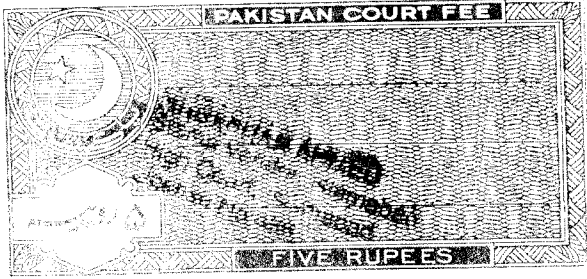


Secretary

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BEFORE THE HONOURABLE/ELECTION COMMISSION
OF PAKISTAN, ISLAMABAD

JA 30/03/2018
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Representation No. _____ 2018

REPRESENTATION ON BEHALF OF HAMEED ULLAH JAN AFRIDI S/O ABDULLAH JAN AFRIDI, RESIDENT AT ABDULLAH JAN KALLAY KAHJORI SURKASS TEHSIL BARA KHYBER AGENCY AGAINST THE PRELIMINARY PROPOSALS IN RESPECT OF THE DELIMITATION OF THE FATA CONSTITUENCY CURRENTLY KNOWN AS THE NA-46 (PROPOSED NA-45), KHYBER AGENCY, TRIBAL AREA.

Respectfully Sheweth:-

1. That the instant representation against the preliminary proposals in respect of the delimitation of the FATA constituencies currently known as the NA-46 (proposed NA-45) and the NA-45 (proposed NA-44), Khyber Agency, Tribal Area is being moved by Hameed Ullah Jan Afridi who is a duly registered voter in the NA-46 and a prospective candidate.
2. That the preliminary proposals vide notification dated 05.03.2018 are impugned / objected to, inter alia, on the following:-

G R O U N D S

- a. That the proposed delimitation has resulted in diluting the voting power of the applicant's supporters in the NA-46 (proposed NA-45). The intension is to achieve desired electoral results for a particular party.

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- b. That the proposed delimitation has resulted in concentrating the voting power of a particular party's supporters in the NA-46 (proposed NA-45). The intension is to achieve desired electoral results for a particular party.
- c. That a case in point is the village of Choura. On the basis of the distribution of population, geographically compact area, physical features, existing boundaries of administrative unit, facilities of communications and public convenience it was always part of the NA-45. Vide meeting held on 13.02.2018 it was unanimously agreed by the Additional Political Agent Khyber Agency officials that the village of *Choura to be included in the NA-45.*
- d. That there has been no material change and yet the same village has been transferred from the NA-45 to the NA-46 in violation of the aforesaid principles. The sole aim is to achieve desired electoral results for a particular party.
- e. That the untenability of Choura being part of NA-46 was pointed out to the honourable Election Commission of Pakistan which vide letter dated 15.03.2018 stated "*that as preliminary list of constituencies has already been published therefore you are advised to resort legal course for redressed of your grievances under section 21 of the Elections Act, 2017*" (sic).
- f. That the villages of Bukar and Tora Wayla are part of the NA-46. Administratively they are part of Tehsil Landi Kotal which itself is a part of the NA-45.

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Furthermore, both the villages are exclusively inhabited by the Zakhakhel tribe. The entire tribe inhabits a geographical compact area. Approximately 90% of the Zakhakhel tribe lives in the NA-45. The remaining 10% lives in the villages of Bukar and Tora Wayla. Hence in accordance with the principles of the delimitation including the distribution of population/ homogeneity and geographically compact area they ought not to be part of the NA-46. They ought to be part of the NA-45.

- g. That on 13.02.2018 there was a unanimous official concurrence that the villages of Bukar and Tora Wayla should become part of the NA-45 on the tribal and administratively control grounds.
- h. That vide notification dated 05.03.2018, the opposite was done in that the preliminary proposals failed to transfer the villages of Bukar and Tora Wayla from the NA-46 to the NA-45.
- i. That the aforesaid failure was noticed officially and vide letter dated 12.03.2018 *a viable remedy for solution of the issue was suggested.*
- j. That to date no *remedy / solution* has been effected.
- k. That the village of Mehraban Kallay is administratively controlled by tehsil Landi Kotal which itself is part of the NA-45. The Kuki khel tribe exclusively inhabits a geographically compact area. However, 95% of the tribe resides in the NA-45 and 5% resides in Mehraban Kallay, the NA-46. Thus, Mehraban Kallay ought not to be part of the NA-46. It ought to be part of the NA-45.

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1. That on 13.02.2018 it was unanimously decided in a meeting of the Additional Political Agency, Khyber Agency that Mehraban Kallay is currently in the NA-46 but it should be transferred to the NA-45. On the basis of the same meeting, vide letter dated 08.03.2018, the Ministry of Statistics endorsed the aforesaid unanimous decision.

And yet the preliminary proposals ignored the aforesaid and refused to transfer Mehraban Kallay from the NA-46 to NA-45.

- m. That the village of Roj Gal is administratively controlled by tehsil Jamrud which itself is part of the NA-45. The Kuki khel tribe exclusively inhabits a geographically compact area. However, 95% of the tribe resides in the NA-45 and 5% resides in Roj Gal, the NA-46. Thus, Roj Gal ought not to be part of the NA-46. It ought to be part of the NA-45.

- n. That on 13.02.2018 it was unanimously decided in a meeting of the Additional Political Agent, Khyber Agency that Roj Gal is currently in the NA-46 but it should be transferred to the NA-45. On the basis of the same meeting, vide letter dated 08.03.2018, the Ministry of Statistics endorsed the aforesaid unanimous decision.

And yet the preliminary proposals ignored the aforesaid and refused to transfer Roj Gal from the NA-46 to NA-45.

- o. That the village of Wach Paal is in the NA-46. It has no nexus whatsoever with the Khyber Agency. It ought not to be part of the NA-46.

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p. That the village of Leyhri is in the NA-46. It is administratively controlled by the Orkzai Agency. On 13.02.2018 it was unanimously decided in the meeting of Additional Political Agent Khyber Agency that it ought to be transferred to Orkzai Agency (which is not part of the NA-46). Thus, Leyhri ought not to be part of the NA-46. It ought to be part of the Orkzai Agency.

And yet the preliminary proposals ignored the aforesaid and refused to transfer Leyhri from the NA-46 to Orkzai Agency.

q. That in fact and on legal premises the aforesaid delimitations are untenable.

P R A Y E R

It is therefore most respectfully prayed that the instant representation may kindly be accepted and that the village of Choura may kindly be directed to remain as part of NA-45.

It is further prayed that the preliminary proposals transferring the village of Choura from NA-45 to NA-46 may kindly be declared to be in violation of section 20 of the Elections Act, 2017.

It is further prayed that the villages of Bukar and Tora Wayla may kindly be transferred from NA-46 to NA-45.

It is further prayed that the preliminary proposals endorsing the villages of Bukar and Tora Wayla as part of NA-46 may kindly be declared to be in violation of section 20 of the Elections Act, 2017.

It is further prayed that the village of Wach Paal may kindly be transferred from NA-46 to the Orkzai Agency.

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It is further prayed that the village of Leyhri may kindly be transferred from NA-46 to Orkzai Agency.

Any other relief that this honourable Commission deems appropriate under the facts and circumstances of the case, may also be granted.

Representation

Through,



Hameed Ullah Jan Afridi
s/o Abdullah Jan Afridi,
Resident at Abdullah Jan Kallay
Kahjori Surkass Tehsil Bara
Khyber Agency

Dated: 20.03.2018