

The Secretary,
Election Commission of Pakistan,
Election House, Constitution Avenue,
G-5/2, Islamabad

March 28, 2018

29/03/2018
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Subject: **OBJECTIONS & PROPOSALS TO PRLIMINARY PROPOSED LIST OF CONSTITUENCIES WITH RESPECT TO THE SEATS OF THE PROVINCIAL ASSEMBLY FOR DISTRICT SHIKARPUR**

Dear Sir/Madam,

It is most respectfully stated on behalf of Mr. Agha Massihuddin Khan Durrani s/o Late Agha Sadruddin Khan Durrani, CNIC No. 61101-7589364-9, resident of District Shikarpur (*henceforth referred to as the "Objector"*) as follows: -

1. That the Objector is the Chairman of District Council for District Shikarpur and as such is a registered voter in the same district.

(Annexed herewith the copies of the voting certificate and CNIC of the Objector as Annexure "A" & "A-1")

2. That the draft proposal of constituencies for District Shikarpur as prepared by the Delimitation Committee has caused great havoc, uncertainty and confusion among the voters of the District.
3. That the District of Shikarpur is divided into four Tehsils, namely:
 - a. Tehsil Shikarpur
 - b. Tehsil Khanpur
 - c. Tehsil Lakhi
 - d. Tehsil Garhi Yasin

4. That as per the old demarcation, District Shikarpur was allocated 2 seats of National Assembly (*henceforth referred to as N.A.*) and 4 seats for the Provincial Assembly (one seat per Tehsil). However, following census 2017, the Election Commission of Pakistan vide its Notification dated 05.03.2018, reduced the number of Provincial Assembly (*henceforth referred to as P.S.*) seats from four (4) to three (3).

5. That as per draft proposal of constituencies the new demarcation of the Assembly seats are as follows: -
 - a. P.S. 7, Shikarpur 1, which mainly includes the areas of Tehsil Shikarpur;

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- b. P.S. 8, Shikarpur 2, which mainly includes the areas of Tehsil Khanpur and Tehsil Lakhi;
- c. P.S. 9, Shikarpur 3, which mainly includes the areas of Tehsil Garhi Yasin.

(Annexed herewith copy of old Map of constituencies as Annexure "B")

6. That as per the proposed list of constituencies following changes have been made to the old format: -

• P.S. 7, SIIP 1

Population

416,965 people

Areas Added

Tapo Udha (11,474 people) added from Tehsil Garhi Yasin

Tapo Khanpur (7,229 people) added from Tehsil Khanpur

Khanpur Town (24,899 people) added from Tehsil Khanpur

Tapo Shahwah (9,401 people) added from Tehsil Khanpur

Tapo Mian Shahab (17,200 people) added from Tehsil Khanpur

Areas Removed

Jaggan STC (44,410 people) removed from Tehsil Shikarpur

• P.S. 8, SIIP 2

Population

420,697 people

Areas Removed from Tehsil Khanpur

Tapo Khanpur (7,229 people) added to Tehsil Shikarpur

Khanpur Town (24,899 people) added to Tehsil Shikarpur

Tapo Shahwah (9,401 people) added to Tehsil Shikarpur

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Tapo Mian Shahab (17,200 people) added to Tehsil Shikarpur

Areas Removed from Tehsil Lakhi

Tapo Jhalikalwari (22,069 people) added to Tehsil Garhi Yasin

Tapo Mari (22,913 people) added to Tehsil Garhi Yasin

P.S. 9, SHIP 3

Population

393,819 people

Areas Added

Tapo Jhalikalwari (22,069 people) added from Tehsil Lakhi

Tapo Mari (22,913 people) added from Tehsil Lakhi

Jaggan STC (44,410 people) added from Tehsil Shikarpur

Areas Removed

Tapo Udha (11,474 people) added to Tehsil Shikarpur

(Annexed herewith copy of the proposal and Map as proposed by The Delimitation Committee as Annexure "C" & "C-1")

7. That per the requirements laid down by the Election Commission of Pakistan's notification dated 05.03.2018, relied on the principle of delimitation laid down in Section 20 of the Elections Act, 2017, which is reproduced hereunder: -

"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 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 or the Tribal Areas two or more separate areas may be grouped into one constituency.

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(3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinary exceed ten percent.

(4) If the limit of ten percent under subsection (3) is exceed in an exceptional case, the Commission shall record reasons thereof in the delimitation order”

8. That furthermore, the Delimitation Committee has to take into consideration measures mentioned under Rule 10 of the Election Rules, 2017, which is reproduced hereunder: -

“10. Draft proposals for delimitation of constituencies. — (1) A Delimitation Committee constituted under rule 9 shall, immediately after its constitution, proceed to obtain from Pakistan Bureau of Statistics, population data of last census officially published along with relevant maps showing therein census charges, census circles and census blocks along with description, relating to a Province, a district, an agency, or any other administrative or revenue unit as it may require.

(2) The Delimitation Committee shall also obtain district maps along with description, duly authenticated by Pakistan Bureau of Statistics, or, as the case may be, the district head of Revenue Department, prepared on a uniform scale as may be determined by the Commission indicating therein details of all administrative and revenue units in the district to the level of a Patwar Circle or, as the case may be, a Tapedar Circle, as well as prominent geographical and physical features, such as rivers and mountains and any other information as may be determined by the Commission or required by the Committee.

(3) In preparing draft proposals for delimitation of constituencies, the Delimitation Committee shall follow the principles of delimitation as laid down in section 20, procedure given in this Chapter and the guidelines provided by the Commission from time to time.

(4) The constituency for an Assembly shall not ordinarily extend to more than one district except in exceptional circumstances for reasons to be recorded by the Delimitation Committee:

Provided that a Patwar Circle or, as the case may be, a Tapedar Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:

Provided further that in case of urban areas census circle shall not be broken under any circumstances.

(5) As far as possible, the delimitation of constituencies of an Assembly shall

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start from the Northern end of the district, or, as the case may be, the agency and then proceed clock-wise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable to the quota:

Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to that district or agency:

Provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit.

(6) For the purpose of preparation of draft proposals for delimitation, the Delimitation Committee may require assistance from any Federal, Provincial or, as the case may be, a Local Government Authority.

(7) After the draft proposals for delimitation of constituencies are finalized on Form-5, the Delimitation Committee shall send the same to the Commission, within the time specified and, in the manner, as may be determined by the Commission.”

9. That the problems with the proposed draft for the constituencies is that the delimitation committee has not demarcated the constituencies as per rule 10 of the Election Rules 2017 nor as per Section 20 of the Election Act 2017. as the Committee has without just reason, chopped constituencies without following the clock wise principle laid down under Rule 10 (5) of Election Rules 2017. This negligent act on part of the Delimitation Committee has caused great havoc on the people of the constituencies who have approached the district councils in protest of the said proposal.

10. That the Objector proposes a more balanced draft of constituencies which is as follows: -

- P.S. 7, SHIP 1
Population
408,372 people

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Areas Added

Jaggan STC should be added to P.S. 7, as was the case in the past

Tapo Mian Shahab added to P.S. 7 and removed from P.S. 8 which is its adjacent neighbour and such is inline with the provisions of Rule 10 of the Election Rules 2017.

Areas Removed

Tapo Udho to be removed from P.S. 7 and added back to P.S. 9 of which it was originally part of.

• P.S. 8, SHIP 2

Population

420,723 people

Areas Removed

Tapo Mian Sahab added to P.S. 7 and removed from P.S. 8 which is its adjacent neighbour and such is in line with the provisions of Rule 10 of the Election Rules 2017.

Tapo Lakhi, Town Lakhi, Tapo Jhalikalwari and Tapo Mari to be removed from P.S. 8 and added to P.S. 9.

• P.S.9, SHIP 3

Population

402,384 people

Areas Added

Tapo Lakhi, Town Lakhi, Tapo Jhalikalwari and Tapo Mari to be removed from P.S. 8 and added to P.S. 9.

Tapo Udho added back to P.S. 9 of which it was originally part of.

Areas Removed

Jaggan STC added back to P.S. 7 of which it was originally part of.

(Annexed herewith the copy of the proposal for constituencies along with the map of the same as Annexure "D" & "D-1")

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11. That furthermore, whilst formulating the delimitation proposal, the principles as laid down in Section 26 of the Act shall be followed in letter and spirit. The principles are to the effect that all constituencies shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of the constituencies. As far as may be, the constituencies for elections to the same Assembly within the district shall be equal amongst themselves in population.
12. That P.S. 7, SHP 1, was already balanced with the total population of 391,172 people and thus, dividing the same was unnecessary and illegal as per the Election Rules and Act 2017.
13. That all of the important offices for Tehsil Garhi Yasin are situated in Tapo Udho and by removing the said Tapo from PS 9 would entail great difficulty and prejudice to the people of Tehsil Garhi Yasin (P.S. 9, SHP 3).
14. Tapo Khanpur and Town Khanpur have been made part of the P.S. 7, SHP 1, however, the remaining part of the Tehsil Khanpur is under P.S. 8, SHP2 which is very evidently prejudicial to the people of Tehsil Khanpur and is a means of dismantling the identity of Tehsil Khanpur.
15. That the current proposal of the Delimitation Committee is ultravires of the Constitution of Pakistan, 1973 and as such should be set aside.

Thus, in light of the objections and proposals mentioned above, the undersigned requests the Commission to set aside the Proposal for constituencies by the Delimitation Committee for District Shikarpur and implement the proposals mentioned above by the Objector.

Kind Regards,



AGHA SHAHBAZ ALI DURRANI
CNIC NO: 42000-3094635-1
(Duly authorized Power of Attorney of the Objector)