

Handwritten: 27/03/2018

BEFORE THE ELECTION COMMISSION OF PAKISTAN

Secretary ECP Islamabad

Appeal No. 2018

Talib Hussain S/o Ali Hassan Tamrani Faqeer
Adult Muslim R/o Village Mehar Faqeer
Taluka Hala District Matiari

.....APPELLANT

V/s

Delimitation Authority
Of P.S 58, District Matiari Sindh
and 59

.....RESPONDENT

APPEAL UNDER SECTION 22 OF ELECTION ACT 2017
(THE GAZZETE OF PAKISTAN, EXTRA, OCTOBER 2, 2017)

Being aggrieved and dis-satisfy with the impugned proposal dated: 05-03-2018 passed by the respondent whereby U.C Khando include in P.S 59 where as it is totally against the violation of principles of delimitations settled under section 20 of Election Act 2017 for the reasons mentioned below as under:-

1) That the Appellant is Law abiding citizen of Pakistan and presently working as Chairman U.C Khando having voter with Serial No. 15 House No. 07 in Polling Area Chhar Census No. 369010618 Taluka Hala District Matiari.

2) That according to the population of Union Council Khando as under:-

Deh Khando U.C Khando Taluka Hala District Matiari Sindh			
S.#.	Census No.	Old Population	New Population
1.	369010606	4307	6533
2.	369010607		
3.	369010608		
4.	369010609		
5.	369010610		
6.	369010621		

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Deh Rojhani U.C Khando Taluka Hala District Matiari Sindh			
S.#.	Census No.	Old Population	New Population
1.	369010603	1864	2774
2.	369010604		
3.	369010605		

Deh Salaro U.C Khando Taluka Hala District Matiari Sindh			
S.#.	Census No.	Old Population	New Population
1.	369010612	1987	5134
2.	369010613		
3.	369010614		

Deh Chhar U.C Khando Taluka Hala District Matiari Sindh			
S.#.	Census No.	Old Population	New Population
1.	369010615	4488	6472
2.	369010616		
3.	369010617		
4.	369010618		
5.	369010619		
6.	369010620		

Deh Ghotano U.C Khando Taluka Hala District Matiari Sindh			
S.#.	Census No.	Old Population	New Population
1.	369010601	24	695

Deh Kutkai U.C Khando Taluka Hala District Matiari Sindh			
S.#.	Census No.	Old Population	New Population
1.	369010611	712	1730

Total Population U.C Khando Taluka Hala District Matiari Sindh	13382	23338
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3) That as per population and geographical position of Union Council Khando it is surrounded by limits with Taluka Hala and the two Deh's namely Deh Chhar & Deh Rojhani are almost joint with Hala City. Therefore they all are getting Municipal Services from the local Revenue limits of Taluka Hala.

4) That as per ground position of Union Council Khando its all Deh's connected with Taluka Hala & the nearest distance at about 500 meters up to 5 kilo meter and very accessible points available to the Taluka Hala Which was previously as P.S 43 and now P.S 58.

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- 5) That in previous General Election the Appellant cast his vote in PS-43 and now PS-58 but unfortunately according to new proposal his vote will be in PS-59 (Matiari Head Quarter) which is about 25 kilo meters up to 35 kilo meters away from U.C Khando and very difficult for the local population to reach for resolving their basic problems.
- 6) That Union Council Khando is also the part of Taluka Hala Revenue jurisdiction and the peoples can easily approach to the offices at Hala for redress their basic agriculture and other related problems.
- 7) That it is also pertinent to mention here that Union Council Khando is still not own Police Station and its all affairs runs through Police Station Hala and all the staff deputed there by the SHO P.S Hala.
- 8) That all the Deh's and Tapa's of Revenue are mixed up with Revenue jurisdiction of Taluka Hala and if the proposed delimitation in the constituency will make it will very harmful for the local population of Union Council Khando.
- 9) That all the utility bills payments and bank services nearer to Taluka Hala and all the transportation facilities are nearest from Taluka Hala. Therefore it is very necessary to recall the proposed delimitation and Union Council Khando may be in same position and alienated with old P.S 43 and now P.S 58 District Matiari.
- 10) That the already declared Revenue Deh & Tapa shall neither be divided nor be separated from Taluka Hala.
- 11) That the purpose of unlawful division of U.C Khando from P.S 58 to P.S 59 is only on the basis of political enmity otherwise it is violation of Section 20 principles of delimitation.
- 12) That the respondent failed to consider this aspect of the case while passing impugned proposal that the already declared Revenue Tapa shall not be divided nor be separated but on the basis of political influence so

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also personal grudge and biased feelings of some vested interest of local politicians.

- 13) That the respondent viz delimitation authority has proceeded to delimits District Matiari without keeping in mind the territorial unity as well as the urban and rural distinction of electoral units. Furthermore the respondent had failed to meet with the local limits or take their view prior to conducting delimitation.
- 14) That the aforesaid delimitation process was conducted in utter violation of section 20 of Election Act 2017 which states that all the constituencies for general seats shall as far as practicable, be delimited having regard to the distribution of population in geographical impact 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 but in the present proposal all things were not carried out by the respondent.
- 15) That the learned respondent has not assigned any cogent reason, plausible reason, argument, explanation and justification for passing the impugned proposal hence the same is liable to be set aside by this August Authority.
- 16) That the perusal of the impugned proposal revealed that it is based on whims, caprices, biased, tainted, as such merits to be set aside by this August Authority.
- 17) That the respondent has failed to exercise the jurisdiction vested in it by the statute as such the impugned proposal is liable to be set aside by this August Authority.
- 18) That the impugned proposal is unwarranted, without lawful authority and is of no legal effect and is as such liable to be struck down, quashed by this August Authority.

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- 19) That the impugned proposal is as unsuccessful and malafide act of respondent to circumvent and violate the principles of section 20 of Election Act 2017.
- 20) That the impugned proposal is apparently an act of favoritism on the part of the respondents to please the ruling elites without any lawful, moral or equitable justification for passing the same, hence the same is liable to be quashed by this August Authority.
- 21) That the appeal is well within time and copy of the impugned proposal is annexed herewith.
- 22) That the counsel for the appellant craves leave to urg / further / additional grounds at the time of hearing of this appeal.

Hence in the light of aforementioned, it is humbly prayed that this Honourable Commission may please to pass and appropriate order as under.

Prayer

- 1. It is prayed that may be please to pass an order to make such amendment, alteration or modification in the final list of constituency of PS- 58 and Union Council Khando Taluka Hala District Matiari Sindh may include in PS 58 not in PS 59 due to its geographical and other aspects mentioned above.
- 2. Any other relief (s) which this Honourable Commission may deemed fit and proper under the circumstances of this Appeal.

Islamabad
 DATED: 26.3.2018


 APPELLANT
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 ADVOCATE FOR APPELLANT