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RE: MEMORANDUM OF OBJECTIONS
BEFORE THE ELECTION COMMISSION OF PAKISTAN

Saeed Khan Nizamani s/o Kamal Khan
Muslim, adult
r/o Ward No. 4, Muhallah Nizamani, Block-10, Sanghar
Taluka Sanghar
District Sanghar
Sindh.....Petitioner

VERSUS

Election Commission of Pakistan
Constitution Avenue, G-5/2
Islamabad
Through its Secretary.....Respondent

MEMORANDUM OF OBJECTIONS TO THE PROVISIONAL
DELIMITATION IN RESPECT OF TC SHORKI AND TC
RAWTIANI IN PS-41

The Petitioner most respectfully submits as under:-

1. The Petitioner has authorized Mr.Khuda Bux Dars s/o Hamzo Khan to file this petition, copy of the Power of Attorney is enclosed as **Annex A**. The Petitioner is a sitting MPA in the Sindh Assembly, having been elected in the General Elections of 2013. The Petitioner is a voter in PS-41 and NA- 215 Sanghar. A copy of the voters' certificate is enclosed as **Annex A-1**. A copy of the Petitioner's CNIC is enclosed as **Annex B**.

NB: The description of the Petitioner falling in the respective constituency of PS-41, as mentioned above, is based upon the provisional delimitation which is being objected to by the said Petitioner.

2. Before the impugned provisional delimitation, the position of the Tappedar Circles ("TC") in issue spelt out as follows:-

i) PS-46 ----- TC Shorki, TC Rawtiani

3. After the 2017 Census the said TCs in question have malafidely been shifted as follows: -

i) TC Shorki has been shifted from PS-46 to PS-41; and

ii) TC Rawtiani has been shifted from PS-46 to PS-41.

4. The provisional delimitation is squarely against the principles of delimitation as laid down in section 20 of the Elections Act, 2017, in as much as that: -

a. It is the elementary principle for causing delimitation that the constituencies of the Provincial Assembly are to be carved from the constituencies of the National Assembly and to provide ease to the people in terms of representation, with natural geographical and ethnical ground so as to ensure continuity and homogeneity. In the present case, the constituencies of Provincial Assembly

i.e. PS-41 comprising of Taluka Sanghar as proposed now, have been carved out in a manner that it will create problems in terms of, interalia, administration, transportation and other amenities, thus violating the principle of continuity and homogeneity laid down in section 20 of the Elections Act, 2017.

b. As per the principles of the delimitation the constituencies are to be divided in a manner that they are in geographically compact areas and the existing boundaries of administration units are maintained. This is absolutely necessary for the facility and ease of the people of the area. However, the proposed delimitation is against this elementary principle of delimitation.

c. The ECP has proposed shifting TC Shorki and TC Rawtiani from PS-46 Taluka Sinjhorro to PS-41 Taluka Sanghar. The population of Taluka Sanghar is approx. 4,34,087 which is

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already in excess of the minimum number of population required to form a constituency i.e approx. 330,000. Hence, shifting the population of the said two TCs to the jurisdiction of Taluka Sanghar will result in massive administrative difficulties for the municipal committee/Taluka headquarter, Sanghar.

- d. The people of TC Shorki and TC Rawtiani have always been a part of Taluka Sinjhoru and, hence, closely affiliated with Taluka Sinjhoru in PS-46.
- e. That TC Shorki and TC Rawtiani, which have always been a part of Taluka Sinjhoru in PS-46, have been made part of Taluka Sanghar in PS-41. However, the two TCs of Taluka Sanghar, namely Sadhno and Bharam Bari, that have always been a part of Taluka Sanghar in PS-41, were shifted to PS-43, Taluka Jam Nawaz Ali. Such shifting is clearly against the principles

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of delimitation laid down in section 20 of the Elections Act, 2017 which mandates that the constituencies be delimited having regard to, inter alia, distribution of population in geographically compact areas and existing boundaries of administrative units.

f. That Supervising Tappeddar Circle ("STC") Khadro, in PS-46, originally also included TC Shorki. However, by way of impugned provisional delimitation, only TC Shorki has been shifted to Taluka Sanghar, PS-41 while the rest of STC Khadro has been retained in PS-46.

5. The Petitioners' political party i.e. PML(F) has carried out a lot of development work in district Sanghar in the past as they were elected on both the MNA and MPA seats. Now if the voters are deliberately and malafidely shifted from their constituency their votes will be in minority in the coming elections and hence the opponents i.e. the ruling PPP will have an edge over them as they have muddled the natural geographical boundaries, thereby not providing them with equal footing or level playing field to contest the elections.

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6. As per requirements of law, the Petitioner is filing the following maps/documents:-
- a. a copy of the map of Sanghar District showing the 6 Provincial Assembly constituencies as per the proposal of the Petitioner, is attached as **Annex C**;
 - b. a copy of the proposal of the Petitioner in tabulated form is enclosed as **Annex D**.
7. In sum and substance, the impugned proposal constitutes gerrymandering at the behest of the ruling PPP's Government of Sindh. The idea is to create constituencies so that the MPAs and MNAs hailing from PML(F) are not elected in the forthcoming general elections of Provincial and National Assembly.
8. Also the impugned proposal of delimitation is squarely against the principles of delimitation as spelt out in section 20 of the Elections Act, 2017 so also the general principles of delimitation, in that 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, have not been maintained.

9. The Petitioner craves permission of this august Commission to permit his counsel to raise or urge any other point or ground at the time of hearing of the Petition/memorandum of objections.

PRAYER

In light of the above it is most humbly prayed that the Hon'ble Commission of Pakistan may kindly be pleased to recall the proposed delimitation of the relevant area and create the constituencies in terms of maps attached, according to which the proposed constituencies may be as follows:-

- (a) Tapedar Circle Sadhno and Bahram Bari of STC Tando Mitha Khan, Taluka Sanghar may be shifted back to PS-41 from PS-43;
- (b) Tapedar Circle Shorki and Tapedar Circle Rawtiani of Taluka Sinjhoru may be shifted back to PS-46 from PS-41;
- (c) Any other relief deemed fit and proper in the circumstances may be granted in the interest of Justice.

Islamabad
Dated

Petitioner

Saeed Khan Nizamani s/o Kamal Khan
Muslim, Adult, Resident of Ward No. 4,
Mohalla Nizamani, Block 10
District Sanghar
Through duly constituted Attorney
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