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RE: MEMORANDUM OF OBJECTIONS

BEFORE THE ELECTION COMMISSION OF PAKISTAN

III

Jam Nafees Ali s/o Jam Sher Ali
Muslim, adult
r/o Jam Nawaz Ali
Taluka Jam Nawaz Ali
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 SADHNO AND TC
BHARAMBARI IN PS-43, TC JHOL IN PS-46 AND TC TURI
IN PS-41

The Petitioner most respectfully submits as under:-

1. The Petitioner No.1 is an agriculturalist and a voter in PS-43 and NA- 216 Sanghar. A copy of the voters' certificate is enclosed as Annex A. A copy of the Petitioner's CNIC is enclosed as Annex B.
2. Before the impugned provisional delimitation, the position of the Tappedar Circles ("TC") in issue spelt out as follows:-

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- i) PS-41:- TC Sadhno, TC Bharam Bari, TC Turi and its adjoining areas namely 11-DM and 12-DM.
- ii) PS-46:- STC Jhol

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

- i) TC Sadhno has been shifted from PS-41 to PS-43. It is pertinent to mention that the said TC was part of STC Tando Mitha Khan; while all the other TCs of STC Tando Mitha Khan are still in PS-41, only TC Sadhno has been shifted as aforesaid;
- ii) TC Bharam Bari has been shifted from PS-41 to PS-43. It is pertinent to mention that the said TC was part of STC Tando Mitha Khan; while all the other TCs of STC Tando Mitha Khan are still in PS-41, only TC Bharam Bari has been shifted as aforesaid;
- iii) TC Turi has been retained in PS-41 but its adjoining areas namely 11-DM and 12-DM have been shifted to PS-43; and

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iv) TC Jhol and Town Committee Jhol have been retained in PS-46 but rest of the Supervising Tappeddar Circle ("STC") Jhol has been shifted to PS-43. It is pertinent to mention that the Petitioner has only objected to the delimitation of TC Jhol insofar as it has been retained in PS-46.

4. The provisional delimitation is squarely against the principles of delimitation 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-43 comprising of, inter alia, Taluka Jam Nawaz Ali, as proposed now, have been carved out in a manner that it will create problems in terms of administration, transportation and amenity, thus violating the principle of continuity and

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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 Sadhno and TC Bharam Bari from PS-41 Sanghar to PS-43 Jam Nawaz Ali. By way of the said delimitation, the population of the said two TCs, totaling approximately 10344 and 11771 respectively, now falls under the jurisdiction of Taluka Headquarter, Jam Nawaz Ali which is 80 km away as opposed to previously being at a closer proximity to the Taluka Headquarter, Sanghar and Municipal Committee, Sanghar which was only 20 km away for the local residents of the said two TCs. For redressal of the grievances pertaining to, inter alia, water supply, sanitation, drainage, classification, declassification or

reclassification of commercial or residential areas, maintenance and development of infrastructure, sewerage, sewage treatment and disposal, public health, transportation, education etcetera, the residents of the said two TCs will have to cover a distance of 80 km as opposed to 20 km when they were under the jurisdiction of Taluka Sanghar. Such shifting of the said two TCs is against the principles of delimitation laid down in section 20 the Elections Act, 2017 which necessitates that the delimitation of the constituencies be caused, as far as practicable, having regard to, interalia, the existing boundaries of administrative units and public convenience.

- d. That the ECP has failed to appreciate the fact that there is no direct road between the two TCs, namely Bharam Bari and Sadhno and Taluka Headquarter, Jam Nawaz Ali. In order to go to Taluka Headquarter, Jam Nawaz Ali, the residents of the said two TCs will first have to go to Sindhri and then to Mirpurkhas. Such shifting of the said two TCs from PS-41 to PS-43 is highly inconvenient for the local residents.

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- e. In the ECP's provisional delimitation, STC Jhol comprising of TC Bobi, TC DhamRakhee, TC Lakha, TC Shafi Muhammad, TC Thaheem, TC Jhol and TC Rukan Burra fall in PS-43. However, malafidely by way of the provisional delimitation, only TC Jhol and Town Committee Jhol have been retained in PS-46 and rest of the TCs of STC Jhol have been shifted to PS-43. However, as already mentioned, the Petitioner only impugns the delimitation of TC Jhol insofar as it has malafidely been retained in PS-46; Town Committee Jhol has rightfully been retained in PS-46 and not shifted to PS-43 as it would have occasioned disbalance in the population of PS-43.
- f. That, originally, TC Turi and areas marked as 11-DM and 12-DM were part of PS-43. The said three areas share a common boundary and the locals there have familial ties as well. The agricultural lands of the locals residing there are interconnected too and were looked after in a combined fashion. However, through the impugned provisional delimitation, TC Turi has been shifted to PS-41 whereas areas marked as 11-DM and 12-DM have been retained in PS-43. Such delimitation would cause great

inconvenience and lead to administrative difficulties as the locals now fall under the jurisdiction of two separate administrative units.

- g. 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.

5. As per requirements of law the Petitioner is filing the following maps/documents:-

- a. the copy of the map of Sanghar District showing the 6 Provincial Assembly constituencies as per the proposal of the Petitioner, which is attached as **Annex C**;
- b. copy of the proposal of the Petitioner in tabulated form is enclosed as **Annex D**.

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6. 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.
7. 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.
8. 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 Election Commission of Pakistan may kindly be pleased to recall the proposed delimitation of the relevant area

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and create the constituencies in terms of maps attached, according to which the proposed constituencies may be as follows:-

- a) TC Sadhno may be shifted back to PS-41 from PS-43;
- b) TC Bharam Bari may be shifted back to PS-41 from PS-43;
- c) TC Jhol excluding Town Committee Jhol may be shifted to PS-43 from PS-46; and
- d) TC Turi may be shifted to PS-43 from PS-41
- e) any other orders deemed fit may be passed in the interest of justice.


PETITIONER

Islamabad:
Dated: _____

VERIFICATION

I Jam Nafees Ali s/o Jam Sher Ali r/o Jam Nawaz Ali, Taluka Jam Nawaz Ali, District Sanghar, Sindh, muslim, adult, do hereby verify on oath that whatever stated in the petition is true and correct to the best of my knowledge and belief.


DEPONENT

CNIC NO. 4420173760485
CELL NO. 0200 8291012