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BEFORE THE ELECTION COMMISSION OF
PAKISTAN
THROUGH ITS WORTHY SECRETARY

**REPRESENTATION u/s 21 of Elections Act 2017 read with
rule 21 of Election Rules 2017 and other enabling laws,
challenging Preliminary Delimitations of Provincial
Assembly constituencies of District Charsadda, i.e,
PK-59 & PK-60**

Respectfully Sheweth:

1) That the instant representation is being filed by Babar Ali Khan Mohmand (hereinafter referred to as 'Applicant'), who is a voter member of PK-60, Charsadda V, Khyber Pakhtunkhwa, having block code: 036020106 and serial no. 193 – and the applicant is duly competent to file the instant representation under the law. Pertinent to mention that the applicant is a former Member of Provincial Assembly of Khyber Pakhtunkhwa.

(CNIC copy of applicant is attached with memorandum)

2) That through this representation, the applicant seeks to challenge the preliminary delimitations of two provincial assemblies of Charsadda, i.e, PK-59 and PK-60 .

(Official map of preliminary delimitations of District Charsadda is annexed as Annexure-A)

3) That delimitations of provincial constituencies district Charsadda, i.e, PK-59 and PK-60 has been made in sheer violation of section 21 of Election Act 2017 and other enabling laws/rules of Elections. Being aggrieved of proposed delimitations, the applicant seeks indulgence of this honorable commission to reconsider the delimitations of said constituencies, *inter-aalia*, on following grounds.

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GROUNDINGS:

1) That while conducting the delimitations of provincial constituencies PK-59 and PK-60, relevant laws, rules and factual circumstances has been ignored. Under proposed delimitations, entire tehsil Shabqadar of district Charsadda has been made one constituency, by excluding its five Patwar Circles, which includes the following Patwar Circles:

- a) Battagram;
- b) Kharki;
- c) Yaghi Band;
- d) Kangraa;
- e) Haji Zai.

2) That the Patwar Circle of Hajizai is part of tehsil Shabqadar, the principal constituency of which is PK-60, however in proposed delimitations, it has been made part of PK-59 which is principal constituency of tehsil Charsadda of district Charsadda.

3) That the Patwar Circle of Hajizai in PK-59 was part of PK-60 (tehsil Shabqadar) before new proposed delimitations. So, the proposed relocation of Haji Zai will not only disturb the population of tehsil Shabqadar, but tehsil Charsadda also.

4) That the proposed relocation of Patwar Circle of Hajizai from PK-60 to PK-59 will create severe hardships for general public, as their constituency now falls in tehsil Charsadda, while geographically they are connected directly with tehsil Shabqadar. Public will suffer grave inconvenience as their vote will be registered in an area which basically falls in tehsil Charsadda, while the area is actually part of tehsil Shabqadar. Thus in proposed delimitations, the physical features, facilities and connectivity of communication, and existing boundaries of administrative units has been completely ignored.

5) That a part of ^{Union Council} [REDACTED] of Haji Zai is still in PK-60, while large part has been relocated to PK-59. It will baffle people of Haji Zai as some of them will be voting in PK-60 and some voting in PK-59. [REDACTED]

[REDACTED] This erroneous delimitation will also result in low turn-out in general elections, which is against norms of democracy and spirit of election.

SUGGESTIONS FOR AMENDING PROPOSED DELIMITATION.

WHEREFORE in the premise, it is humbly suggested that:

Patwar circle of Haji Zai, having population of 13,165, which has been included in PK-59 in proposed delimitations, may kindly be added back to PK-60 Charsadda V, in the best interest of justice, and public welfare and convenience. While Patwar Circle of Sareekh, having population of 13,744, may be included in PK-59 Charsadda for adjustment of populations in both constituencies. So, amending proposed delimitations as per suggested delimitations will not effect population fo both constituencies of PK-59 and PK-60, as population of both suggested Patwar Circles are almost same.

It is pertinent to mention that Patwar Circle Sareekh in previous delimitations was not located in PK-60. It has been included in PK-60 in proposed delimitations.

(Map showing suggested amendments in proposed delimitations is annexed as Annexure-B)

GROUNDS SUPPORTING SUGGESTED AMENDMENTS.

- 1) That traditionally, historically, socially and geographically Patwar Circle of Haji Zai has been part of constituency of tehsil Shabqadar, i.e. PK-60 Charsadda.
- 2) That keeping in mind all the four factors narrated in (1), *ibid*, the layout of services, road network, courts establishment, revenue, policing, education and health etc of Patwar Circle of Haji Zai; they are aligned with PK-60 Charsadda.
- 3) That Patwar Circle of Haji Zai is in close proximity, geographically and adminstratively connected with tehsil Shaqabdar (PK-60), not tehsil Charsadda (PK-59).

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4) That after addition of Patwar Circle Haji Zai in PK-60 Charsadda, entire Union Council of Haji Zai will then fall in PK-60 Charsadda, as of now part of UC Battagram is located in PK-59 and part in PK-60. This will not only create convenience for public therein, but will also increase the voting turn-out in next election.

5) That after relocating Patwar Circle Sareekh from PK-60 to PK-59 Charsadda, for adjusting population of both constituencies, entire Union Council of Battagram will fall in PK-59 Charsadda, as of now part of UC Battagram is now located in PK-59 and part in PK-60. This will not only create convenience for public therein, but will also increase the voting turn-out in next election.

6) That the adjustment of both constituencies by adding PC Haji Zai from PK-59 to PK-60 and adding PC Sareekh from PK-60 to PK-59 will not disturb the population of both constituencies as population of both Patwar Circles, i.e PC Haji Zai and PC Sareekh, are almost same.

Total Population of Patwar Circle Haji Zai: 13,165

Total Population of Patwar Circle Sareekh: 13,744

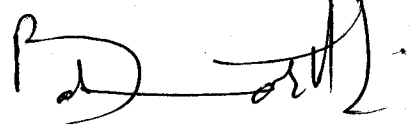
Above facts and figures transpires that relocation of both Patwar Circles will not effect the population equilibrium of both constituencies, i.e PK-59 and PK-60 Charsadda.

PRAYER.

In view of the aforementioned grounds, it is respectfully prayed that the proposed delimitations of mentioned constituencies, PK-59 and PK-60 Charsadda, may kindly be amended as per the suggested amendments narrated above in the best interest and welfare of public.

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APPLICANT,

Babar Ali Khan Mohmand

s/o

Muhammad Ali Khan Mohmand

r/o Village Haleemzai, tehsil Shabqadar,

District Charsadda.

Voting block code: 036020106, Serial no: 193

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