

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD

Representation No. \_\_\_\_\_/2018

In the matter of de-limitation of constituencies:

**Aftab Shaban Mirani**  
(CNIC.42301-3789182-5)  
Mirani Mohala, Taluka Shikarpur  
District Shikarpur, Sindh

-----Petitioner

*Handwritten signature and date: 27/03/2018*

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 Petitioner for making appropriate amendments, alterations or modification in the Preliminary List of Proposed Constituencies of Distt Shikarpur Sindh, *inter alia*, Proposed PS.7, (Shikarpur-I)

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Dated: 26-03-2018

Barrister Gohar Ali Khan, ASC

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The Petitioner respectfully submits as follows:

1. The Petitioner namely Aftab Shaban Mirani is the incumbent Member of the National Assembly from Constituency – NA.202 (Old Shikarpur-I) who has been elected several times as Member of the National Assembly. He is also the Former Federal Minister for Defence as well as former Chief Minister Sindh. He hails from District Shikarpur and is the registered voter of, now proposed Constituency – **PS. (Shikarpur-I)**.
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-

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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 Petitioner hails from District Shikarpur and is registered voter in PS.7 (Shikarpur-I). On behalf of the general public of PS.7, he is filing 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*'.

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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 Petitioner that PS.7 as suggested by the Petitioner 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. The suggested constituency shall include Jaggan circle and shall exclude Udha Tapo from the 'proposed' constituency. This way the population of this 'suggested' constituency (PS.7) would be 424,374.

12. No change is proposed in the 'proposed' constituency of PS.8. That may remain as 'proposed' by this Hon'ble Commission with population of 420697. Thereafter, the remaining area of District Shikarpur would become PS.9, which would mean just the inclusion of Udha, which is in fact part of Garhi Yasin Taluka. This way the population of PS.9 would come upto 386,410.

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

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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.

\_\_\_\_\_  
Aftab Shaban Mirani

Through

  
\_\_\_\_\_  
Barrister Gohar Ali Khan, ASC

Dated: 26-03-2018