26/03/18 (1-9)

BEFORE THE ELECTION COMMISSION OF PAKISTAN AT ISLAMABAD

IN THE MATTER OF DELIMITATION OF THE CONSTITUENCY PS-56 PROPOSED IN THE PRELIMINARY REPORT

(1)

Pardeep S/o Bheru Mal
Hindu, Adult,
R/o Mahraj Paro, P.O Chelhar
Tehsil Chachro
District Tharparkar..... **Objector**

REPRESENTATION UNDER RULE 12 OF ELECTION RULES, 2017

Brief Background

1) That the objector is a registered voter and is aggrieved of the preliminary report of the proposed delimitation

Vote certificate is attached and marked as Annexure-"A

2) That PS-56 (Tharparkar-III) has been carved out of the constituency earlier known as PS-61.

3) That after the census held in year 2017, the Election Commission of Pakistan (***ECP Henceforth***) has triggered the process of delimitation under Rule 17 of Election Rules, 2017 (***Rules, 2017 Henceforth***).

4) That district Tharparkar has been divided into four constituencies viz: PS-54 (old PS-63), PS-55 (old PS-62), PS-56 (old PS-61) & PS-57 (old PS-60). As per the census held in the year 2017 PS-56 (Tharparkar-III) has a population of 4,06,192. That a havoc has been played while delimiting PS-56 (old PS-61). Earlier PS-56 (old PS-61) was known to have been carved out on Taluka Mithi. However, in the proposed delimitation the PS-56 (old PS-61) has been carved out on Taluka Islam Kot. The historical presence of Taluka Mithi has been done away with by including it in PS-57 (old PS-60). Whereas, the area of Kantio STC comprising of Tar Hameer, Kantio, Pabu Wero, Hanjtal, excluding area of Tar Hameer, which formed part of PS-63 (new PS-54) have been included in PS-56 (old PS-61). Likewise, TC Chachro has been included in PS-56 (old PS-61), whereas it originally formed a part of PS-63 (new PS-54). It may also be pointed out that earlier PS-63 (now PS-54) was delimited on TC Chachro. Since Chachro has been an ancient Taluka headquarter whereas now Taluka Chachro has been divided into PS-54 and PS-56 meaning thereby that the historical character of TC

Chachro has been done away with. It is shocking to note that as per proposed Map of NA-221 (Tharparkar-I) and NA-222 (Tharparkar-II) entire Taluka of Islam Kot has been included in NA-222 (Tharparkar-II). Whereas, as per proposed Map of PS-56 (old PS-61) the area of Sanal Bah and Singaro formed part of PS-55 (old PS-62) which is included in NA-221 (Tharparkar-I). This haphazard inclusion and exclusion has seriously imbalanced the population of the constituency which would have serious repercussions over the process of delimitation.

Maps of the proposed delimitation are attached and marked as Annexure-"B" to "B/7"

5) Astonishingly the PS-56 (old PS-61) has been delimited at Taluka Islam Kot which has recently been carved out of Taluka and district Mithi. Mithi even at present is a district headquarter, therefore, it is shocking that the presence of district Mithi has been sacrificed at the altar of Taluka Islam Kot. Whereas, earlier PS-61 (new PS-56) was known to have been carved out at Mithi. Owing to its recent establishment Taluka Islam Kot is an underdeveloped area and does not offer much facilities to host a Taluka headquarter as against Mithi which is a Taluka and district headquarter and is also a Municipal Committee and remained a part of PS-56 (old PS-61).

6) That though as per Rule 10(5) of Rules, 2017 as far as possible the delimitation of a constituency shall start from northern and shall proceed clockwise in zigzag manner keeping in view that population among the constituency shall remain as closed as may be practicable to the quota. However, in present case areas of Sanal Bah and Singaro which ought to have formed part of PS-56 (old PS-61) have been included in PS-55 (old PS-62), a far-flung area as compared to Taluka Islam Kot. Likewise, in the proposed Map of NA-221 (Tharparkar-I) and NA-222 (Tharparkar-II) the entire Taluka Islam Kot has been included in NA-222 (Tharparkar-II) whereas, as per proposed Map of PS-55 (old PS-62) the area of Sanal Bah and Singaro have been included in PS-55 (old PS-62), which forms a part of NA-221 (Tharparkar-I). Needless to say the populous has been placed under a constant misery.

7) That the previous delimitation stood the test of time and proved effective. It is important to note that earlier three elections

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conducted in 2002, 2008 and 2013 were conducted on the basis of previous delimitation and no objection was ever raised from any of the stakeholders. Needless to say that the earlier delimitation followed the principles of vote parity, compactness, better communication facilities and saving of geographical boundaries. However, presently the entire scheme has been inverted which ultimately would have disastrous impacts over the political fabric of the district. (5)

Map of the previous delimitation is attached and marked as Annexure-"C"

8) That PS-56 (old PS-61) originally comprised of TC Mithi, Chelhar STC, Mithrio Bhatti STC, Bapuhar STC, Islam Kot STC and Singaro STC. However, the areas of TC Mithi and TC Singaro have been excluded and included in PS-57 (old PS-60) and PS-55 (old PS-62) thus seriously compromising the geographical compactness and convenience of the general public. The erroneous approach of the District Delimitation Authority is evident from the fact that two areas namely Sanal Bah and Singaro which are at the border of Taluka Islam Kot has been excluded from Taluka Islam Kot (PS-56) and have been included in PS-55 (old PS-62). Needless to say that the principle as enunciated in Rule 10(5) has been brutally violated which has created a serious imbalance and problematic situation for the populous.

9) That the proposed primary delimitation is against the principles of delimitation and is tantamount to disenfranchising the electors. As such the same, to ensure the political justice, may be reversed and restored to its original position, on consideration of following grounds:

GROUNDS:

A. That the impugned delimitation suffers from stacking, packing and cracking which fact finds support from the fact that Singaro TC comprising of Sanal Bah and Singaro have been included in PS-55 (old PS-62) and the area of Mithi has been included in PS-57 (old PS-60) thus a compact area has been divided into three constituencies viz: PS-55 (old PS-62), PS-56 (old PS-61) and PS-57 (old PS-60). Most respectfully it is reiterated that Mithi is a historical town having most developed facilities, therefore, its exclusion from PS-56 (old PS-61) would tantamount to diminishing

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its presence. Likewise, the inclusion of areas of Kantio STC which to the exclusion of Kantio TC formed part of PS-63 (new PS-54) have been included in PS-56 (old PS-61). This haphazard inclusion and exclusion have seriously compromised the principle of political justice and is liable to be reversed to eliminate the possibilities of vote dilution, disenfranchisement or corrupt practices.

(7)

B. That Town Committee Chachro which formed a part of PS-54 (old PS-63) has been divided into two areas and area of TC Chachro has been included in PS-56 (old PS-61) and the area of Mithrio Charan which is a part of Taluka Chachro has been included in PS-54 (old PS-63) which is seriously against the principle of geographical compactness and is tantamount to defeating the real aim and purport of delimitation.

C. Likewise, a apparent anomaly exists in between the proposed Maps of NA-221 (Tharparkar-I), NA-222 (Tharparkar-III) and PS-56 (old PS-61) as some of the areas of Taluka Islam Kot would be fallen in PS-55 (old PS-62) which forms part of NA-221 (Tharparkar-I). It is further shocking to mention here that the populous of Sanal Bah and Singaro have to travel almost 125 KM across the desert to approach the Taluka headquarter. Apparently, the delimitation is violative of principles enunciated in Rule 10 of Rules, 2017 amongst the other principles of delimitation viz: geographical compactness, facilities of communication and convenience of populous.

D. That according to the objector the entire district of Tharparkar may kindly be delimited in a view to achieve the real object of delimitation. As such the objector has proposed a map which is being placed for the convenience of this Hon'ble Commission and delimitation of the constituency.

Proposed Map is attached and marked as Annexure-"D"

E. That as per the proposed delimitation of the objector the population of PS-55 would come at 416,174. The population of PS-56 would come to 411,191. The population of PS-54 would become 422,775 and that of PS-57 would become 399,521. As such there would be no substantial difference between the population of all four constituencies.

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F. That the proposed delimitation by the objector would create a balance between the population count and no substantial impact is made out.

G. Though, delimitation means the demarcation of the boundaries of an electoral constituency in order to ensure fair, just and proportional representation of the people in the elections. In a wider sense the object of delimitation is to secure, so far as practicable, equal representation for equal segments of the population in legislative bodies. However, in order to ensure skewed election results the basic meaning and real import of "process of delimitation" has been brutally mutilated.

H. Instead of ensuring equal distribution of population existing in geographically compact areas, to save the existing boundaries of administrative units, to enable the elector to enjoy facilities of communication and to ensure the public convenience, the Delimitation Authority has adopted a ruse which would ultimately tarnish the credibility of entire process. Since, the same is meant to favour a specific political party. It hardly needs any mention that idea of gerrymandering has been seriously deprecated to ensure the process of delimitation in its letter and spirit.

I. The impugned delimitation has seriously disturbed the voting equality and has been designed in a manner to concentrate a specific group in a specific area.

J. That other/additional grounds shall be raised at the time of oral hearing of this representation.

Therefore, it is humbly prayed that Municipal Committee Mithi may be included in PS-56 (old PS-61) as also the area of Sanal Bah and Singaro may be excluded from PS-55 (old PS-62) and included in PS-56 (old PS-61) and the area of Town Committee Chachro may be included in PS-54 (old PS-63) and the area of Kantio STC may now be included in PS-57 (old PS-60) to avoid the general public from permanent inconvenience and to chalk out the balance.

Pardeep

Objector

Islamabad:
Dated

Counsel for Objector

31.03.18

(11)

BEFORE THE ELECTION COMMISSION OF PAKISTAN AT ISLAMABAD

IN THE MATTER OF DELIMITATION OF THE CONSTITUENCY PS-52 PROPOSED IN THE PRELIMINARY REPORT

Pardeep.....Objector

VAKALATNAMA

I, Pardeep S/o Bheru Mal, Hindu, adult, the Objector, do hereby appoint and constitute **MALIK NAEEM IQBAL & MALIK ALTAF JAVAID, ADVOCATES** to appear and act for me as my Advocates in the above matter. I also undertake to pay their professional fee in the above matter and they would be at liberty to with draw their appearance from the above matter in case their full fee is not paid before the conclusion of the above matter. The above engagement is only for the instance of the case.

I also authorize the said Advocates to withdraw and to receive on my / our behalf all sums and amounts deposited on my / our account in the above noted matter and/or refer the above matter to arbitration or to compromise or to withdraw the same.

Pardeep.

ACCEPTED

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