

**BEFORE THE HON'BLE ELECTION COMMISSION OF
PAKISTAN ISLAMABAD.**

Representation No. /2018

**REPRESANTATION U/S 21(3) OF THE ELECTION ACT
2017 R/W RULE 12 & 13 OF THE ELECITON RULES
2017 AGAINST PRELIMINARY DELIMITATION OF
PROVINCIAL ASSEMBLY CONSTITUENCIES OF
DISTRICTT KHAIRPUR MIRS, SINDH.**

Being agreed and dissatisfied with the preliminary delimitation proposals by Delimitation Committee dated 5th March, 2018 for the seats of Provincial Assembly of Sindh with respect to the District Khairpur i.e. PS-26 Khairpur-I, PS-27 Khairpur-II, PS-28 Khairpur-III, PS-29 Khairpur-IV, PS-30 Khairpur-V, PS-31 Khairpur-VI and PS-32-Khairpur-VII, the petitioner above name hereby submits his representation with regards to the delamination of PS-27 Khairpur-II as under:

F A C T S

1. That the petitioner is respectable and law abiding citizen of Pakistan and registered voter of union Council, Jiskani, Taluka Kotdiji, falling within the jurisdiction of PS-27 Khairpur-II. The petitioner is currently Member District Council Khairpur, elected in local bodies election from Union Council Jiskani and previously he has remained as Taluka Nazim of

Taluka Kotdiji, both constituencies are falling within the jurisdiction of PS-27 Khairpur-II.

2. That the Delimitation Committee had been constituted by the ECP in order to carry out the delimitation of the constituencies in all over the provinces within the strict ambit and sprit of the Election Act 2017 and Election Rules, 2017.
3. That the Delimitation Committee has been pleased to issue the delimitation with regards to PS-27, Khairpur-II consisting on Taluka Kotdiji excluding Tapedar Circle Jhando Mashaikh of STC Jhando Mashaikh and with inclusion of Tapedar Circle of Bhurgari and Shahdi Shaheed of STC of Taluka Khairpur.
4. That the Delimitation Committee has excluded Tapedar Circle Jhando Mashaikh from PS-27 Khairpur-II in utter disregard to the mandate and principals set out under the provisions of Election Act, 2017 and Election Rules, 2017.
5. That the petitioner being resident of local area as well as registered voters and also contesting different elections in the area falling within the jurisdiction of proposed PS-27 Khairpur-II has been familiar with the domestic problems of voters, approach of general voters to the head quarter of the proposed constituency and other issues of communication, transport and matters connected thereto.

Hence, petitioner being agreed by the decision of the Delimitation Committee on the following grounds and submits the following proposals for alteration in the territorial boundaries of PS-27, Khairpur-II as under:

G R O U N D S

1. That the decision dated 5th March, 2018 arrived at by the Delimitation Committee is against the spirit and guiding principles of Election Act, 2017 and Election Rules, 2017 and has been made while ignoring the elements of the populations, geographical compact, facilities of communications, public convenience and other mandatory requirements as enumerated under Election Act, 2017 and Election Rules, 2017.
2. That the decision of Delimitation Committee by excluding Tapedar Circle Jhando Mashaikh of STC Jhando Mashaikh will result into the grave difficulties and unnecessary thwarting to the peoples residing at Tapedar Circle Jhando Mashaikh for approaching elected representatives for availing the fundamental rights.
3. That the Tapedar Circle Jhando Mashaikh has been included in PS-30 Khairpur-V, Taluka Sobodero through the preliminary delimitation by the committee. It is submitted that the head quarter of PS-30 Khairpur-V, Taluka Sobodero is situated at the distance of more than 35 KMs away from the Tapedar Circle Jhando Mashaikh, consequently, the people thereof have to travel through different routes for about 35 KMs in approaching their elected member for their redressal of any wrong.
4. It is furthermore submitted that Tapedar Circle Jhando Mashaikh is hardly at the distance of 10 KMs away from the head quarter of proposed

PS-27, Khairpur-II, hence, people of the area has their easy access to their elected representatives.

5. It is submitted that the law as provided under Election Act 2017 and Elections Rules 2017, the basis of delimitation for new/separate constituency of provincial assembly of Sindh should be 368,410 voters as provided by the government published by Government vide Gazette of Pakistan Extra March 8, 2018.
6. It is submitted that the Delimitation Committee has proposed the PS-27 Khairpur-II constituency with population of 351,844 voters. Whereas, the population of Tapedar Circle Jhando Mashaikh is 20,938 as shown by Government. If the proposal of petitioner is accepted then the total population (Voters) for PS-27 Khairpur-II will be 372,782. It is submitted that by inclusion of Tapedar Circle Jhando Mashaikh, the requirement of total number of registered voters will be satisfied.
7. It is further most submitted that newly delimited PS-30 Khairpur-V is consisting upon Taluka Sobhodero, Tapedar Circles Deparja, Chutto Wandiar of Khuda Bux Kubhar @ Setharja STC of Mirwah Taluka and Town Committee Setharja and Tapedar Circle Jhando Mashaikh, and total population as shown by Delimitation Committee for PS-30 is 346,068. It is submitted that by exclusion of Tapedar Circle Jhando Mashaikh having population of 20,938 then the PS-30 will have the population of 325,130, and same is in accordance with the election laws

and will benefit the people (voters) of PS-30, which is already consisting upon the backward areas as compared to other area of district Khairpur.

8. It is further submitted that the population shown by Delimitation Committee against the Tapedar Circle of Bhurgari is 11,920 and against Tapedar Circle Shadi Shaheed is 11,963 and with the inclusion of Tapedar Circle Jhando Mashaikh, the total population of PS-27 Khairpur-II will be 372,782, same is completely in accordance with the provision of Election Act 2017 and Election Rules 2017 in presence of sub-section (4) of section (20) of election act 2017, same is reproduce as under

“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.

8. It is submitted that there will be no any violation of law and relevant rules related to election with inclusion of Tapedar Circle Jhando Mashaikh in PS-


27 Khairpur-II and same will benefit the people at large across the board of two constituencies of PS-27 Khairpur-II and PS-30 Khairpur-V.

9. That the marked MAPs of the constituency are annexed with the petition.
10. That the petitioner seeks indulgence of the Honourable Commission to urge more grounds from the record at the time of hearing of this representation.

P R A Y E R

In view of the above stated facts and grounds, it is humbly prayed that the Honourable Election Commission of Pakistan may be pleased to set aside the preliminary delimitation of PS-27 Khairpur-II of Provincial Assembly Constituency to be effect that the Tapedar Circle Jhando Mashaikh may be included within the jurisdiction of PS-27 Khairpur-II and may be pleased to keep the intact remaining Tapedar Circles of PS-27 Khairpur-II as stated by the delimitation committee vide order dated 5th March, 2018 AND accept the proposal of petitioner in the interest and welfare of the people of Khairpur AND any other or further appropriate relief which this Hon'ble Forum deems fit and proper in circumstances of the case may be accorded.

Karachi, dated 2nd April, 2018



(Munwar Ali Wassan)

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