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Jus

BEFORE THE DELIMITATION AUTHORITY,
ELECTION COMMISSION OF PAKISTAN
ISLAMABAD

REPRESENTATION NO.

/2018

Sohail Ahmed ShoroApplicant.

Versus

Delimitation Committee for PS-80,
81 and 82.....Respondents

01. Raza Muhammad Gorar
s/o Azizullah Gorar, r/o House No.164
Bhitai colony MC Bolhari Tehsil Kotri District
Jamshoro, voter list Block Code 355020226
Having CNIC # 41204-2758163-5
02. Ayaz Hussain Korejo
s/o Akram Khan Korejo, r/o House No.237/1535
Municipal committee Kotri, sherazi Mohallah
Kotri, voter list Block Code -355040403 having
CNIC # 41204-5307968-5
03. Muhammad Sadiq Shoro s/o Khuda Dino Shoro
r/o Shoro House, Eid Gah Road Kotri
having CNIC # 41504-617-0577-1.....Applicants/intervenors

APPLICATION FOR JOINING THE
APPLICANTS/INTERVENOR AS RESPONDENT
IN THE CAPTIONED REPRESENTATION

Respectfully Sheweth:-

That the applicants/intervener are the voters of PS-82
Jamshoro-iii District Jamshoro and applicants/intervener are the
member of Municipal committee Bolhari, Kotri and social activist as well

That the applicant in the captioned case has submitted a
representation which is based upon baseless, misconceived and
misleading facts, and intends to malafidely disturb the constituency of
Ps-82 Jamshoro-iii District Jamshoro with malafide intention to grab

the inhabitants of the people of PS-82 Jamshoro-iii who have right to cast their vote independently without any influence of any highly influential person, the applicants/therefore, inter alia pray that they may be allowed to be joined as respondents, nevertheless , without prejudice to the law and facts, the applicants/intervener submits the parawise written reply to the captioned representation inter alia as under:-

1. That the contents of para No.1 are not denied.
2. That the contents of para No.2 are not denied.
3. That the contents of para No.3 of the objection/representation are contrary to facts and ground realities, it is misconceived, hence the applicant be put to strictly prove the same.
4. That the contents of para No.4 of the objection/representation are misconceived, misreading, contrary to law laid down by the Election Commission of Pakistan, according to section 20 of the Election Act 2017 and 9, 10 of the Election Rules 2017 , the election committee has to delimit keeping in view the distribution of population in geographical Compact area, physical features existing boundaries of administrative units, facilities of communication, public conveyance other cognate factors to ensure the homogeneity in creation of the constituencies.
It is worth to note here that the delimitation committee

has to start from northern end of District or as the case may be the agency and then proceed clockwise in zigzag manner, keeping in view the population among the constituencies of an assembly shall remain as closed as may practicable to the quota , here in the present case the northern of District Jamshoro starts from Taluka Sehwan and after observing clockwise and in zigzag all the delimitation proceedings have been carried out lawfully. The Delimitation committee had to proceed firstly from PS-80 Jamshoro-I keeping in view the population and as observed the population of PS-80 was 269,251, so the required area had to be included and adjoining area was included STC Manjhand excluding tappa lakhri, Town Committee Sann, Town Committee Manjhand were included and accordingly the PS-80 was established with total population 347,402 according to clockwise and zigzag manner.

5. As for as PS-81 Jamshoro-2 is concerned, started from Thano Bula Khan, population was 145,450 and Unar Par STC with population 55,242, TC Laakhri of Manjhand STC population 7487 and STC Bada of Kotri Taluka population 85,033 and Town Committee Jamshoro population 34,420 were included in PS-81 Jamshoro-2. That as per clockwise and geographical pattern there is connectivity of borders for almost 82 km between Taluka Thano Bula Khan and

Taluka Manjhand, and PS-81 Jamshoro-2 established with maximum population of 327,632.

6. That as for as PS-82 Jamshoro-3 is concerned, the delimitation process has been conduct lawfully in accordance with spirit of Election Act 2017 and rules made thereon, and the committee has not erred or violated any law . It may be submitted that this has 318,108 population and in this area Kotri Taluka excluding STC Bada and town Committee Jamshoro, this constituency as per map already covers circle wise, zigzag and population wise, so there was no harm to committee by excluding Bada and maintaining the PS-82 Jamshoro-3 as the population was complete.
7. That clockwise municipal committee Kotri and Municipal committee Bolhari, and as much as STC Kotri are geographically Compact and are not being disturbed, therefore, this constituency met the requirement of Election Act and rules made thereon 2017
8. That the contents of para No.5 of the objection/representation are denied being false and fabricated inter alia on the ground that Tappa Lakhri is already connected with Tappa Meeting, Tappa Khareji, Tappa Bandveer, it is worth to mentioned here that Tappa Meeting, Tappa Khariji and Tappa Bandveer erred already part of PS-72 now PS-81 Jamshoro-II, even the current

9 *[Signature]*

MPA namely Faqeer Dad Khoso is currently from UC Manzoorabad tappa Meeting PS-72 old, now PS-81.

9. That from STC Unarpur out of 5 tappas 3 tappas were already included i.e Tappa Meeting , Tappa Khariji and Tappa Bandveer, so it is justifiable to add the remaining two tappas viz.Tappa Khasai and Tappa Unarpur to be added, now complete circle STC Unar pur is part of PS-81 Jamshoro-II (old Ps-72)

10. It is beyond any logic that why the inhabitants of Thana Bula Khan have to travel distance of more than 175 KM, infact there is no need to travel, every areas have independent revenue talukas, police stations, administrative units, Courts of law are separate, hospitals, rural health centre, taluka hospitals , so it has not been justified that what is need to travel 175km. Already there are three routes and public connectivity is there through public transport i.e (1) from Habibullah More to coal Mine areas, (2) from Thermal Power House via range Fire way to Bula Khan, (3) From LMC via Village Photo Khan Khaskheli , Village Abdul Rehman Khaskheli, this route is actual source of transport of buses for local areas other than super highway and STC Unarpur is situated on either sides of Indus Highway, so there is no any inconvenience or connectivity issue.

11 *Ans*

11. That the contents of para No.6 of the objection/representation are denied being false, fabricated and concocted story, infact tappo Petaro, Tappo Morho Jabal, Tappa Bada and Town Committee Jamshoro have been included in PS-81 Jamshoro-2 because of the strict following of geographic and clockwise pattern to meet population criteria declared for said constituency PS-81 Jamshoro-II

12. That the contents of para No.7 and 8 of the objection/representation are denied being, false, fabricated, baseless and ha been alleged with ulterior motives, it is noteworthy here that the applicant/petitioner is a planted of some people who intends to establish Ps-82 Jamshoro-3 with intention to violate the section 20 of the Election act 2017 and rules made thereon, nevertheless the wish of some peoples can not travel beyond the law of Delimitation, the Delimitation committee had to proceed in accordance with the law itself, the malafide wishes of some peoples have not been considered but the law has been followed. However the details explanation has already been given in reply of para No.4 supra.

13. That the contents of para No.9 of the objection/representation are denied. if the peoples of

Thana Bula Khan have right to contest the election, they may contest, at the same time people of Taluka Kotri, Manjhand and Sehwan have same right to contest the election, however there is no disturbance of connectivity and boundaries.

14. That the contents of para No.10 and 11 of the objection/representation are denied and has been properly replied in para No.4 supra.
15. That the contents of para No.12 and 13 of the objection/representation are denied and has been properly replied in para No.4 supra.
16. That the contents of para No.14 of the objection/representation are same facts which are denied and has been properly replied in para No.4 supra.
17. That the contents of para No.15 of the objection/representation have already been replied,
18. That the contents of para No.16 of the objection/representation are denied being false, fabricated and misleading, it may be submitted that in 2002 there was District Dadu and subsequently it was bifurcated and District Jamshoro was established, hence this Judgment has no nexus with delimitation of District

Jamshoro PS-80 Jamshoro-I, PS-81 Jamshoro-II, Ps 82 Jamshoro-III, and there is difference in population of 2002 and 2017 which is basic principle to follow the formation of delimitation, such as Bolhari which was UC at that time which has become Municipal Committee Bolhari with the population of 158-750, so the judgment if any referred above the applicant/interveners have regard but has no application in the present circumstances as this judgment has no any perpetual sanctity, it was passed per circumstances existed in 2002 for particular purpose

19. That the contents of para No.17 of the objection/representation are totally wrong and incorrectly, illogical and misreading as well, the criteria has been followed as well as rule of 10% as per requirement, section 20 (3) Elections Act 2017 which shows as far as possible variation in population of constituency of an assembly or any local government shall not ordinary exceed 10%

20. That the contents of para No.18 of the objection/representation, the proposal of the applicant is totally illogical, unlawful, contrary to the criteria laid down in section 20 of the Elections Act 2017 and rules made thereon 2017, this objection on this proposal may be read couple with the reply as supra.



21. The applicants/interveners are the necessary and proper party in the proceedings, if they are not allowed to be joined, the applicant in captioned representation will get the order in their favour without hearing the applicants/interveners and that judgment will prejudice to the people of PS-82-3 Jamshoro.

[Signature]

APPLICANT/INTERVENER NO.1.

Dated. March, 2018

[Signature]

APPLICANT/INTERVENER NO.3.

[Signature]

APPLICANT/INTERVENER NO.2.

I know the applicants/interveners

[Large Signature]

IMDAD ALI UNAR

ADVOCATE SUPREME COURT OF PAKISTAN

Enrollment No.4897

Office A-58/2 Sangam View

Near Unit No.3 Latifabad via mental hospital
Road at Gidu Hyderabad.

DOCUMENTS FILED

1. Copy of Original map
2. Copy of voter certificate issued by Election Commission of Pakistan

