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

On the behalf of:

1. BASHIR AHMED

S/o Misri Khan

CNIC No. 45102-1720127-1

R/o village Rais Muhammad Phulpoto, Deh Dumano, P.O Sarhad Tehsil and District Ghotki

2. WAHID BAKHSH

S/o Sanwal

CNIC No. 45102-9032204-3

R/o Village Mehar Mehar, Saleh Mahar Post Office Ghotki Tehsil and District Ghotki.

3. MEHRAB

S/o Norang

CNIC No. 45103-2342193-7

R/o Village Aandal Mahar, Lakho Mahar Post Office Wadhan Nahar Tehsil Khan Garh 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-LIMITATION OF THE
PROPOSED CONSTITUENCY NO PS-21 AND PS 20 IN THE
PRELIMINARY REPORT

Respectfully Sheweth:

CLAIM IN REPRESENTATION:

That Tapa Chhawani and Sanghri should be excluded from P.S-20 and be included in P.S-21 and Tapa Wasti Qutub Din be excluded from P.S-21 and be included in P.S-20, it is further claimed that out of malafide few people are purposing and trying to include Tapa Jahanpur in P.S-21 by misrepresenting the Commission as Tapa Jahanpur is approximately 25-30 km away from City Ghotki which is part of P.S-21 therefore Jahanpur should remain part of P.S-20 as Jahanpur is socially and geographically connected with areas of P.S-20 by considering the grounds elucidated in instant petition and it is pertinent to mention here that purposed amendments are in accordance with the para meters of section 20 of Election Act 2017 and the same does not affect the population Quota.

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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.**
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 petitioner No.1 is resident of Tapa Jahanpur and Petitioner No.2 is resident and registered voter of Tapa Saleh Mahar and Petitioner No.3 is resident of Chhawani, the inclusion of Tapa Chhawani and Sanghri in P.S-20 and Wasti Qutub Din in P.S-21 is made by altogether ignoring the geographical compact areas, physical features, existing boundaries of administrative units, facilities of communications and public convenience and homogeneity and same is in the sheer violation of law and cannot be sustained and same is challenged on following grounds.

GROUND:

- a. That Tapa Chhawani is closely connected geographically and socially connected with Tapa Saleh Mahar and Adilpur hence Chhawani should be excluded from P.S-20 and be included in P.S-21 and Tapa Sanghri which 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 hence Sanghri should be excluded from P.S-20 and included in P.S-21.
- 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 and moreover if Chhawani and Sanghri should also be included in P.S-21 by considering Section 20 of Election Act 2017 .
- d. 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 and Chhawani which is geographically connected with areas of P.S-21 and inter se distance between Sanghri and STC Ghotki is only 5KM therefore Sanghri be included in P.S-21 then it would be in more suitable condition and would be in the interest of public further Chhawani which is geographically connected with Tapa Saleh Mahar and Adilpur should be excluded from P.S-20 and included in P.S-21 in the public interest of the said Tapas.
- e. 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**.
- f. 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 (Population=21415) 12. Bago Daho (Population=14600) 13. Kotlo Bullo (Population=12018) 14. Motoo Mahar (Population=35637) 15. Sanghri

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(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 ghoti (Population=13711) total population is
402266/-

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

(Copy of Proposed Map is annexed with the Petition)

- i. That the boundaries of Tapa Chhawani is geographically connected with Tapa Saleh Mahar and Adilpur and Tapa Sanghri is connected with STC Ghotki hence if both Chhawani and Sanghri be excluded from P.S-20 and included in P.S-21 and on the other hand Wasti Qutub din Shah which is geographically connected with Tapa Kotlo which is part of P.S-20 if included in P.S-20 and excluded from P.S-21 by acting upon the principles duly envisaged in Section 20 of Election Act 2017, it does not disturb the population Quota.
- ii. That the purposed exclusion of Wasti Qutub din from P.S 21 and inclusion of Chhawani and Sanghri into P.S-21 does not disturb the Quota of population as envisaged in Election Act 2017.
- iii. That it is further purposed that out of malafide few people are purposing and trying to include Tapa Jahanpur in P.S-21 by misrepresenting the Commission as Tapa Jahanpur is approximately 25-30 km away from City Ghotki which is part of P.S-21 and Tapa jahanpur is geographically and socially connected with areas of P.S-20 therefore Jahanpur should remain part of P.S-20.
- iv. **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) 8. Naro (Population=9630) 9. Lohi (Population=14835) 10. Khandhlo (Population=22263) 11. Jahanpur (Population=21415) 12. Bago Daho (Population=14600) 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.

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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 387924/-

v. 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), Chhawani (Population=11285) and total population of P.S-21 will be 40,7930/.

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

g. 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.*

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:

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- 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

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PRAYER:

IN THE PREMISE, It is most humbly prayed that

- a. That Tapa Chhawani and Sanghri should be excluded form P.S-20 and be included in P.S-21 and Tapa Wasti Qutub Din be excluded from P.S-21 and be included in P.S-20, it is further claimed that out of malafide few people are purposing and trying to include Tapa Jahanpur in P.S-21 by misrepresenting the Commission as Tapa Jahanpur is approximately 25-30 km away from City Ghotki which is part of P.S-21 therefore Jahanpur should remain part of P.S-20 as Jahanpur is socially and geographically connected with areas of P.S-20 by considering the grounds elucidated in instant petition and it is pertinent to mention here that purposed amendments are in accordance with the para meters of section 20 of Election Act 2017 and the same does not affect the population Quota hence same should be accepted in best interest of justice.
- b. Or in alternative the previous delimitation of constituencies of Provincial Assembly and National Assembly of District Ghotki which was in the year 2013 (last Election) be restored
- c. Any other relief which the petitioners are entitled may kindly be granted in favour of petitioners in best interest of justice.

PETITIONERS

Through

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 2nd 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.

PETITIONER