

BEFORE THE ELECTION COMMISSION OF PAKISTAN
(Through Secretary Election Commission of Pakistan)

REPRESENTATION UNDER SECTION 21(3) FOR AMENDMENT TO THE PROPOSED PROVINCIAL ASSEMBLY CONSTITUENCIES OF DISTRICT PESHAWAR (URBAN) IN PARTICULAR THE PROPOSED CONSTITUENCY PK-78 PESHAWAR-XIII AS PUBLISHED IN THE DRAFT LIST OF CONSTITUENCIES

Respectfully Sheweth;

The essential facts necessitating this representation are:

FACTS:

1. **That** applicant is permanent resident of Peshawar bearing CNIC number 17301-1496812-9, and is enrolled as voter in the proposed constituency PK- 78, which was earlier provincial constituency PK-3. The applicant contested election from the said constituency in GE 2008. Father of the applicant, Shaheed Bashir Ahmad Bilour was elected MPA from the same constituency for consecutive five terms in the general election held since 1990 till 2008.
2. **That** in the draft list of constituencies as finalized and published under Section 21 of the Election Act, 2017 read with Rule 10(7) and 11 of the Election rules the applicant falls in PK 78 PESHAWAR 13 in of the Draft list of constituencies. In the published list of constituencies, the PK 78 as proposed has been carved out in a manner causing inconvenience to the public, breaking administrative units and distributes geographically compact and coherent areas in different constituencies, thus prefers this representation on the following grounds:

GROUND

- A. **Because** the proposed constituency PK 78 PESHAWAR XIII has been drawn without adhering to the principles of delimitation as enunciated in Section 20 of the Election Act, 2017 read with Rule 10 of the Election rules 2017.
- B. **Because** Kohat Road in the major road inside the city which makes a natural boundary separating the proposed constituencies, PK 78 and PK 75. Census circle No. 01 of the Charge No. 15, has always been part of the previous/former constituency, PK 3. The same circle is separated from the PK 78 in the preliminary list of constituencies through the major route in the city i.e. Kohat

Road Peshawar. In all earlier delimitations Kohat Road remained the major boundary separating the draft/preliminary PK 78 and PK 75. Considering compactness, proximity and the physical features of the area the aforementioned census circle remained part of the former PK-3 constituency of Peshawar. Thus the exclusion of the aforesaid census circle from PK 78 and its inclusion in PK 75 is unjustified and against the principles of delimitation.

(Reference is made to the maps annexed herewith marked – A (map obtained from Election Commission & B- as proposed by applicant)

- C. **Because** the population inhabiting in the aforesaid Census circle No. 01 of the Charge No. 15 is distinct from the other census circles in the Census Charge. On the opposite side of Kohat Road lies Kotla Mohsin Khan, Dheri Baghbanan and Landi Arbab areas inhabited by indigenous pashtun population and the same area didn't made part of the Peshawar city and was a suburb of the city. People inhabiting these areas are culturally and linguistically distinct from the people inhabiting Census circle No. 01. Population of the same census circle is culturally and linguistically homogeneous with the community in the proposed PK -78, and this important factor has not been considered while drawing up the constituencies.
- D. **Because** Charge No. 13 of the Census was earlier part of the former constituency. In the draft constituency Census Circle No. 06 has been excluded from the constituency. The same census circle includes Quaid Abad No. 1, Quaid Abad No. 2, Mehmood Abad, Qasim Abad No. 1, 4 & 5 and Muslim Abad No. 1 & 4, Mohalla Mian Ghulam Jilani Nagri, Fazal Elahi Colony areas which lies on the circular road in front of the historical city wall (*Faseel-e-Shehr*). These are compact areas inseparably connected through the Circular Road which is the main road running through the draft/preliminary PK-78 Constituency. In the earlier delimitations the community inhabiting the area was part of one and the same constituency.
- E. **Because** the exclusion of the above mentioned areas is against the rules and principles of the delimitation and has greatly disturbed the geographical compactness of the areas as well as the homogeneity of the communities and has caused serious inconvenience to the public in the proposed PK 78. Carving out of Census circle No. 01 across the Kohat Road and proceeding further in highly lopsided manner and encompassing the areas lying on the Circular Road which makes heart of the proposed PK 78 is unjustified and amount to gerrymandering.
- F. **Because** the areas comprising Charge No. 13 Circle No. 06 and Charge No. 15 Circle No. 1 are administratively part of Municipal Administration Town 1, Peshawar, and have been clubbed with constituencies making part of Municipal Administration Town III Peshawar in the preliminary list of constituencies. These

anomalies along with the reasons aforementioned add to miseries and difficulties to the general public inhibiting these areas.

G. **Because** the former PK-3 Constituency contained the same areas and population in almost every delimitation conducted since 1970. The long duration wherein the constituency remained unaltered owing to its geographic compactness, communication infrastructure and public convenience has developed strong social and political relations between the electors, political parties and contesting candidates, and has also developed social and political mobility patterns and trends of relations between political workers of grass root levels to those contesting for the provincial and even national assembly seats. Thus carving out a constituency without any regard to factors herein above is violation of the rules of delimitation.

H. **Because** the grounds urged for exclusion and inclusion of certain areas from PK 78 affects other preliminary constituencies including PK 75, and as a draft proposal for the entire district is required with the representation under the rules, the following table details the said alterations with reasons and justification in favor of this representation and the proposals accordingly :

| S. No. | Column 1 | Column 2 | Column 3 |
|--------|---|---|--|
| 1 | Charge 7, Census Circles 14, 15, 16 are included in draft/preliminary PK-76 constituency | The census charge/circles in column 1 the areas of the Wapda House, Wapda Colony and Hassan Ghari etc. lying contiguous to Shami road and cantonment area (draft/preliminary PK 75) | The areas of Census circles referred to in column 2 are more homogeneous and compact with PK 75 and be made part of the same constituency (Population deficit of PK 75 due the proposed exclusion of Census Charge 15 Census circle 01 and Census Charge 13 Circle 06 as urged for including in PK-78 is compensated with this alteration. |
| 2 | Charge No. 7 Census circles 5, 18 and 19 are included in draft/preliminary constituency PK-77 | The census charge/circles in column 1 are the | These areas referred to in Column 2 are compact and |

(7)

PK-78

| | |
|---|---------|
| a) Census Charges No. 11 | 28,112 |
| b) Census Charges No. 12 ex. CIR-01 45469-4309=41160 | 41,160 |
| c) Census Charges No. 13 | 206,592 |
| d) CIR. 01 of Charge No. 15 | 15,980 |
| Total | 291,844 |

PK-79

| | |
|---|---------|
| a) Census Charges No. 14 ex. Circle No. 01=14,691 Circle No. 01=11,518 218320-26209=192111 | 192,111 |
|---|---------|


b) The following PCs of Badhbair QH

| | |
|-------------|---------|
| AHMAD KHEL | 23,402 |
| BAZID KHEL | 18,525 |
| DEH BAHADUR | 12,135 |
| MUSA ZAI | 19,152 |
| UTMAN ZAI | 21,876 |
| Total | 287,201 |

| PK# | NOTIFIED BY ECP | PROPOSED |
|-------|-----------------|----------|
| PK-66 | 296593 | 296593 |
| PK-67 | 309422 | 309422 |
| PK-68 | 317337 | 317337 |
| PK-69 | 315234 | 315234 |
| PK-70 | 318510 | 318510 |
| PK-71 | 317912 | 317912 |
| PK-72 | 306432 | 306432 |
| PK-73 | 288996 | 288996 |
| PK-74 | 299365 | 299365 |
| PK-75 | 295046 | 298785 |
| PK-76 | 294498 | 319282 |
| PK-77 | 298857 | 302166 |
| PK-78 | 297467 | 291844 |
| PK-79 | 313410 | 287201 |
| TOTAL | 4269079 | 4269079 |

Census data from Pakistan Bureau of Statistics is annexed herewith marked - C

It is therefore prayed that on acceptance of the instant representation in view of the above the delimitation of the provincial constituencies of District Peshawar (Urban) may kindly be delimited as proposed in this representation.


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 S/O Shaheed Bashir Ahmad Bilour
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