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

On the behalf of:

1. MUHAMMAD QASIM

S/o Bashir Ahmed

CNIC No. 45102-9075872-7

R/o Village Sultan Mazari, Deh Sanghri Post Office Sarhad
Tehsil and District Ghotki.

2. MUHAMMAD SHABBAN

S/o Ali Bakhsh

CNIC No. 45102-8485345-7

R/o Village Jamal Mahar, Deh Sanghri Post Office Sarhad
Tehsil and District Ghotki

3. ALI NAWAZ

S/o Behram

CNIC No. 45103-2337174-9

R/o Village Hamza Mahar, Post Office Wadhan Mahar, Deh
Lakho Mahar Tehsil Khan Garh District Ghotki.

Applicants/Petitioners

REPRESENTATION UNDER SECTION 21(3) OF
ELECTION ACT 2017 READ WITH RULE 11(4) OF THE
ELECTION RULE 2017 FOR THE DE-LEMITAION OF
THE PROPOSED CONSTITUENECY NO PS-20
GHOTKI-III IN THE PRELIMINARY REPORT

Respectfully Sheweth:

CLAIM IN REPRESENTATION:

That Tapa Sanghri should be excluded from P.S-20 and included in P.S-21 and Tapa Chhawani should also be excluded from P.S 20 and be included in P.S-21 and Tapa Wasti Qutub din should be excluded from P.S21 and be included in 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 parameters of section 20 of Election Act 2017 and the same does not affect the population Quota.

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BRIEF:

1. That with reference to Notification No. F-8(3)2018-Elec-I, dated 5th March 2018, whereby the Election Commission announced to hear the objection representations filed under Sub-section 3 and 4 of Section 21 with other enabling sections and rules of the Election Act 2017 in connection with Preliminary List of National and Provincial Constituencies of Pakistan.
2. That the petitioner/applicant No.1 is resident and registered voter of Tapa Sanghri District Ghotki P.S-20 and petitioner/applicant No. 2 is resident and registered voter of Tapa Chhawani District Ghotki P.S-20 and Petitioner No.3 is registered voter and resident of P.S 20 as per preliminary list of constituencies of Provincial Assemblies issued by the Election Commission. The preliminary de-limitation in P.S-20 and P.S-21 affect the general public at large as physical features existing facilities of communication and public convenience have not been taken into consideration during de-limitation of said constituencies.
3. 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.
4. That **P.S-20** includes Tehsils i.e. 1. Khangath, 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/-**
5. That Tapa Sanghri and Tapa Chhawani have been included in P.S-20 in in sheer violation of Section 20 of Election Act 2017 as by including Tapa Sanghri and Tapa Chhawani into P.S-20, 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

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is the worst example of gerrymandering and same is challenged on following grounds.

GROUNDS

- 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 since 2002 Tapa Sanghri is part of STC Ghotki in all old P.S constituencies and moreover the distance from STC Ghotki to Sanghri is only approximately 5 km whereas the distance between from Sanghri to Jahanpur is approximately 25 Km which is in appropriate hence Sanghri which is geographically and socially connected with STC Ghotki should be included in P.S-21 for the welfare and convenience of Public.
- b. That it is also in public convenience and the communication access road links are more precise and connected between the Tapa Sanghri and STC Ghotki.
- c. That the preliminary list of provincial assembly constituencies of District Ghotki in particular P.S 20 and P.S- 21 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 constituencies 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 therefor the purposed amendments be made.
- d. That while making the preliminary provincial constituency the Tapa Sanghri has been excluded from P.S 21 and Tapa Wasti Qutub din has wrongly been included in P.S-21 by ignoring the

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conflict of areas and people therefore it would be more convenient that Tapa Sanghri and Tapa Chhawani which are more connected with the area of purposed P.S-21 should be included in P.S 21 and Wasti Qutubdin should be excluded from P.S-21 and be included in P.S-20 for the just and transparent election.

- e. That total population of Tapa Sanghri is 15518 and Chhawani is 11285 and if both the Tapas be included in P.S-21, it does not affect the population criteria and quota.
- f. That Tapa Sanghri and Tapa Chhawani are near and connected with areas of P.S-21 therefore if they are included in P.S-21, it would be more convenient and beneficial to the general public and residents of both Tapas and the same shall be in compliance of in letter and spirit of Section 20 of Election Act 2017 as well as for the welfare of people.
- g. That if Tapa Sanghri and Chhawani are not included in P.S-21 and Wasti Qutub din is not excluded from P.S-21 petitioners and general public of said area shall suffer an irreparable loss.
- h. That without excluding Tapa Sanghri and Chhawani from P.S-20 and inclusion in P.S-21 fair and transparent election is not possible.
- i. 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 Qutubin 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 and Chhawani 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 expects and the principles laid down for de-limitation under Section 20 will be fulfilled and satisfied.

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- j. 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.*

- k. 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:

- i. **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,**

- l. 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

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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."

**LIST OF TAPAS AS PER PRELIMINARY LIST OF P.S-20
ISSUED BY ELECTION COMMISSION ON 5TH MARCH
ARE AS UNDER:**

- m. 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

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(Population=22263) 11. Jahanpur (Population=21415) 12. Bago Daho (Population=14600) 12. Kotlo Bullo (Population=12018) 13. Motoo Mahar (Population=35637) 14. Sanghri (Population=15518) 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 is 402266/-

- n. 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.

PROPOSAL OF APPLICANT FOR P.S-20 AND P.S-21 DISTRICT GHOTKI: (Purposed Map is annexed with Petition):

- i. That the boundaries of Tapa Sanghri having population of 15518 is geographically, culturally and socially connected with STC Ghotki and same is only 5 km away from STC Ghotki whereas it is 25 KM away from Jahanpur hence it is more connected geographically, socially, road link wise, existing

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iii. 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) 14. Chhawani (Population=11285) and total population of P.S-21 will be 407830.

iv. That the purposed amendments meet the criteria enshrined in Sub Section 1 of section 20 of Election Act 2017.

- o. 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.
- p. 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:

IN THE PREMISE, It is most humbly prayed that

- a. Tapa Sanghri and Tapa Chhawani may kindly be excluded from the P.S-20 and be included in P.S 21 and further Tapa Wasti Qutub din may graciously be excluded from PS 21 and be included in P.S-2 in the 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

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M. O. S. Raza 
PETITIONERS

Through



MIAN MUHAMMAD OMER RIAZ
Advocate High Court



TARIQUE ALI MASTOI
Advocate

M & Q Law Associates
Advocates and Legal Consultants
Office No. 12, Quaid-e-Azam Block
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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