

A/29/03/2018  
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**BEFORE THE SECRETARY, ELECTION COMMISSION OF  
PAKISTAN, ISLAMABAD.**

1. Anwar Zaib Khan Son of Haji Abdul Khanan Khan, Resident of P.o Raghagan, District Bajaur Agency.
2. Abdul Haq Son of Aleem Jan, Resident of Gulshan.e.Yaran Khaar, P.o Khaar, Tehsil Khaar Bajaur, District Bajaur Agency.

**MEMORANDUM OF OBJECTIONS WITH RESPECT TO BAJAUR  
AGENCY NA-40, NA-41 AND NA-42**

Respectfully Sheweth:

1. That the Applicant/Objector No. 1 is a Mashr/Family Head of its vicinity and belongs to section Salarzai of Tarkani tribe.
2. That the Applicant/Objector No. 2 is a voter and belongs to the Tehsil Khaar Bajaur Agency and as per present proposed delimitation is falling within the constituency of NA-41.
3. That the Applicants/Objectors are voters of Bajaur Agency and want to file their objections in respect of delimitation of Bajaur Agency-e Na-40, NA-41 and NA-42 as the present proposed delimitation does not fulfill the requirements as lay down in the principles of law.
4. That the Applicants/Objectors has objections regarding two of the Union Council i-e Raghagan and Damadola.

**1<sup>st</sup> UNION COUNCIL RAGHAGAN (NA-40):**

5. That the area of Union Council (UC) Raghagan comprises of 21 block numbers 081010101 to 081010107, 081010201 to 081010207 and 081010301 to 081010307 having registered voter members of 16045.
6. That the population of above said Union Council (UC) Raghagan belongs to the Salarzai section of Tarkani tribe.
7. That the population as well as voters of the Union Council (UC) Raghagan are also natives of Tehsil Salarzai and are associated with the Tehsil Salarzai in every aspect of society.

9A 29/03/2018

8. That the facilities of communication and convenience of the people of 21 blocks of UC Raghagan are also link with the Tehsil Salarzai, which is bounded within the limits of NA-40.
9. That the boundary of UC Raghagan is entirely attached with the territorial limits of NA-40 Salarzai.
10. That by adding the complete UC Raghagan comprises of 21 blocks there would be no bifurcation in the administrative unit i-e Union Council (UC).
11. That the UC Raghagan is geographically compact with the Salarzai NA-40.
12. That there is a huge market situated in UC Raghagan comprises of Two Thousand shops belonging to the people of Salarzai section and all the community doing business and commercial activity over there included the laborers are coming from the areas of Tehsil Salarzai being part of the Salarzai section.
13. That the Masharaans of Salarzai section including the Petitioner/objector No. 1 are attached, serving the Salarzai section residing in the Salarzai Tehsil NA-40 and by virtue of customrary practice are attached with the area of Salarzai NA-40.
14. The present proposed constituency whereby, the area of UC Raghagan is excluded the Salarzai section NA-40 is in violation of the cognate factors to ensure the homogeneity in the creation of constituencies at Bajaur Agency, which is liable to be rectified by including the UC Raghagan in the constituency of NA-40 Salarzai.

**2<sup>nd</sup> UNION COUNCIL AREA OF DAMADOLA (NA-42):**

1. That the area of Union Council (UC) Damadola comprises of 13 blocks numbers 81020101 to 81020113 having registered voter members of 11254.
2. That the population of above said Union Council (UC) Damadola belongs to the Mamund section of Tarkani tribe.
3. That the population as well as voters of the Union Council (UC) Damadola are also natives of Tehsil Mamund and are associated with the Tehsil Mamund in every aspect of society.

9/27/03/2018

4. That the facilities of communication and convenience of the people of 13 blocks of UC Damadola are also linked with the Tehsil Mamund, which is bounded within the limits of NA-42.
5. That the boundary of UC Damadola is entirely attached with the territorial limits of NA-42 Mamund.
6. That by including the 13 blocks of UC Damadola in NA-42 there would be no bifurcation in any of the administrative unit i-e Union Council (UC) or Tehsil headquarter.
7. That the UC Damadola is geographically compact with the Mamund NA-42.
8. That the Masharaans of Mamund section are attached, serving the Mamund section residing in the Mamund Tehsil NA-42 and by virtue of customrary practice are attached with the area of Mamund NA-42.
9. The present proposed constituency whereby, the area of UC Damadola is excluded the Salarzai section NA-40 is in violation of the cognate factors to ensure the homogeneity in the creation of constituencies at Bajaur Agency, which is liable to be rectified by including the UC Raghagan in the constituency of NA-40 Salarzai.

**GROUND:**

10. That the principles lay down by the legislators is based upon the distribution of population in geographical compact area, physical feature, facilities of communication and public convenience as narrated in section 20 of the Election ACT, 2017 which is reproduced for ready reference:

*“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 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 for the Tribal Areas two or more separate areas may be grouped into one constituency.*

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

*(4) If the limit of ten percent under sub-section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.”*

11. That this Hon'able commission is vested with powers under the elections laws including Act and Rules of 2017

24/03/2018

as to rectify the delimitation of constituencies after considering the representations of the objectors/applicants under sub clause (4) of section 21 which is reproduce as under;

**“21. Reports of Commission and list of constituencies.—**

*(4) The Commission shall, after hearing and considering the representations, if any, received by it, make such amendments, alterations or modifications in the preliminary list of constituencies published under sub-section (1) as it thinks fit or necessary, and shall, within a period of thirty days from the last date fixed for making representation under sub-section (2), publish in the official Gazette and on its website, the final report and list of constituencies showing the areas included in each constituency”*

12. That the people of the above mentioned has every right to be leaded by candidate of their choice amongst reasonable territory within the population in geographically compact areas and facilities of communications there convenience ensuring the homogeneity in the delimited constituency.
13. That the legislator have also specifically intended to facilitate the tribal areas in accordance with their customs and tribal sections even if the their limits are comprising of two are more separate areas which is expressly narrated in the sub section (2) of section 20 of the Election Act, 2017 which is as under;

*“20. (2) For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribal Areas two or more separate areas may be grouped into one constituency.”*

14. That the actual gist and rational behind the democratic process under fundamental rights protected under the constitution is on the basis of rational appropriate and customize delimitation.
15. That it is vested duty of this Hon’able Commission to rectify the delimitation of the elections constituency which are against the elections laws, norms, customs, rational and convenience of the public.

**PRAYER:**

In the above mentioned circumstances, it is therefore, respectfully prayed that the instant Memorandum of Objections may kindly be accepted and the delimitation of Bajaur Agency NA-40, NA-41 and NA-42 may kindly be rectified in terms;

- i) The 21 blocks of UC Raghagan may kindly be included in the constituency of NA-40 Salarzai.

24/03/2018

- ii) The 7 blocks of UC Damadola may kindly be excluded from NA-40 Salarzai and be included in the Constituency of NA-42 Mamund
- iii) Any other relief which this Honourable Court deems fit and proper may also be granted in the interest of justice.

*[Handwritten Signature]*  
**OBJECTORS/PETITIONERS**

Through

*[Handwritten Signature]*  
**(SYED KHAWAR AMEER BUKHARI)**  
 Advocate High Court  
 Office # 4&5, Haroon ur Rasheed Block  
 F-8 Markaz, Islamabad.  
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*[Handwritten Signature]*  
**M. ASIF JAVED**  
 ADVOCATE

**VERIFICATION**

Verified on oath at Islamabad on \_\_\_\_\_ day of March, 2018 that the contents of Memorandum of Objections are correct to the best of my knowledge and belief, nothing has been concealed therein.

*[Handwritten Signature]*  
**OBJECTOR**

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*[Handwritten Signature]*  
 AMWAR ZAHED KHAN  
*[Handwritten Signature]*

19 MAR 2018