

**BEFORE THE ELECTION COMMISSION OF PAKISTAN**

Representation No. \_\_\_\_\_ / 2018

Dawood Ahmad Son of Fazal e wadood

R/O Gula abad Charpareza Tehsil and district Peshawar

PETITIONER

**REPRESENTATION U/S 21 OF THE ELECTION ACT, 2017  
AND OTHER RELEVANT ENABLING RULES OF THE  
ELECTION RULES, 2017 FOR THE CORRECTION OF  
THE LIMITS OF THE CONSTITUENCY PK-66, PK 67 & PK  
68, PESHAWAR III**

**Respected Sheweth:**

1. That the petitioner is the law abiding citizen of Pakistan, residence of village Gula Abad Charpareza tehsil and district Peshawar and a registered voter of the said village.
2. That after the Population census of 2017 and the formulae given therein and also mandate under article 51(5) of the constitution of Islamic republic of Pakistan, 1973 the election commission of Pakistan (herein after referred to as 'the commission') started to conduct delimitation of the constituencies of National & provincial assemblies in accordance with the provisions of newly enacted election act, 2017 (herein after referred to as 'the act') and the election rules 2017 (herein after referred to as 'the rules') made thereunder.
3. That the commission, U/S 17 of the act, vide its notification (Impugned Notification) in official gazette dated 05.03.2018, inter-alia, proposed the delimitation of the constituencies of district Peshawar, whereby 5 National Assembly constituencies ranging from NA-27 to NA-31 and 14 provincial assembly constituencies, ranging from PK-66 to PK-79 have been created.
4. That the proposed delimitation of the afore-mentioned constituencies, by the commission, through was made in good faith and for the ease and accessibility of the populous, however, the same being ultra vires the act and the rules will instead be a cause of tremendous inconvenience for the candidates, contesting from, and the voters, of the proposed constituencies.
5. That being aggrieved of the proposed delimitation by the commission, vide the impugned notification, the representators seek to amend, alter, modify and propose details of how the constituencies, in district Peshawar, be delimited, inter-alia, on the following:

## GROUNDS

A. That the proposed delimitation of the constituencies of district Peshawar by the commission are against the law, arbitrary, capricious, malafide and without jurisdiction, hence are blatantly violative of;

I. Articles 2-A, 4 and 218 read with the principles of policy of the constitution of Islamic republic of Pakistan, 1973 (herein after referred to as 'the constitution')

II. Section 17 and 20 of the act ;

III. Rules 9 and 10 of the Rules; and

IV. Norms and principle of the natural justice.

B. That section 17 of the act, inter-alia, provides;

### **17. Commission to delimit constituencies---**

(1) the commission to delimit territorial constituencies for elections to the national assembly, each provincial assembly and to the local governments in accordance with the provision of the constitution this Act, the Rules and the applicable local government law"

Similarly section 20 of the Act, inter-alia, Provides;

**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

It is pertinent to mention that the commission, inter-alia, has failed to give any regard to the distribution of the population in geographically compact areas, the physical features, facilities of communication and public convenience while delimiting the constituencies of district Peshawar. It is apt and imperative to mention that by way of the proposed delimitation by the commission, each constituency has been marked in a radius of circa 20kms to 25kms by road, which is a cause of major inconvenience of the voters of each constituency. Moreover, by way of the proposed delimitation by the commission, areas with different sub-cultural backgrounds have now been brought together in a single constituency, thus, defeating the idea and concept of 'homogeneity in the creation of the constituencies', as provided for by the Act and the rules made thereunder. Therefore, on this score alone the proposed delimitation by the commission is liable to be altered, modified and/or reviewed or declared ab initio void.

C. Because Rule 9 of the Rules, inter-alia, Provides;

“9(3) --- the commission shall convey the share of seats for each district or districts or agency or agencies in the national assembly or, as the case may be, the share of the seats for each district or districts in the provincial assembly, to the concerned Delimitation committees constituted under sub-rule (1) and sub- rule (2) and shall also provide guidelines and time frame for the functioning of the committee.”

It is apposite to stated that the commission was also mandated to issue ‘guidelines’ to conduct the delimitation in order to guard the same from any external influence so that the upcoming elections could be conducted in a free, fair and just manner.

D. That Rule 10 of the rules, inter-alia, provides;

“10(3) ----- in preparing draft proposal for delimitation of constituencies, the delimitation committee shall follow the principles of delimitation as laid down in section 20, procedure given in this chapter and the guidelines provided by the commission from time to time.”

(5) as far as possible, the delimitation of constituencies of an assembly shall start from the northern end of the district, or, as the case may be, the agency and then proceed clockwise in zigzag manner keeping in view as close as may be practicable to the quota.

E. That the main problem with the commission proposed is that it included PC Takhta abad awal, PC mamokhatke and PC shagai bala in PK-67, whereas this new formation of the above mentioned villages within themselves, have either no or very poor connection of local transport with rest of the constituency of PK-67 because of the River shah alam in between.

F. That therefore it is pertinent to mention here that due to the above mentioned problem and to get rid of this issue once and for all it would be more suitable if the said three Patwar Circles PC Takhta abad awal, PC mamokhatke and PC shagai bala can be added with PK-68, hence it becomes very impractical for any person wishing to travel from one end of his constituency to the other.

Similarly on the basis of same reasons as mentioned above Patwar circles Sakrkhana and Niyamey of PK-67 may be added with PK-66.

Further more it is suggested that most of the area of Patwar circle Aryana payan is linked with PK-67 which may be included in it.

G. That the above mentioned proposals/suggestions in the preceding paras will also balance the three constituencies’ population wise.

## PRAYER:

It is therefore most humbly prayed that in the light above stated facts and grounds, on acceptance of instant representation the proposed Draft/Description of the delimitation of the Constituencies at district Peshawar by the commission may graciously be set-aside/amended/modified and reviewed in the light of the proposal in the best interest of the public.

Petitioner



Dawood Ahmad S/O Fazal e wadood

R/O Gula abad Charpareza Tehsil and district  
Peshawar

CINCC :- 17301-1923685-3

Vote No: 24

CBC No: 037011403

Vote Certificate will be  
Presented or hearing day.

PK - 66 304,285

PK - 67 294,892

PK - 68 312,174

PK 66

Proposed population 2,90582 by Election Commission

|                           |               |   |             |
|---------------------------|---------------|---|-------------|
| Addition:                 | P.C. Sarkhana | = | 5833        |
|                           | P.C. Niemi    | = | <u>7870</u> |
| Proposed total population |               | = | 304285      |

PK- 67

Proposed population by Election Commission 303432

|                           |                    |   |               |
|---------------------------|--------------------|---|---------------|
| Subtract:                 | P.C. Sarkhana      | = | 5833          |
|                           | P.C. Niemi         | = | 7870          |
|                           | P.C. Takhtabad     | = | 11678         |
|                           | P.C. Mamoo Khatki  | = | 11464         |
|                           | P.C. Shagi Bala    | = | <u>10546</u>  |
|                           |                    | = | 256041        |
| Addition:                 | P.C. Haryana Payan | = | <u>38851</u>  |
| proposed total population |                    | = | <u>294892</u> |

PK-68

Proposed population by Election Commission 3,17337

|           |                    |   |              |
|-----------|--------------------|---|--------------|
| Subtract: | P.C. Haryana Payan | = | <u>38851</u> |
| Addition: | P.C. Takhtabad     | = | 11678        |
|           | P.C. Mamoo Khatki  | = | 11464        |
|           | P.C. Shagi Bala    | = | <u>10546</u> |