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8/07/09/20

**BEFORE THE HONOURABLE ELECTION COMMISSION OF
PAKISTAN, ISLAMABAD**

Muhammad Fayaz Khan Son of Shahbaz khan, Resident of Shahinda, P.O Charpariza
District Peshawar, Khyber Pukhtoonkhwa.

CNIC No. 17301-2149148-9 bearing Voter No.113.

**Representation/Objections under Section 21(3) of Election Act, 2017 For
Inclusion Of Kaniza Union Council PC ALIZAI of Peshawar with Pk-66
and inclusion of Union Council of Qila Shah Baig Union Council PC
SHGHALI BALA in PK 67 Peshawar On The Ground Of Geographical
Attachment And Others Considerable Factors.**

Respectfully Sheweth:-

1. That the brief facts of the case are that the petitioner is a law-abiding citizens of Pakistan and belong to of Shahinda , P.O Charpariza District Peshawar, Khyber Pukhtoonkhwa. Bearing CNIC No.17301-2149148-9. Copy of the voter extract Certificate is attached as Annexure "A".
2. That the petitioner is presently member district Council Peshawar.
3. That this honorable Commission issued a draft list of proposals for the delimitation of constituencies, vide notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules,2017 for information of public and invited the public to file objections, if any, within 30 days , under section 21 (3) of Elections Act, 2017 hence the instant petition.
4. That the district Peshawar is administratively subdivided into ninety two (92) union councils. It is City districts and is comprised of four towns namely TOWN-I, TOWN-II, TOWN-III and TOWN-IV.

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5. That currently District Peshawar is represented by four elected MNA (Member of National Assembly) elected from NA constituency NA-1 NA-2 NA-3 and NA-4 and eleven elected MPAs in the provincial assembly of Khyber Pukhtunkhwa who represent the constituencies, of peshawar District.
6. That under the new draft list of proposals for the delimitation of constituencies issued by this Honorable Election Commission of Pakistan vide notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018, the Number of seats for District Peshawar in the national assembly and provincial assembly were increased from 4 to 5 seats and from 11 to 14 respectively.
7. That under the new draft issued by this Honorable Election Commission of Pakistan vide notification No. F.8 (3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules, 2017. The petitioner's old provincial assembly constituency, and National assembly, are now re-numbered.
8. That one of the union council namely, "**Kaniza**" was part of the old PK-7 is now merged into the old constituency PK-8 the new proposed PK-67 disregard to geographical position of the area, physical features, existing boundaries of administrative units, facilities of communication, convenience of the public at large, social and cultural affiliations voters female voters in particular, and other cognate factors.
9. That the that the union council of Qila shah Baig under the new draft issued by this Honorable Election Commission of Pakistan vide notification No. F.8 (3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules, 2017 is merged in to the new Proposed PK-66 THE Old Pk-8.
10. That the Union Council Qila shah Baig despite being across of river kabal and is administratively run by the police station Dawood Zai is made part of old PK-8 and new Pk- 67 without any logic. It transpires that during the process of de-limitation of constituency, uniformity in population as well as the geographical cogency was ignored.

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11. That the basic principles for delimitation are to pay consideration to the distribution of the population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience but the authorities ignored these prime factors and made delimitation in vacuum, causing inconvenience.
12. That all the member of both of the union councils are agreed on the below mentioned ALTERNATIVE PROPOSAL in this regard Resulation has been passed by the respective councils.

Grounds

The Petitioner is aggrieved with the delimitation preliminary draft of the provincial assembly new constituencies of PK-66 and PK-67 Peshawar and seek review of the proposals regarding Provincial Assembly's constituencies NO. PK-66 and PK-67 on the following grounds amongst others:-

Geography.

- I. That the authorities overlooked the mandatory legal requirements of geographically connected areas while delimiting. Qila shah Baig union council situated across the river Kabal of the PK 67 peshawer constituency, it has been included in PK 66, which has no geographical connection with it. Which is the gross violation of the principles of delimitation section 20 of the Election Act 2017. These arrangements amounts to jeopardizing the rights of the people of Union council Qila shah Baig and union council Kaniza. Hence should be revisited. Copy of the map is attached as **Annexure "B"**
- II. It is relevant to mentioned that, the map provided from the Deputy Commissioner peshawer office to this honorable commission is outdated and have no detail to show boundaries of the union councils in proper manner which lead this honorable commission to misreading of the said map and particularly While delimiting the PK-66 and Pk-67.

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Administrative Arrangements

- III. That both union Councils are look after by different police Station and the voter of the union councils are needs to be intact in the one constituency which is more convenient and geographically connected. Hence if the voters of the Kaniza Union council are not keep intact with Pk-66 Peshawar it will cause great difficulty for the administration to govern the public affairs. Moreover the Union council namely Qila Shah Baig needs to be part of the Pk-67.

ALTERNATIVE PROPOSAL

That the Kaniza Union Council PC ALIZAI of peshawar is geographically attached and, naturally connected with Pk-66 Peshawar by inclusion of this union council in Pk-66 the total population of the said constituency will meet the prescribed requirement of the delimitation for the provincial constituency. On the other hand by inclusion of Qila Shah Baig Union Council PC SHGHALI BALA in PK 67 peshawar will meet the prescribed requirement of making of a constituency. Copy of the proposed Map is attached as Annexure "C".

PRAYER:

In view of the above circumstances, it is most respectfully prayed that to correct the error in delimitation of the provincial constituencies PK-66 and 67 Peshawar by inclusion of Union Council Kaniza and PC ALIZAI into PK-66 Peshawar and by the inclusion of union council Qila Shah Baig Union Council PC SHGHALI BALA in PK 67 Peshawar.

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Further, it is requested that the delimitation officer be directed to carve out the constituencies afresh as per the ALTERNATIVE PROPOSAL mentioned above.

Any other relief, which this Hon'ble Commission may deem proper in favor of the petitioner, may also be granted.



Muhammad Fayaz Khan Son of Shahbaz khan

Resident of Shahinda , P.O Charpariza District Peshawer, Khyber Pukhtoonkhwa.

CNIC No. 17301-2149148-9 Voter No.113.

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Through:



TUFAIL SHAHZAD
Advocate High Court

SABIR AHMAD
Advocate High Court