Petition)**

- i. That the boundaries of Tapa Wasti Qutub din Shah is geographically connected with Tapa Kotlo which is part of P.S-20 and people of Wasti Qutub din Shah and Tapa Kotlo are socially connected whereas Tapa Wasti Qutub din on the other side touches the boundary of Lakhan which is part of P.S 21 but both the areas are notorious for their enmities which prolonged for last decades and resulted in loss/deaths of many lives of people living in Lakhan and Wasti Qutub din therefore Wasti Qutubdin should be excluded from P.S-21 by acting upon the principles duly envisaged in Section 20 of Election Act 2017 and if Wasti Qutubdin is included in P.S-20, it does not disturb the population Quota and on the other hand it is purposed that Tapa Sanghri having population of 15518 which is geographically connected with main City S.T.C Ghotki which is part of P.S-21 and the people of Sanghri and S.T.C Ghotki are socially connected with each other and it is also in the public convenience that Sanghri should be excluded from P.S-20 and included in P.S-21 as the inter se distance between Sanghri and STC Ghotki is also only 5 km.
- ii. That the purposed exclusion of Wasti Qutub din from P.S 21 and inclusion of Sanghri into P.S-21 does not disturb the Quota of population as envisaged in Election Act 2017.
- iii. After purposed amendments P.S-20 shall be as under:
  1. Khanpur (Population=32155) 2. Ari Mahar (Population=9145) 3. Ali Mahar (Population=13866) 4. Mithri (Population=11901) 5. Qazi Badal (Population=11589) 6. Shahpur (Population=12339) 7. Chhawani (Population=11285) 8. Naro (Population=9630) 9. Lohi (Population=14835) 10. Khandhlo (Population=22263) 11. Jahanpur (Population=21415) 12. Bago Daho (Population=14600)

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12. Kotlo Bullo (Population=12018) 13. Motoo Mahar (Population=35637) 14. Wasti Qutub din Shah (Population=12461) 15. Beriri (Population=14249) 16. Darwesh Naich (Population=13106) 17. Garhi Chakar (Population=1557) 18. Hayat Pitafi (Population=14575) 19. Jarwar (Population=25336) 20. Sabar bozdar (Population=7772) 21. Machlo (Population=16068) 22. Bhiri leghari (Population=15648) 23. Khuhi-khengi (Population=13631) 24. Mitho Lund (Population=18423) 25. Wahi ghoto (Population=13711) total population will be 399209/-

iv. After purposed amendments P.S-21 shall be as under:

1. Ghotki (Population=128501), 2. Qadirpur (Population=43909), 3. Hussain Beli (Population=17182) 4. Bindi (Population=15191) 5. Bandh (Population= 35192) 6. Mathelo (Population=17194) 7. Khuhara (Population= 32915) 8. Muhammad Pur (Population=8760) 9. Ruk (Population= 31292) 10. Baksho Ghoto (Population=16415) 11. Saleh Mahar (Population=12292), 12. Adilpur (Population=22184), 13. Sanghri (Population=15518) and total population of P.S-21 will be 3,96,545.

v. That the purposed amendments meet the criteria mentioned in Section 20 of Election Act 2017.

h. That the Principle of Delimitation have been enumerated under section 20 of the Election Act, 2017, which reproduced as under:

Section: 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 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 for 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 ordinarily exceed ten percent.  
(4) If the limit of ten percent under sub-section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.

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i. That we can easily identify and enumerate the Principles of Delimitation which law provides to be complied with, respected and implemented in letter and spirit while delimiting the electoral constituencies, so the not only the candidates but also the voters could be benefited. We can number such principles as under:

- a. Distribution of Equal Population,
- ii. Geographical Compactness,
- iii. Physical Features,
- iv. Existing Boundaries of Administrative Units,
- v. Facility of Communication,
- vi. Public Convenience, And
- vii. Homogeneity,

J. That procedure for delimiting constituencies has been provided under Sub-rules 3 to 5 of Rule 10 of the Election Rules, 2017, reproduced as under:

*"(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 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 per cent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit."*

- k. That the preliminary de-limitation of the constituency is against law and fact, rules, procedures, principles and provisions and as well as section laid down in the delimitation act 2017.
- l. That the proposal does not affect the population quota if accepted and the same shall be more appropriate and workable and will be in accordance with the principles of section 20 of Election Act 2017

PRAYER:

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**IN THE PREMISE**, It is most humbly prayed that

- a. Tapa Wasti Qutub din may kindly be excluded from P.S-21 and be included in PS-20 and Tapa Sanghri may kindly be included in P.S 21 and be excluded from PS-20 in in best interest of justice.
- b. Any other relief which the petitioners are entitled may kindly be granted in favour of petitioners in best interest of justice.

الله نادھو

Allah Nadhayo

PETITIONERS

Through



**MIAN MUHAMMAD OMER RIAZ**  
Advocate High Court

**M & Q Law Associates**  
Advocates and Legal Consultants  
Office No. 12, Quaid-e-Azam Block  
District Courts, F-8 Markaz, Islamabad

VERIFICATION:

Verified on solemn affirmation/oath at Islamabad on this 2<sup>nd</sup> April that the contents of petition are correct to the best of knowledge and rest of the Paras is correct to my belief and the information received.

Allah wadhay

PETITIONER