

BEFORE THE ELECTION COMMISSION OF PAKISTAN

ISLAMABAD

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

*Handwritten:* 1/30/07/2018

**Before:**

The Secretary (ECP) Secretariat, Election House, Constitution Avenue, G-5/2, Islamabad.

**On behalf of:**

1. Muhammad Azeem S/O Muhammad Anwar CNIC No. 13302-0473320-1, R/o Aslam Khan Colony Tehsil and District Haripur. (Cell No: 0314-5003024) **and another**  
 ...Applicants/Petitioner

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Petitioners

Through:

(MALIK QAMAR AFZAL)  
 Advocate Supreme Court  
 HCC No.379

Dated: 22-03-2018

BEFORE THE ELECTION COMMISSION OF PAKISTAN

ISLAMABAD

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

**Before:**

The Secretary (ECP) Secretariat, Election House, Constitution Avenue, G-5/2, Islamabad.

**On behalf of:**

1. Muhammad Azeem S/O Muhammad Anwar CNIC No. 13302-0473320-1, R/o Aslam Khan Colony Tehsil and District Haripur. (Cell No: 0314-5003024).
2. Liaqat S/O Fazal-ur-Rehman CNIC No. 13302-1466112-7, R/o Mohallah Eidghah Tehsil and District Haripur. (Cell No: 0321-9845844).
3. Waheed Khan S/O Muhammad Banaras CNIC No. 13302-0460690-1, R/o Central Jail Area, Roshanabad Tehsil and District Haripur. (Cell No: 0300-9793909).
4. Faisal Khan S/O Fareed Khan CNIC No. 13302-0477573-1, R/o Aziz Colony Central Jail Area Tehsil and District Haripur. (Cell No: 0333-2424540).
5. Malik Muhammad Idrees S/O Abdul Sattar CNIC No. 13302-0527296-1, R/o House No. 1597 Mohallah Malikpura Tehsil and District Haripur. (Cell No: 0300-5602445).

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6. Malik Muhammad Akhtar S/O Malik Muhammad Aslam CNIC  
No. 61101-2450567-1, R/o Noor Colony Main Kachi Road  
Mohallah Qaziabad Tehsil and District Haripur. (Cell No:  
0300-8505051).

...Applicants/Petitioners

REPRESENTATION UNDER SECTION 21(3) OF THE ELECTION  
ACT 2017 READ WITH RULE 11 (4) OF THE ELECTION RULES  
2017 FOR THE DE-LIMITATION OF THE PROPOSED  
CONSTITUENCY NO. PK-40 IN THE PRELIMINARY REPORT

Respectfully Sheweth:

### ABSTRACT

The District Haripur consisting of Three Tehsil namely Tehsil  
Haripur, Tehsil Ghazi and Tehsil Khanpur; have been proposed to  
be divided into three provincial constituencies PK-40, PK-41, and  
PK-42;

The instant representation pertains to proposed PK-40; The PK-  
40 purely based in Tehsil Haripur having no part in any other Tehsil;

The Municipal Committee Haripur (Referred as Census Charge  
No. 5) which consists of three Union Council namely UC-Notr, h,  
UC-Central and UC-South collectively having population of 85,  
739, which is not only the District headquarter as well as Tehsil

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Head quarter of Tehsil and District Haripur; The proposed addition of Municipal Committee Haripur into PK-42, which in actuality is an island within PK-40 disturbing the geographic compactness is also distributed against clock-wise formula according to the Election Act 2017 and Rules framed thereunder; Further the same inclusion not only deprives PK-40 of Tehsil Headquarter / Urban Area but in effect leaves PK-40 to a rural constituency; The same proposed act also creates two Tehsil Head Quarters in PK-42 and none in PK-40;

Further The three Patwar Circles Namely PC-Jagal, PC-Dhenda, PC-Chohar Sharif along whit Khalabat (MC) (Referred to as Census Charge No. 6) comprising of two Union Councils namely Terbela and Khalabat, collectively having population of 73, 008 have bona-fide-mistakenly been added to PK 40; whereas the same merits to be included in PK-42; the same is challenged on the following grounds:

**GROUND**

a. The parameters as mentioned under the Election Act 2017 and Rules made thereunder have been violated;

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- b. The Quota Per Seat for the constituency of Provincial Assembly of Khyber Pakhtoonkhwa is 308, 317;
- c. The total population of proposed constituency PK-40 is 326,482; whereas the population of proposed constituency PK-42 is 332,073;
- d. The Municipal Committee Haripur (Referred as Census Charge No. 5) having population of 85, 739 which is not only the District headquarter as well as Tehsil Head quarter of Tehsil Haripur has been wrongly been included in PK 42 against clock-wise distribution according to the Election Act 2017 and Rules framed thereunder; The proposed addition of Municipal Committee Haripur into PK-42, which in actuality is an island within PK-40 disturbing the geographic compactness, the same not only deprives the inhabitants of PK-40 from a Tehsil Headquarter / Urban Area but in effect leave PK-40 to a rural constituency;
- e. The proposed addition of Municipal Committee Haripur into PK-42 also crates two Tehsil Head-Quarters within PK-42 and leaves none in PK-40; The inhabitants of PK-40 have been deprived of Tehsil Headquarter, which crates public inconvenience and communication gap for the people of PK-40;

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- f. The constituency PK-40 has mistakenly been included by three Patwar Circles Namely PC-Jagal, PC-Dhenda, PC-Chohar Sharif along with Khalabat comprising of two Union Councils namely Terbela and Khalabat, all collectively having population of 73,008 have mistakenly been added to PK 40; The same addition could be termed as a bona-fide mistake as the Proposed MAP of ECP shows the Terbela-Reservoir as a mass land part of land but actually it is a water reservoir and therefore the above said three Patwar Circles along with Khalabat have wrongly been added in PK-40 which merits to be included in PK-42;
- g. The inhabitants being effectees of Terbela Reservoir living in the three Patwar Circles along with Khalabat have clans and tribes in the areas belonging to PK-42; Therefore the three Patwar Circles along with Khalabat merits to be excluded from proposed PK-40 and included in proposed PK-42;
- h. The subject Municipal Committee Haripur was historically part of proposed PK-40 (Previously PF-40 – from 1988 to 2002- Thereafter referred as PF/PK – 50 from 2002 to 2017); Hence the inhabitants have never been left without a Tehsil Headquarter; Whereas the Patwar Circles Namely PC-Jagal, PC-Dhenda, PC-Chohar Sharif along with Khalabat

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comprising of two Union Councils namely Terbela and Khalabat were historically part of proposed PK-42 (Previously PF-41 from 1988 to 2002);

i. That according to the above said exclusion of the three Patwar Circles Namely PC-Jagal, PC-Dhenda, PC-Chohar Sharif along with Khalabat collectively having population of 73,008 form PK-40; and Inclusion of Municipal Committee Haripur having population of 85,739 shall bring the population of PK-40 and PK-42 as under:

- i. Existing Proposed Population of PK-40 = 326,482
  - By Exclusion of 73,008 form 326,482 = 253,474
  - By Inclusion of 85,739 to 253,472= **339,213**

- ii. Existing Proposed Population of PK-42 = 332,073
  - By Exclusion of 85,739 form 332,073 = 246,334
  - By Inclusion of 73,008 to 246,334= **319,342**

PP No.	Proposed Population according to ECP	Suggested Population by the Applicant
PK-40	326,482	339,213

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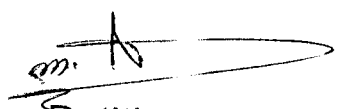
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PK-42	332,073	319, 342
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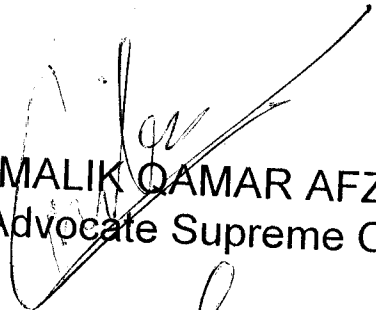
PRAYER:

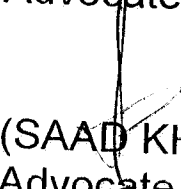
In the light of the above mentioned it is therefore prayed:


- a. The Municipal Committee Haripur (Referred as Census Charge No. 5) be added in proposed PK-40 and excluded from PK-42;
- b. The three Patwar Circles namely PC-Jagal, PC-Dhenda, PC-Chohar Sharif along with Khalabat MC (Referred to as Census Charge No. 6) comprising of two Union Councils namely Terbela and Khalabat shall be excluded form PK-40 and be included in PK-42;
- c. Any other relief to which the petitioners are entitled may kindly be granted in the interest of justice.

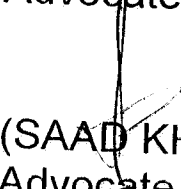
  
Petitioners

Through Counsel

  
(MALIK QAMAR AFZAL)  
Advocate Supreme Court

  
(SYEDA SUMMERA NAQVI)  
Advocate High Court

  
(AHMAD RAZA MANGAT)  
Advocate High Court

  
(SAAD KHAN)  
Advocate High Court