

1 (i)

BEFORE THE SECRETARY, ELECTION COMMISSION
OF PAKISTAN, ISLAMABAD.

JAVED AHMED KHAN
Son of Ghulam Ahmed Khan,
Resident of House # 604/A,
Joint Road, Quetta.

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11/09/2018
(i-xvii)

REPRESENTATION

UNDER SECTION 21(3) OF THE ELECTION ACT,
2017 READ WITH RULE 12 OF THE ELECTION
RULES, 2017 REGARDING ALTERATIONS /
MODIFICATIONS IN THE PRELIMINARY LIST OF
CONSTITUENCY PB-30 QUETTA-VI

Respectfully Sheweth;

1. That instant representation is being filed by Javed Ahmed Khan (hereinafter referred as "Applicant"), a registered voter of Provincial Assembly Constituency PB-30 (Quetta-VI) and in pursuance of Notification No.F8(3)/2018-Elec-I dated 05th March, 2018 the petitioner's constituency has been changed. The Applicant is duly competent to file the instant

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representation under the prevailing laws:

2. Through this representation, the applicant seeks to challenge the preliminary delimitation proposal published by the Election Commissioner of Pakistan (Hereinafter referred as "ECP") pertaining to the delimitation of the provincial assembly of district Quetta PB-30 (Quetta-VI) (hereinafter referred as "preliminary proposal"), the map of the preliminary proposal which was provided by the ECP, as per the requirements of the ECP Laws is attached at Page 10.
3. That, the petitioner is aggrieved by the new delimitation on the following inter-alia grounds:-

GROUND:

- A. That, the new delimitation as published in preliminary report and preliminary list is against the provisions of section 20 of the Election Rules, 2017 read with rule 10 (4) which states

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that the Patwar circle shall not be broken in any circumstances, reproduced for ready reference;

- 10 (4) (1) Provided that a Patwar Circle or, as the case may be, a Tapedar Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:

B. The variation in population of Constituencies exceeds above 10% as provided under the relevant law, the table shows the excess percentage in the population variation in each constituency;

S No.	Constituency	% Exceeded
1	PB-26	16.7
2	PB-28	16.0
3	PB-29	14.3
4	PB-30	18.0
5	PB-32	19.9

Source: ECP

As per rule 10 of the ECP Rules 2017, Sub Clause (5) Proviso (2)

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which is reproduced as under,
which is in violation to the
rules scripted by ECP;

- 10 (5) (2) provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit.

C. As per the notification of PB-27 in Draft List of Constituencies it is incompatible with the Draft Maps of Constituencies published by Election Commission of Pakistan that is to say:-

- In the map, Mauza Habib (Saddar IV) is shown as part of PB-27, whereas in notification of Provincial

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Constituencies it is not part of PB-27;

- Likewise in the map, Mauza Hudda (Saddar III) is shown as the part of PB-27, whereas in Notification of Provincial Constituencies it is not part of PB-27;
- In the Notification of Provincial Constituencies of PB-27 the Mauza Shabo (Saddar III) is not physically connected with Mauza Tirkha;
- Mauza Habib and Mauza Hudda are not defined in any Provincial Balochistan (PB) as per the notification of ECP.

The delimitation has been carried out only on the basis of data provided by Provincial Census Commissioner, Balochistan in the shapes of Census Charges, Census Circles and Census Blocks without consultation with local Administration or revenue authorities, due to which the

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patwar circles have been broken and also overlapping of areas is observed. Whereas basically the delimitation activity shall have been carried in consultation with the local revenue department / authorities and Data/Maps obtained from the Census Commissioner.

(Maps attached as per Index)

D. That, as per the Draft map published by the ECP, overlapping occurred in certain areas, which is as under:

a. PB-27 & PB-30

- PB -27's Mauza Shaboo (Saddar III) is overlapping PB-30's Charge No.12 Circle No. 1
- PB-27's Mauza Habbib (Saddar III) is overlapping PB-30's Charge No. 12 Circle No. 2 (As per the preliminary map published by ECP)

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- PB-27's Mauza Habbib (Saddar III) is overlapping PB-30's Charge No. 12 Circle No. 3 (As per the preliminary map published by ECP)
- PB-27's Mauza Hudda (Saddar IV) is overlapping PB-30's Charge No. 12 Circle No. 3 (As per the preliminary map published by ECP)
- PB-27's Mauza Hudda (Saddar III) is overlapping PB-30's Charge No. 12 Circle No. 4 (As per the preliminary map published by ECP)
- PB-27's Mauza Hudda (Saddar IV) is overlapping PB-30's Charge No.12 Circle No. 5 (As per the preliminary map published by ECP)
- PB-27's Mauza Hudda (Saddar IV) is

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overlapping PB-30's
Charge No.12 Circle No. 6
(As per the preliminary
map published by ECP)

• PB-27's Mauza Hudda
(Saddar IV) is
overlapping PB-30's
Charge No. 11 Circle No.
1 (As per the preliminary
map published by ECP)

• PB-27's Mauza Tirkha
(Saddar IV) is
overlapping PB-30's
Charge No. 11 Circle No.
6

• PB-27's Mauza Kasi
(Saddar IV) is
overlapping PB-30's
Charge No. 11 Circle No.
2

• PB-27's Mauza Kasi
(Saddar IV) is
overlapping PB-30's
Charge No. 11 Circle No.
4

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- PB-27's Mauza Kasi (Saddar IV) is overlapping PB-30's Charge No. 11 Circle No. 5

- PB-27's Mauza Kasi (Saddar IV) is overlapping PB-30's Charge No. 11 Circle No. 6

b. PB-33 & PB-30

- PB-33's Mauza Kushkawa Takhtani (Kachibagi) Part-I is overlapping PB-30's Charge No.10 Circle No. 1

c. PB-27 & PB-31

- PB-27' Mauza Hudda (Saddar Iv) is overlapping PB-31's Charge No. 14 Circle No. 6

- PB-27' Mauza Tirkha (Saddar Iv) is overlapping PB-31's Charge No. 14 Circle No. 6

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d. PB-31 & PB-33

- PB-33's Mauza Ahmed Khanzai (Kachibaig) Part-I is overlapping PB-31 Charge No. 14 Circle No. 3
- PB-33's Mauza Ahmed Khanzai (Kachibaig) Part-I is overlapping PB-31 Charge No. 14 Circle No. 4
- PB-33's Mauza Ahmed Khanzai (Kachibaig) Part-I is overlapping PB-31 Charge No. 13 Circle No. 4
- PB-33's Mauza Ahmed Khanzai (Kachibaig) Part-I is overlapping PB-31 Charge No. 13 Circle No. 5
- PB-33's Mauza Ahmed Khanzai (Kachibaig) Part-I is overlapping PB-31

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Charge No. 13 Circle No. 6

- PB-33's Mauza Ahmed Khanzai (Kachibaig) Part-II is overlapping PB-31 Charge No. 13 Circle No. 3
- PB-33's Mauza Kushkawa Takhtani (Kachibaig) Part-I is overlapping PB-31 Charge No. 13 Circle No. 2
- PB-33's Mauza Takhtani Jadeed (Kachibaig) Part-I is overlapping PB-31 Charge No. 13 Circle No. 1
- PB-33's Mauza Mian Khan (Kachibaig) is overlapping PB-31 Charge No. 13 Circle No. 6
- PB-33's Mauza Mian Khan (Kachibaig) is overlapping PB-31 Charge No. 14 Circle No. 1

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- PB-33's Mauza Mian Khan (Kachibaig) is overlapping PB-31 Charge No. 14 Circle No. 2
- PB-33's Mauza Mian Khan (Kachibaig) is overlapping PB-31 Charge No. 14 Circle No. 3

e. PB-33 & PB-28

- PB-33's Mauza Takhtani Jadeed (Kachibaig) Part-I is overlapping PB-38 Charge No. 8 Circle No. 6

E. The very issue raised by the petitioner regarding overlapping occurred due to lack of coordination between ECP and local administration.

(Details of over-lapped areas and maps are From Page 22 to 27 as per Index for ready reference).

F. That, the petitioner seeks to propose the following changes / amendments in PB-30 Quetta-VI (as per index page no. 6-7).

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a. The inclusion of the following Census Charges of Quetta Cantonment:-

- Charge No. 1

b. The inclusion of the following Census Charges / Census Circles of Metropolitan Corporation Quetta:-

- Charge No. 11
- Circle No. 1 of Charge No. 6
- Circle No. 4, 5 & 6 of Charge No. 12
- Charge No. 10 excluding Circle No. 2

c. The reasons for such inclusion are that the said area was previously known as PB-4 Quetta-IV and was since long represented properly and no objections from any corner was raised ever regarding the

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limits of the constituency in the previous decade and a half.

d. That, the proposed geographical boundaries of PB-30 Quetta-VI by the petitioner are almost the same as that of the previous PB-4 Quetta-IV and is geographically compact area comprising of the existing boundaries of the administrative units and facilities of communication with in the proposed PB-30 Quetta-VI. The area is easily accessible by all means. Homogeneity can be found in the proposed area by the petitioner.

e. Furthermore, the petitioner seeks exclusion of the following Census Circles / Census Charges from the preliminary proposed delimitation of PB-30 Quetta-VI as published by ECP.

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- Circle No. 1, 2 & 3 of Charge No. 12.

f. The reasons for the above mentioned exclusions are due to the fact that the said area is overlapped by the preliminary proposed PB-27 Quetta-III published by ECP.

g. The area so excluded would be properly represented by the elected representatives of PB-27 Quetta-III as there is uniformity in the proposed area.

h. Furthermore, In the overlapped area of preliminary proposed PB-27 and PB-30, it would be very difficult for the candidates and voters to recognize their constituency. Hence, it is prayed that the proposed changes in PB-27 and PB-30 may be accepted as proposed by the petitioner.
(As per the index page No.6-7)

G.A.
10/1/20

That, the petitioner seeks to propose the following changes / amendments in PB-25 Quetta-I, PB-27 Quetta-III, PB-28 Quetta-IV, PB-29 Quetta-V, PB-30 Quetta VI, PB-33 Quetta-IX (as per the index Page 6-7)

H. That, the petitioner proposed the above changes keeping in view that local dynamics of the population in mind, means of communication for the ease of the voters, historic boundaries and the homogeneity of the areas plus keeping in view the population growth ratio of the proposed areas.

I. That, petitioner reserves the right to argue any other point at the time of arguments with kind leave of this Honorable Commission.

P R A Y E R:

It is, therefore, respectfully prayed that in view of submissions made herein-above, it is humbly prayed that

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preliminary delimitation of PB-30 Quetta-VI be re-notified as per the proposed map provided by the petitioner, which includes the Charge No 1 of Quetta Cantonment and Charge No. 11, Circle No. 1 of Charge No. 6, Circle No. 4,5 & 6 of Charge No. 12 and Charge No. 10 excluding Circle No. 2 of Census Charges / Census Circles of Metropolitan Corporation Quetta.

Any other relief which this Hon'ble commission may deem fit and proper in the circumstances of the case is also solicited.

Quetta.

Dated: 1 - 04 - 2018

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PETITIONER
Javed Ahmed Khan