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**MCAS&W**  
LAW ASSOCIATES

**MUNEER A. MALIK**  
Senior Advocate Supreme Court

**FAISAL SIDDIQI**  
Advocate Supreme Court

**CHAUDHRY ATIF RAFIQ**  
Bar-at-Law

**MOHAMMAD VAWDA**  
Advocate High Court

**SALAHUDDIN AHMED**  
Bar-at-Law, Advocate Supreme Court

**HAIDER WAHEED**  
Advocate Supreme Court

**BASIL NABI MALIK**  
Attorney-at-Law

To,  
The Secretary  
Election Commission of Pakistan  
Islamabad,

21/30/03/2018

**SUBJECT: REPRESENTATION IN RESPECT OF THE DE-LIMITATION OF CONSTITUENCIES IN DISTRICT NAUSHAHRO FEROZE**

Dear Sir,

1. This is to inform you that I act on behalf of Mr. Sardar Muhammad Usman Almani (hereinafter referred to as 'my Client') – who has objected to the de-limitation proposed with regards to the District of Naushahro Feroze (Sindh) by the Election Commission of Pakistan (ECP) pursuant to Section 21 of the Election Act, 2017 read with Rule 10 and 11 of The Election Rules 2017. We therefore file our representation/objection in this regard, in line with Section 21 of the Act and Rule 12 of The Election Rules 2017 which is self-explanatory.
2. All the requisite documentation is attached to the representation. You are requested, therefore, to appraise the undersigned of the venue and date of hearing so that the objection of our Clients to the proposed delimitation can be properly appreciated by the Commissioner.

Regards,



Salahuddin Ahmed  
Barrister

Advocates | Barristers | Attorneys  
A: 14-C, 21st Street, Off Khayaban-e-Sehr, Phase VI, DHA, Karachi, Pakistan  
T: [+92]-21-35172187-88 | F: [+92]-21-35172189  
[www.mcasw.com](http://www.mcasw.com)

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JA 20/03/2018

**BEFORE THE HONOURABLE ELECTION COMMISSION OF PAKISTAN**

**Representation No.**

**Of 2018**

Sardar Muhammad Usman  
son of Muhammad Alim Almani Baloch  
resident of Almani House  
Station Road, Dak Khana Tharu Shah,  
District Naushahro Feroz  
Mob: 0300-8229222

-----**APPLICANT**

**VERSUS**

The Election Commission of Pakistan,  
The Delimitation Committee,  
through the Secretary, Election  
Commission of Pakistan (Islamabad)

-----**RESPONDENT**

**REPRESENTATION UNDER SECTION 21 OF THE ELECTIONS ACT  
2017 READ WITH RULE 12 OF THE ELECTION RULES 2017**

Being aggrieved of the Preliminary Report and Delimitation Proposal published by the Election Commission of Pakistan [‘ECP’] in the official gazette dated 5.3.2018, the Applicant respectfully begs to submit as under:-

**FACTS**

1. That the Applicant permanently resides at the address mentioned above and is a voter in PS-33 (as presently proposed by the Delimitation Committee). *Copies of his CNIC and his Voter Registration Certificate are annexed herewith as Annexure ‘A-1’ and ‘A-2’.* He is presently a Member of the Naushahro Feroze District Council for UC Kot Satabo Taluka Moro and has previously contested general elections as an independent candidate for the provincial assembly in 2013 (from the erstwhile PS-20).

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2. For the reasons set out in the grounds below, it is submitted that the proposed delimitation for District Naushahro Feroze (Provincial Assembly general seats) as published by the ECP on 5.3.2018 is patently defective and violative, inter alia, of Articles 2-A, 4, 10-A, 17, 25 and 222 of the Constitution and section 20 of the Elections Act 2017 and Rules 8 and 10 of the Election Rules 2017 and is, even otherwise, unreasonable, arbitrary and distorted. *Copies of the ECP Preliminary Report along with the extract of Delimitation Proposal for District Naushahro Feroze (Provincial Assembly general seats) as well as the ECP Map of District Naushahro Feroze (PS-33 to PS-36 inclusive) are annexed herewith as Annexure 'B-1', 'B-2' and 'B-3' respectively. A copy of the extract of the Census for District Naushahro Feroze is annexed herewith as Annexure 'C'.*

3. That the Applicant does hereby propose an alternative delimitation for District Naushahro Feroze (Provincial Assembly general seats) that fully satisfies the mandate and requirements of the Constitution, the Election Act 2018 and the Election Rules 2017 and is in keeping with the principles of electoral representation. *A copy of the Applicant's proposed delimitation map and the details thereof are annexed herewith as Annexure 'D-1' and 'D-2'.*

4. That the constituencies as per the ECP proposal are as follows:

Constituency	Extent of Constituency	Population
PS-33	A) Kandiaro Taluqa	321,439
	B) Halani Town Committee of Mehrabpur Taluqa	23,419

7/30/04/2018 (4)

	<p>C) The following Tapedar Circle of STC Halani Taluka Mehrabpur:-</p> <p>i. Halani 8,932</p> <p>ii. Dehat 20,435</p> <p>iii. Kotri Kabir 17,750</p>	
	<b>TOTAL</b>	<b>392,795</b>
PS-34	<p>A) Mehrabpur Taluka excluding the following areas:</p> <p>i) Halani Town Committee</p> <p>ii) Tapedar Circle Halani</p> <p>iii) Tapedar Circle Kotri Kabir</p> <p>iv) Tapedar Circle Dehat of STC Halani Taluka Mehrab pur</p> <p>B) Bhiria Taluka excluding the following areas:</p> <p>i) Tapedar Circle Mad Alim</p> <p>ii) Tapedar Circle Tharu Shah</p> <p>iii) Tapedar Circle</p>	<p>176,924</p> <p>219,290</p>

9/3/03/2018 (5)

	<p>Molhan</p> <p>iv) Tapedar Circle Dalipota of STC Bhiria</p> <p>v) Tapedar Circle Gher Gaju of STC Bhiria Road</p>	
	<b>TOTAL</b>	<b>396,214</b>
PS-35	<p>A) Naushahro Feroz excluding the following Tapedar Circles of STC Darya Khan Mari:</p> <p>i) Vissar</p> <p>ii) Sahib Khan</p> <p>iii) Masur Ji Wah</p> <p>B) The following areas of Taluka Bhiria from STC Bhiria:</p> <p>i) Tapedar Circle Mad Alim 27,659</p> <p>ii) Tapedar Circle Tharo Shah 10,769</p> <p>iii) Tapedar Circle Molhan 11,541</p> <p>iv) Tapedar Circle Dalipota</p> <p>v) Tapedar Circle Gher Gaju of STC Bhiria Road 14,448 17,337</p>	348,226

9/30/03/2019 (6)

	<b>TOTAL</b>	<b>429,980</b>
PS-36	A) Entire Taluka Moro	368,789
	B) The following Tapedar Circles of STC Darya Khan Mari Taluka Naushahro Feroz:	
	i) Vissar	12,920
	ii) Sahib Khan	4,877
	iii) Masur Ji Wah	6,798
	<b>TOTAL</b>	<b>393,384</b>

That the constituencies as per the proposal of the Applicant are as follows:

Constituency	Extent of Constituency	Population
PS-33	A) Entire STC Gul Shah of Taluka Kandiaro	82,354
	B) Including Town Committee Halani, Town Committee Mehrabpur of Taluka Mehrabpur	76,813
	C) Including Town Committee Kandiaro	39,379
	D) Including the following Tapedar Circles of STC Kandiaro:	74,889
	i) Tapedar Circle Kandiaro	
	ii) Tapedar Circle	

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	<p>Mirzanpur</p> <p>iii) Tapedar Circle Sethar</p> <p>iv) Tapedar Circle Ghanghra</p> <p>v) Tapedar Circle Chachak</p> <p>vi) Tapedar Circle Shahmir Dero of STC Kandiaro</p> <p>E) Including Tapedar Circle of Taluka Mehrabpur:</p> <p>i) Natho Rajpar</p> <p>ii) Chibhar Bham Bhan</p> <p>iii) Qaisar Mari</p> <p>iv) Hot Khan Jalbani</p> <p>v) Moulodino Haji of STC Lakha Road</p> <p>F) STC Halani of Taluka Mehrabpur</p>	<p>51,385</p> <p>78,643</p>
	<b>TOTAL</b>	<b>403,613</b>
PS-34	<p>A) Including the following Tapedar Circles of STC Lakha Road Taluka Mehrabpur:</p> <p>i) Tapedar Circle Bagodaro</p> <p>ii) Tapedar Circle Sattar Dino Mangrio</p> <p>iii) Tapedar Circle Saidpur</p>	40,439

9/30/03/2018 (8)

	<p>iv) Tapedar Circle Rajo dahi</p> <p>B) Including Town Committee Bhiria City and Town Committee Bhiria Road of Taluka Bhiria</p> <p>C) Entire STC Bhiria Road and following Tapedar Circle of STC Bhiria:</p> <p>i) Tapedar Circle Jalbani</p> <p>ii) Tapedar Circle Khahi Qasim</p> <p>iii) Tapedar Circle Kanjar</p> <p>iv) Tapedar Circle Bhiria</p> <p>v) Tapedar Circle Machur</p> <p>D) Including Town Committee Padidan and STC Padidan excluding Tapedar Circle Phull Taluka Naushahro Feroz</p> <p>E) Including Town Committee Naushahro Feroz and Tapedar</p>	<p>39,091</p> <p>161,764</p> <p>96,993</p> <p>65,846</p>
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	Circle Naushahro Feroz of STC Naushahro Feroz	
	<b>TOTAL</b>	<b>404,133</b>
PS-35	A) Including Tapedar Circle Phull of STC Padidan Taluka Naushahro Feroz	19,172
	B) Including following Tapedar Circles of STC Naushahro Feroz Taluka Naushahro Feroz: i) Tapedar Circle Wagan ii) Tapedar Circle Kur Hasan iii) Tapedar Circle Noorpur	44,441
	C) Including entire STC Darya Khan Mari and Town Committee Darya Khan Mari Taluka Naushahro Feroz	65,595
	D) Taluka Moro excluding STC Sehra	269,514
	E) Including the following Tapedar Circle of STC Sehra:	10,965

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9/23/03/2018 (10)

	i) Tapedar Circle Lalia	
	<b>TOTAL</b>	<b>409,687</b>
PS-36	A) Entire STC Sehra of Taluka Moro excluding Tapedar Circle Lalia	88,310
	B) Including Town Committee Mithiani and following Tapedar Circles of STC Naushahro Feroz of Taluka Naushahro Feroz: i) Mithiani ii) Kajhar iii) Abji	80,774
	C) Including Town Committee Tharu Shah and the following Tapedar Circles of STC Bhiria Taluka Bhiria: i) Tharu Shah ii) Mad Alim iii) Dalipota iv) Molhan v) Dali	100,189
	D) Entire STC Dabhro	125,667

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	Taluka Kandiaro and the following Tapedar Circles of STC Kandiaro of Taluka Kandiaro i) Salehpur ii) Ghulam Shah	
	<b>TOTAL</b>	<b>394,940</b>

### GROUNDS

A) That Rule 10 (5) of the Election Rules 2017 requires, inter alia, that “[a]s far as possible, the delimitation of constituencies shall start from the Northern end of the district [and] then proceed clockwise in a zigzag manner keeping in view that the population among the constituencies of an Assembly shall remain as close as may be practicable to the quota.” As such, the delimitation of District Naushahro Feroze should have been started from Tapa Kamal Dero which is the northernmost Tapedar circle in the District and then other Tapedar circles should have been added to the constituency in a clockwise and zigzag manner. However, the present proposal of the ECP does not follow the prescribed manner of delimitation and is thus defective and unlawful. The Applicant’s proposal – on the other hand – follows this prescription fully.

B) That section 20 (3) of the Election Act 2017 requires that variation in population of constituencies “shall not ordinarily exceed 10%” save in “an exceptional case” and then only for reasons to be recorded “in the delimitation order”. The average quota for a constituency of the Sindh Assembly is 368,410. The present delimitation proposal of the ECP for District Naushahro Feroze causes the population of PS-35 (being 429,980) to substantially exceed the 10% deviation limit. As per the ECP proposal, PS-35 has a population nearly 17% in excess of the provincial average quota. The ECP has not advanced any reason for this deviation. Moreover, Rule 10 (5) requires that the populations among constituencies shall “remain as close as practicable to the quota: Provided that the quota under this sub-rule

9/3/07/2019 (12)

shall be determined by dividing total population of the district [...] with number of seats allocated to that district." The total population of District Naushahro Feroze is 1,612,373 and it has been allocated four provincial assembly seat and thus the quota comes to 403,093 per constituency. The table below illustrates the population of each constituency as per the ECP's proposal and the Applicant's proposal and the latter clearly adheres to the legal prescriptions more closely.

	ECP Proposal	Applicant's Proposal
PS-33	392,795	403,613
PS-34	396,214	404,133
PS-35	429,980	409,687
PS-36	393,384	394,940

C) Indeed, as far as PS-35 is concerned, the only reason why its population is much larger than all the other constituencies in the District and exceeds both the provincial and the district average quota is because five Tapedar circles from Taluka Bhiria were added – for no discernible reason – to the existing Naushahro Feroze Taluka. This not only added to the lopsidedness of PS-35's population but also made it even more geographically dispersed which clearly demonstrates the arbitrariness of the ECP Delimitation Proposal.

D) That section 20 (1) of the Election Act 2017 requires, inter alia, that constituencies be delimited having regard to "*the distribution of population in geographically compact areas*". In other words, the constituency should not be unreasonably spread out and should be as compact as possible. The table below illustrates the longest distance between two points in each constituency (PS-33, 34, 35 and 36) as per the ECP's proposal and as per the Applicant's proposal:

	ECP Proposal	Applicant's Proposal
PS-33	48km (From Bhorti to Dehat)	31.9km (From Tapa Kamal Dero to Tapa Hot Khan Jalbani)
PS-34	35km (From Bela Wah	34.8km (From Tapa Rajo Dahiri

4/30/2019  
 (13)

	to Saleh Sahito, Tapa Behlani)	to Tapa Miranpur)
PS-35	50km (From Bukar to Tapa Mithiani)	42.5km (From Tapa Chanari to Tapa Khairodero)
PS-36	42km (From Masur Ji Wai to Khairo Dero)	44km (From Tapa Salehpur to Tapa Abad)

*Copies from Google Maps illustrating the aforesaid distances are annexed herewith as Annexures 'E-1' to 'E-8'.*

D) That section 20 (1) of the Election Act 2017 also requires, inter alia, that constituencies be delimited having regard to "*facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies*". In particular, for obvious reasons it is essential that a constituency's delimitation be carried out in such a way as to facilitate the constituents' access to their representatives/candidates (and polling stations) and vice versa. For this reason, the various parts of a constituency should be – as far as possible – well connected through transport links. A brief perusal of the official road maps of District Naushahro Feroze will show that the constituencies delimited as per the Applicant's proposal are much better connected through an internal road network than that proposed by the ECP. *Copies of the official road maps with the ECP proposed constituencies and the Applicant's proposed constituencies marked thereon are annexed herewith as Annexure 'F-1' to 'F-2'.*

E) As far as the requirement of homogeneity of constituencies in section 20 (1) of the Election Act 2017 is concerned – as per the ECP delimitation proposal, Tharu Shah Town Committee has been separated from the Tharu Shah Tapedar Circle so that the former lies in PS-34 and the latter in PS-35. It is respectfully submitted the Tharu Shah town extends into the Tharu Shah Tapedar Circle and bears strong socio-economic ties with the same and is part of a homogenous community. It is clearly unreasonable to divide the two into different constituencies.

F) That section 20 of the Election Act 2017 also requires that regard shall be paid to "*existing boundaries of administrative units*".

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(14)

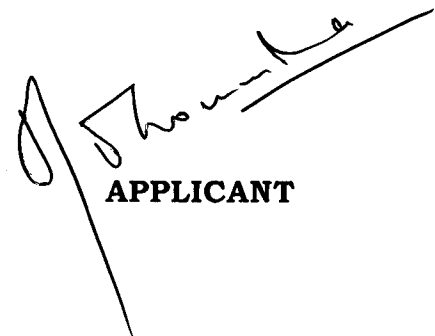
The relevant administrative units within the District are Talukas, Supervising Tapedar Circles and Tapedar Circles (and Town Committees). In this regard, however, as far as Talukas are concerned, it is not possible to make any delimitation in District Naushahro Feroze (while maintaining geographical compactness and relative population parity between the constituencies) that does not transgress Taluka boundaries. Thus both the ECP proposal and the Applicant's proposal do not maintain Taluka boundaries. On the other hand, both the ECP's proposal and the Applicant's proposal fully observe and respect the boundaries of the various Tapedar Circles and Town Committees. As far as Supervising Tapedar Circles are concerned, both proposals contemplate the division of four Supervising Tapedar Circles each.

G) That the Applicant craves leave to raise further grounds at the time of hearing.

**PRAYERS**

- i) That the Honorable Election Commission of Pakistan may be pleased to set aside the preliminary delimitation of the constituencies of Provincial Assembly in District Naushahro Feroze of Sindh Province and accept the proposal of Applicant for final List of Constituencies
- ii) Any other relief deemed fit and proper under the circumstances of the case.

**ISLAMABAD**  
**DATED: -03-2018**

  
**APPLICANT**

**ADVOCATE FOR APPELLANT**

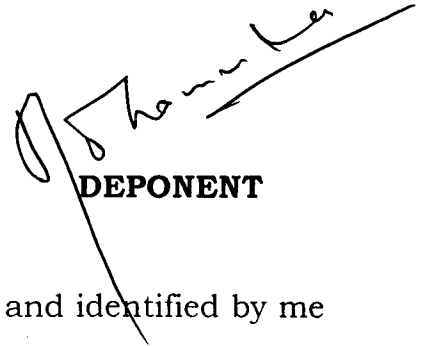
**VERIFICATION**

AA 30/03/2018 (15)

I, Sardar Muhammad Usman s/o Muhammad Alim Almani Baloch, resident of Almani House, Station Road, Dak Khana Tharu Shah, District Naushahro Feroz, Muslim, adult, do hereby verify on oath that whatever stated above is true and correct to the best of my knowledge, belief and information.

**ISLAMABAD:**

**DATED: -03-2018**

  
**DEPONENT**

The deponent above named is known to me and identified by me to the commissioner for taking affidavits.

  
**ADVOCATE**

Solemnly affirmed before me at Hyderabad on this \_\_\_\_\_, day of March, **2018** by the deponent who is identified to me by **Mr. \_\_\_\_\_ Advocate** who is known to me personally.

**COMMISSIONER FOR TAKING AFFIDAVITS**

**DOCUMENTS FILED & RELIED UPON**

**Annexure "A-1 to F-2"**