

To,

The Secretary
Election Commission of Pakistan
Islamabad.

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03-04-18

SUBJECT: MEMORANDUM OF REPRESENTATION AND OBJECTIONS UNDER SECTION 21(3) OF ELECTION ACT 2017 READ WITH RULE 12 (1) OF ELECTION RULES 2017 AGAINST THE DELIMITATION OF THE CONSTITUENCIES OF PS-24 & PS-25 DISTRICT SUKKUR, PROVINCE OF SINDH

Respect Sir,

Being aggrieved of the draft proposal / preliminary report of delimitation of constituencies prepared by the Delimitation Committee as published by the Hon'ble Election Commission of Pakistan, the applicants/voters of our constituencies, most humbly and respectfully bring following objections / memorandum of representations against the delimitation made by the Delimitation Committee and also submit the proposed maps / delimitation of the entire District for your kind consideration.

APPLICANTS / VOTERS

1. The instant representation is being filed by Aijaz Amir son of Riyasat Ali, resident of A-335, Shora Street Near Jinnat

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Building Old Sukkur, Vote No: 379, Block Code: 322010203,
holding CNIC No: 45504-8852999-9, in personal capacity as
well an attorney of the following voters:

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- i) Abdul Raheem Shaikh
S/O Shaikh Abdul Rehman
CNIC No: 45504-7554385-9
R/O. House No. C-470/1-A1
Queen's Road Sukkur
Vote No: 110
Block Code: 322020207
- ii) Deedar Ali
S/O. Hazar Khan
CNIC No: 45504-1144632-9
R/O. Muhallah Magsi Near
Civil Hospital Sukkur
Vote No: 122
Block Code: 322020306
- iii) Muhammad Jawaid Malik
S/O. Fakharuddin Malik
CNIC No: 45504-7285834-1
R/O. House No. B-1155,
Nashtar Road Sukkur
Vote No: 96
Block Code: 322040406
- iv) Muhammad Abid
S/O. Muhammad Usman
CNIC No: 45504-1074303-5
R/O. C-401/3-B, Muhallah
Old Post Office, Near MC Sukkur
Vote No: 360
Block Code: 322020102

**OBJECTIONS TO THE CONSTITUENCIES OF PS-24 &
PS-25 OF DISTRICT SUKKUR, SINDH**

2. The applicants are desirous to make representation and raise objections to the proposed delimitation of the following two constituencies of provincial assembly of Province of Sindh:

- i) PS-24 consisting of a total population 388,260.
- ii) PS-25 consisting of a total population 368,232.

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3. That it is pertinent to mention here that in the General Election, 2013, the above-mentioned constituencies were known as PS-I & PS-II, respectively.

4. That the proposed / draft delimitation of PS-24 and PS-25 have seriously affected geographic compactness, physical features, existing boundaries of the administrative units of both the Constituencies. Whilst carrying out the delimitation process, the Delimitation Committee has failed to take into consideration the principles of delimitation contained in the provisions of Section 20, Elections Act, 2017 and Rules 8 and Rule 10 of the Election Rules, 2017. Section 20, *ibid*, is reproduced below:

"20. Principles of Delimitation.—(1) all constituency for general seats shall, as far as practicable, be delimited having regard to the distribution of the population in geographically compact areas physical features, existing boundaries of administrative units, facilities of communication and public convenience and other 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.

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

(4) If the limit of ten percent under sub-section(2) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order."

5. That the proposed delimitation is against the established principle of delimitation and divides the entire city and the Municipal Corporation of Sukkar (i.e. administrative unit) has been divided into two parts from center of the city. It has therefore disturbed geographic compactness, physical features, existing boundaries of the administrative units. This proposed delimitation of PS-24 and PS-25 by division of the Municipal Corporation Sukkur, *prima facie*, violates the statutory principles of delimitation envisaged in Section 20, *ibid*.
6. That historically, the constituency of PS-1 Sukkur has remained compact and consisted of entire urban area as well municipal corporation of District Sukkur, and now the proposed delimitation of Constituency of PS-24, District Sukkur will unlawfully divide the Municipal Corporation (MC) of Sukkur from the center of the city into two parts and MC Sukkur will fall in two constituencies i.e. PS-24 and PS-25,

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which is against the principle of delimitation envisaged in section 20, *ibid*.

7. That Sukkur District having four constituencies as PS-1, PS-2, PS-3 and PS-4 now it has become PS-22, PS-23, PS-24 and PS-25 respectively and the proposed / draft delimitation of constituencies of PS-24 and PS-25 is against the delimitation and geographic area of Municipal Corporation, District Sukkur.
8. That the proposed / draft delimitation divides MC Sukkur into two constituencies into PS-24 and PS-25 from the center of the city to deprive the innocent citizen of the city for their legitimate right to be represented through a single constituency and representative, and the same will cause serious crisis and problems in future for the both constituencies.
9. That it is well settled law before the delimitation, the ECP legally and lawfully bound to do delimitation to take into consideration the facilities and public convenience of the innocent voters of the city and always conduct to ensure, just and proportional representation of the people in the election.
10. That the proposed / draft delimitation of PS-24 and PS-25 is violates the principles of delimitation enunciated in Section 20, *ibid*, as the division of the geographic area of MC Sukkur into two constituencies of PS-24 and PS-25 seriously disturbs the

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geographic compactness and divides the existing boundaries of administrative unit.

11. That due to violation of principles of delimitation, the franchise rights of the innocent people of aforesaid TCs and MC will highly be prejudiced as the proposed delimitation deliberately includes the Rural area with PS-24 and PS-25. It is worth mentioning that prior to the instant process of delimitation, Sukkar City / MC Sukkur remained part and parcel of PS-24 and PS-24 (PS-2) consisted of Rural areas of District Sukkur. After the instant process of delimitation the Sukkur city has been divided in two constituency as PS-24 and PS-25 which is against the main purpose of delimitation and also against the section 20, *ibid*. All applicants are voters of PS-24 and PS-25 and their interests are involved and if the said delimitation will not be corrected, the applicants will be highly prejudiced by the proposed / draft delimitation of PS-24 and PS-25 as published by the Hon'ble Election Commission of Pakistan.

12. That as per Form-5 and draft / preliminary delimitation published by the Hon'ble Election Commission of Pakistan, the extent and distribution of population of District Sukkur into following constituencies of provincial assembly of Sindh:

DELIMITATION BY ECP AS PER FORM-5

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NO & NAME OF CONSTITUENCY	EXTEND OF CONSTITUENCY	POPULATION
PS-22 SUKKUR-I	Taluka Pano Akil excluding following Tapedar Circle of Pano Akil STC:- i) Sunder Belo, ii) Panhwari Jageer, iii) Nauraja and iv) Hingoro of District Sukkur.	365789
PS-23 Sukkur-II	a) Taluka Salehpat: b) Taluka Rohri excluding the following area:- i) Municipal committee Rohri and ii) Tapedar Circle Rohri of Rohri STC of Rohri Taluka of District Sukkur	129619 236003 Total: 365622
PS-24 (Sukkur-III)	a) New Sukkur Taluka excluding:- i) Bagarji STC, ii) Town Committee Bagarji, iii) Purano Sukkur STC abd b) Sukkur City Taluka excluding the following areas :- i) Charge No. 1, ii) Charge No. 2 and iii) Circle No. 1, 2, 3 & 4 of Charge No. 4 Of District Sukkur.	268,311 119,949
Total		388,260
PS-25 (Sukkur-IV)	a) The following areas of New Sukkur Taluka:- i) Bagarji STC, ii) Town Committee Bagarji, iii) Purano Sukkur STC and b) The following areas of Sukkur City Taluka:- i) Charge No. 1, ii) Charge No. 2,	29,434 7,804 14,219 51,904 37,565 22,171

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	iii) Circle No. 1,2,3 & 4 of Charge No. 4 and	69,920
	c) Municipal Committee Rohri of Taluka Rohri;	65,181
	d) Tapedar Circle Rohri of Rohri STC of Taluka Rohri;	
	e) The following Tapedar Cicles of Pano Akil	10,061
	STC of Taluka Pano Akil:-	12,776
	i) Sunder Belo,	14,195
	ii) Panhwari Jageer,	33,002
	iii) Nauraja and	
	iv) Hingoro	
	Of District Sukkur	
	Total	368,232

13. That the applicants propose the following amendments, modifications and alteration in delimitation of the constituencies of PS-24 (Sukkur-III) and PS-25 (Sukkur-IV) of District Sukkur. No change or modification is being sought by the applicants in PS-22 (Sukkur-I) and PS-23 (Sukkur-II), District Sukkur.

PROPOSED DELIMIATION BY APPLICANTS

No. and Name of Constituency	Extent of of the Consitituency	Population
PS-22 SUKKUR-I	Taluka Pano Akil excluding following Tapedar Cirlce of Pano Akil STC:- i) Sunder Belo, ii) Panhwari Jageer, iii) Nauraja and iv) Hingoro of District Sukkur.	365789

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	(Note: No change or modification proposed)	
PS-23 Sukkur-II	a) Taluka Salehpat: b) Taluka Rohri excuding the following area:- i) Municpal commmittee Rohri and ii) Tapedar Cirlice Rohri of Rohri STC of Rohri Taluka of District Sukkur (Note: No change or modification is proposed)	129619 236003 Total: 365622
PS-24 SUKKUR-III	Taluka Sukkur City Taluka New Sukkur Charge No. 6 Charge No.5, Circle No. 1 Charge No. 5, Circle No. 2 Charge No. 5, Circle No. 3 Charge No. 5, Circle No. 4 (Note: The above-mentioned changes, alteration or modification are being proposed)	231,589 96,702 13,128 15,518 17,514 5,060
Total		379,511
PS-25 SUKKUR-IV	Taluka New Sukkur Charge No. 4 Charge No. 5, Circle No. 5 Charge No. 5, Circle No. 6 Charge No. 5, Circle No. 7 STC Bagarji Purana Sukkur STC TC Bagarji MC Rohri TC Rohri TC Sunder Below TC Panhwari jageer TC Nauraja and TC Hingoro (Note: The above-mentioned change, alteration or modification is being proposed)	94,241 7,882 10,412 7,854 29,434 14,219 7,804 69,920 65,181 10,061 12,776 14,195 33,002

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	Total	376,981

14. The applicant seek the proposed modification, alteration and changes in the constituencies of PS-24 (Sukkur-III) and PS-25 (Sukkur-IV) on following grounds:

GROUND

- a) That the impugned delimitation has been carried out in violation of the principles of delimitation provided in Section 20 of the Election Act 2017 read with Rule 8 and 10 of the Election Rules, 2017. The arbitrary division of Municipal Corporation Sukkur into two parts (one falling in PS-24 and the other falling in PS-25) violates the statutory principles of delimitation i.e. geographical compactness, physical features, existing boundaries, facilities of communication, public convenience, others cognate factors and homogeneity in creation of constituencies.
- b) That the impugned delimitation ignores the established principles of delimitation to fairly divide the geographic area into territorial constituencies so that no party or candidate may have any grievance of "Gerrymandering" or delimitation of

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constituencies in favour or against any particular party or candidate.

- c) That the impugned delimitation of PS-24 and PS-25, District Sukkur, ignores the established principle of delimitation that the delimitation is not a mere drawing of boundaries with stroke of pen. It is judicious exercise of delineating electoral areas, vigilantly warding against any possible fear of vote dilution, disenfranchisement or corrupt practice. The impugned delimitation did not take into consideration of this establish principle.
- d) That the impugned delimitation of PS-24 and PS-25 of District Sukkur, if not intervened, will lead to unfair skewed results, tarnishing electoral integrity, making a mockery of election and turning the "constitutional principle" political justice on its have.
- e) That the impugned delimitation of PS-24 and PS-25 will seriously violate the right to life and liberty of the applicants and voters PS-24 and PS-25, as enshrined under 9 of Constitution of Islamic Republic of Pakistan, life of the citizen in representative democracy cannot be envisage without its political dimensions, the ability of participate in the political life of the nation, the freedom to exercise to political choice, the

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right to choose a political leader to elect the government of his / her choice.

- f) That the impugned delimitation of PS-24 and PS-25 violates the dignity of applicants and voters of said District as enshrined under Article 14 of Constitution of Islamic Republic of Pakistan, 1973 since, human dignity includes the right to demand a political and democratic structure of governance based on electoral process conducted on the equality and transparency.
- g) That impugned delimitation of PS-24 and PS-25 is against the whole aim and purpose of process of delimitation. The delimitation always conduct to ensure, just and proportional representation of the people in the election.
- h) That the impugned delimitation of PS-24 and PS-25 ignores the law and rules and against the will of objection of general public is repressive, autocratic and tyrannical and in utter disregard to the law, precedent of the Higher Courts and principle of natural justice.
- i) That, the applicants beg leave to add to amend and / or plead additional grounds at the time of hearing of this representation.

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14. That the applicants submitted that the constituency of PS-24 and PS-25 be carried out in the manner described and proposed by the application to bring the same inconformity with Section 20 of the Election Act, 2017 and Rule 8 & 10 of the Election Rules, 2017.

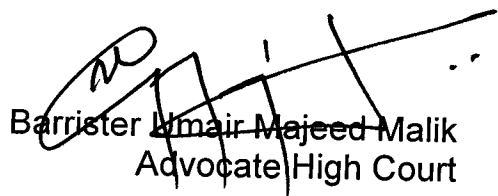
PRAYER

It is therefore humbly prayed that in consideration of above grounds mentioned above the representation of the applicants and the delimitation of PS-24 and PS-25 of District Sukkur be carried out as per proposals given hereinabove.



(AIJAZ AMIR S/O RIYASAT ALI)
R/O. Old Sukkur
CNIC No. 45504-8852999-9
Mobile No. 03003117414
Applicant and also authorize person /
Attorney of applicants.

Through



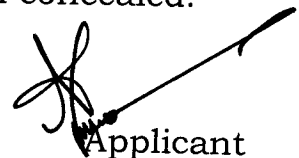
Barrister Umair Majeed Malik
Advocate High Court

Dated: 03-04-2018


VERIFICATION

This affidavit has been sworn before me on this 03rd day of April, 2018 at Islamabad on this 03rd day of April, 2018 that the contents of para No. 1 to 14 of this instant of 03 APR 2018 by representation are true and correct to the best of my the deponent who is personally known to me by knowledge and belief and that nothing has been concealed.

Certified further that the deponent of this affidavit has read over and explained to deponent who has understood and attested the same
Serial No



Applicant



Irshad-ul-Haq
Advocate High Court
Oath Commissioner
Islamabad