

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD

Representation No. _____/2018

In the matter of de-limitation of constituencies:

1. **Noor Muhammad Brohi** s/o Muhammad Aslam
(CNIC.43304-0576114-9)
Goth Muhammad Aslam, Taluka Shikarpur
District Shikarpur, Sindh
2. **Majid Ali** s/o Karam Ali
(CNIC.43304-2369560-9)
Village Karan Sharif, Taluka Shikarpur,
District Shikarpur, Sindh
3. **Maqbool Sheikh** s/o Manzoor Ahmed Sheikh
(CNIC.43304-2905684-1)
Sukhi Ja wann, Nabi Shah Mohala,
Taluka Shikarpur,
District Shikarpur, Sindh

Handwritten signature and date: A 26/03/2018
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-----Petitioners

Representation under § 21(3) of the Election Act, 2017 r/w the Provisions of Chapter-III, Part.A of Election Rules, 2017 on behalf of Petitioners for making appropriate amendments, alterations or modification in the Preliminary List of Proposed Constituencies of District Shikarpur Sindh, *inter alia*, Proposed PS.7, (Shikarpur-I)

The Petitioners respectfully submit as follows:

1. The Petitioners are registered voters of District Shikarpur and enjoy good reputation and are known for their dedication, integrity and public work. The relevant record of their standing is being appended herewith.
2. As far as relevant and material to the titled presentations, it is submitted that **Article 51** of the Constitution provides that there shall be **342** of the National Assembly, including seats reserved for women and non-Muslims. According to this Art.51, **61 General Seats** and 14 reserved seats for Women have been allocated to the Province of Sindh for **National Assembly**. According to Art.106 of the Constitution, **130 General Seats**, 29 Reserved Seats for Women and 9 Seats Reserved for Minority have been allocated to the **Province of Sindh for Provincial Assembly**.
3. As far as District Shikarpur Sindh is concerned, in 2002 it had two National Assembly Constituencies - NA.202 (Shikarpur-I) and NA.202 (Shikarpur-II). In the General Elections 2008 and General Elections 2013, basically four

constituencies represented the entire population of District Shikarpur in that - NA.198, Sukkur-cum-Shikarpur (Old-Sukkur-I); NA-199 Sukkur-cum-Shikarpur-II (Old Sukkur-II); and NA.202, Shikarpur (Old Shikarpur-I) and NA.203, Shikarpur-cum-Sukkur-cum-Larkana (Old Shikarpur-II).

4. As far as relevant to the Provincial Constituencies, District Shikarpur basically had in 2002 constituencies as PS.9 (Shikarpur-I), PS.10 (Shikarpur-II), PS.11 (Shikarpur-III) and PS.12 (Shikarpur-IV). In 2008 these were PS.9 (Shikarpur-cum-Larkana (Old Shikarpur-I), PS.10 (Shikarpur-cum-Sukkur (Old Shikarpur-II), PS.11, Shikarpur-I (Old Shikarpur-III), and PS.12, Shikarpur-II (Old Shikarpur-IV). In the last General Election, 2013, these were PS.9 (Shikarpur-I), PS.10 (Shikarpur-cum-Sukkur (Old-Shikarpur-II), PS.11, Shikarpur-II (old Shikarpur-III) and PS.12, Shikarpur-III (Old Shikarpur-IV). **Now the Provincial Constituencies have been proposed for District Shikarpur as PS.7 (Shikarpur-I), PS.8 (Shikarpur-II) and PS.9 (Shikarpur-III). Hence, one constituency is being reduced for District Shikarpur of Sindh Province.**
5. **The titled presentation is basically about the Provincial Constituency, PS.7 (Shikarpur-I).** The Petitioners who hail from District Shikarpur and are voters in PS.7 (Shikarpur-I). They on their behalf and behalf of general public of PS.7 file the titled presentation as the 'proposed constituency; would adversely affect the rights and interests of the area for several reasons as, *inter alia*, summarized hereinafter.
6. In view of the foregoing, it is submitted that **Art.222** of the Constitution provides that 'Parliament may by law provide for, (a) the allocation of seats in the National Assembly as required under Art.51 (3) and (4) of the Constitution, and (b) the delimitation of constituencies by the Election Commission of Pakistan. It is thus, constitutional obligation of this Hon'ble Commission to delimit the constituencies in accordance with law. Now, Section 17 of the Election Act, 2017 provides that '*Election Commission shall delimit the constituencies after every census officially published*'.
7. To delimit a constituency, the broader principles have been summarized in § 20 of the Election Act, 2017 that as far as practicable, be delimited having regard to the (i) distribution of population in geographically compact areas, (ii) physical features, (iii) existing boundaries of administrative units, (iv) facilities of communication and public convenience and (v) other cognate factors to ensure

homogeneity in the creation of constituencies. It has also been provided that '*as far as possible, variation in population of constituencies of Assembly shall not ordinarily exceed ten percent*'.

8. Now according to the Preliminary Report on Proposed Constituencies issued by this Hon'ble Commission, Province of Sindh has been divided into 130 territorial constituencies on the Census of 2017. The quota per seat in respect of each Provincial Assembly seat has been determined in relation to Sindh as under:

Total Population of Sindh: **47,893,244**

Total PA Seats of Sindh: **130**

Quota Per Seat: $47,893,244/130 = 368,410$

9. Based on the aforesaid population and seat quota with a variation of about 10% as provided in § 20 of the Election Act, 2017, three seats, now proposed for District Shikarpur out of the 130 seats allocated to the entire Province of Sindh, have been drawn up as under:

- 1) **PS.7, Shikarpur-I** - (Population, 416,965)
- 2) **PS.8, Shikarpur-II** - (Population, 420,697)
- 3) **PS.9, Shikarpur-III** - (Population, 393,819)

10. In the proposed 'constituencies' for District Shikarpur, in the three constituencies, **PS.7, Shikarpur-I** (Population, 416,965), would include, (i) Taluka Shikarpur *excluding Jaggan STC*, (ii) Four Areas of Khanpur Taluka i.e. Town Committee Khanpur, Tapedar Circle Khanpur of STC Khanpur, Tapedar Circle Shah Wah, and Tapedar Circle Mian Sahib of Mian Sahib, (iii) Tapedar Circle Udha of Garhi Yasin STC of Taluka Garhi Yasin.

11. It is submitted on behalf of the Petitioners that PS.7 as suggested by the Petitioners and MAP whereof attached herein shall be finalized by the Hon'ble Commission as this 'suggested' constituency is better than the 'proposed' constituency of PS.7. This shall include the whole Shikarpur Tehsil, which means inclusion of Jaggan STC and excluding of Udha as well as inclusion of Tapo Mian Sahib of Mian Sahib STC. This way the population of this 'suggested' constituency (PS.7) would be **408,372**.

12. With the aforesaid, PS.8 would include Khanpur Tehsil complete excluding Tapo Mian Sahib. Lakhi Tehsil as a whole excluding Town Committee Lakhi, Tapo Lakhi, Tapo Jali Kalwari and Tapo Marri. This way, the entire population of PS.8

would come to 420707. Thereafter, the remaining area of District Shikarpur would become PS.9, which would mean - Full Tehsil Garhi Yasin and Tapo Jalli Kalwari, Tapo Marri, Tapo Lakhi and Town Committee of Lakhi of Lakhi Tehsil. This way the population of PS.9 would come upto 402402.

13. The total population as referred to in the aforesaid 'suggested' constituencies would come upto 1,231,481 that is the entire population of the area. This would offer effective proportional representations to the people of the area. As an easy reference, a suggested map of all constituencies PS.7 (Shikarpur-I), PS.8 (Shikarpur-II) and PS.9 (Shikarpur-III). Attention is invited thereto, which would keep the area compact and all major Talukas intact with headquarters in their respective constituencies.

14. It is submitted that it is settled law and international practice in delimitation of the constituencies that 'totality of circumstances' to be taken into account also known or called as 'redistricting standard'. Accordingly, in view of the 'totality of circumstances' standard, the best presentation is what has been suggested hereinabove. It may be added that, *inter alia*, it is the constitutional right of the general public of the area under Article.17 to have "real representatives". In case, the 'proposed constituencies' are not reviewed, altered and modified as suggested, the rights and interests of the people of the area would be adversely affected and prejudiced. This would not be warranted in law. Hence, this presentation before the Hon'ble Commission of Pakistan for directions as suggested hereinabove.

It is therefore most respectfully prayed that the Hon'ble Commission may kindly be pleased to consider and allow the titled presentation and finalized, *inter alia*, PS-7 (Shikarpur-I), PS.8 (Shikarpur-II) and PS.9 (Shikarpur-III) as proposed or suggested hereinabove and may further be pleased to make all appropriate adjustment, amendment, alteration and modification to the Proposed Constituency in the interest of justice.



(1) Noor Muhammad Brohi,

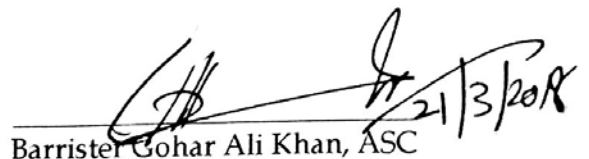


(2) Majid Ali,



(3) Maqbool Sheikh

Through


Barrister Gohar Ali Khan, ASC