

**BEFORE THE DELIMITATION COMMISSION /ELECTION
COMMISSION OF PAKISTAN.**

Azam Khan Son Of Rosham Khan Resident Of Khan Qilla Par
Hoti District & Tehsil Mardan PK.

Petitioner.

Versus

1) Provincial Election Commissioner KP and Others.

Respondents.

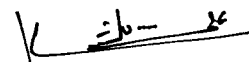
**REPRESENTATION UNDER SECTION 10, 10(3) READ WITH SECTION
10-A DELIMITATION OF CONSTITUENCIES ACT, 1974.**

INDEX.

S.No	Description of Documents	Pages
1.	Representation U/s 10, 10(3) R/w Section 10-A	1-9
2.	CNIC Copy of The Petitioner.	10
3.	Voter List Detail of the Petitioner.	11
3.	Draft of Constituencies Khyber Pakhtunkhwa	12-16
4.	Better Copy of Draft of Constituencies of KP	17-20
4.	Swat Motorway/Expressway Route Map	21
3.	Proposed Map of PK-50 Mardan III	22
4.	Maps of PK-50 Mardan III	23-27
5.	Number of Qanungo Circles, Patwar Circles	28-34
6.	Wakalat Nama	35


Petitioner

Through:



**Syed Kausar Ali Shah
Advocate Higher Courts
Member IBA Criminal Law Committee
Office District Courts Mardan KP
03454000690.**

BEFORE THE DELIMITATION COMMISSION /ELECTION
COMMISSION OF PAKISTAN.

Azam Khan Son of Rosham Khan Resident of Khan Qilla Par
Hoti District & Tehsil Mardan PK.

Petitioner.

Versus

- 1) Provincial Election Commissioner Bungalow No. 11-A, Michni Rd, Peshawar, Khyber Pakhtunkhwa.
- 2) Regional Election Commissioner Bungalow # 6, Bagh-e-Iram, Mardan Khyber Pakhtunkhwa.
- 3) Public At Large Residents of District Mardan.

Respondents.

REPRESENTATION UNDER SECTION 10, 10(3) READ WITH SECTION
10-A OF THE DELIMITATION OF CONSTITUENCIES ACT, 1974, ON
THE PRELIMINARY DELIMITATION PLAN IN PK-50 MARDAN-III OF
THE KHYBER PAKHTUNKHWA.

Respectfully Sheweth:

Facts In Brief:

- 1- That the constituency was numbered previously as PK- 30 Mardan and the petitioner was the contesting candidate and obtained considerable number of electoral votes and is determined to take part in the next General Election from the new constituency named, marked & proposed as **PK-50 Mardan-III** as per the preliminary delimitation.
- 2- That the newly named, marked & proposed under the new preliminary delimited constituency **PK-50 Mardan III** has been included the following areas: -

(a) The following Patwar Circles of Mardan (Kamal Zai Shumali) Qanungo Halqa of Mardan Tehsil.

- I- Mardan.
- II- Chak Mardan.
- III- Babini.
- IV- Fathma.
- V- Gaddar.
- VI- Bakhshali.
- VII- Shahbaz Garhi.
- VIII- Garhi Daulat Zai.

(b) The following Patwar Circles Of Sudhum Qanungo Halqa Of Rustam Tehsil

- (i)- Gujrat and
- (ii)- Garyala.

3- That Patwar Circles of Par Hoti, & Patwar Circles of Kamal Zai Shumali have been blindly include in **PK 51-Mardan IV** as these areas were previously integral part of Old PK-30 namely:

- (i)- Bala Garhi.
- (ii)- Kot Ismail Zai.
- (iii)- Kot Daulat Zai.

4- That at the same time in **PK-49 Mardan-II** the new preliminary delimitation reads:

- (c) Rustam Tehsil excluding the following Patwar Circle of Rustam Qanungo Halqa
 - (i)- Gujrat and
 - (ii)- Katlang.

But Garyala which is integral part of Tehsil Rustam has been pushed into the **PK-50 Mardan III**. This is wrong and illegal.

5- That the prime considerations under law, rules & procedure all constituencies are required to be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication, public convenience and other cognate factors to ensure homogeneity in the creation of constituencies for the general seats are, as far as possible, equal in population but in the instant case these principles have been ignored & violated hence the representation is filed inter-alia on the following grounds:-

Grounds for Representation:

1- That the preamble of Khyber Pakhtunkhwa Local Government Act, 2013 An Act to construct and regulate local government institutions in the Province of the Khyber Pakhtunkhwa and to consolidate laws relating to these institutions and to provide for matters connected therewith and ancillary thereto reads: WHEREAS it is expedient to encourage local government institutions composed of elected representatives and having special representation of peasants, workers, women, minorities and youth; *AND WHEREAS* clause (i) of Article 37 of the Constitution of the Islamic Republic of Pakistan, as a principle of policy, requires decentralization of government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public; *AND WHEREAS* clause (1) of Article 140A of the Constitution of the Islamic Republic of Pakistan, provides for establishment of a local government system and devolution of political, administrative and financial responsibility and authority to the elected representatives of the local governments; *AND WHEREAS* for the purposes aforesaid it is necessary to re-organize the local government system in

the province of the Khyber Pakhtunkhwa and consolidate laws relating to these institutions. As the local enactment cannot be totally ignored as, the aims and objectives of delimitation and local government is one and the same.

- 2- That the Patwar Circles of Kamal Zai Shumali namely (i) - Bala Garhi. (ii)- Kot Ismail Zai (iii)- Kot Daulat Zai are all as a matter of fact Patwar circles geographically compact areas of PK-50 Mardan-III and having existing boundaries of administrative units of PK-50 Mardan III hence the inclusion in preliminary delimitation in the PK-51 Mardan-IV is ill-logical and irrational not in accordance with law, rules and procedure.
- 3- That as per the location maps and plans both Garhis i.e. Daulat Zai and Ismail Zai should be made part and parcel of PK.51 Mardan IV while both the Kot i.e. Daulat Zai and Ismail Zai shall be made part and parcel of PK.50 Mardan III.
- 4- That the present Patwar Circles were marked and allocated as per the West Pakistan Land Revenue Act 1967, but the present day development, mega construction & fenced development i.e. Mardan Ring Road & Swat Motorway & creation of new Tehsils the Patwar Circles Par Hoti & (i)- Bala Garhi. (ii)- Kot Ismail Zai (iii)- Kot Daulat Zai Patwar Circles are caged with PK 50- Mardan-III and it will be almost impossible for the residents of one lined locality to be divided into three and against the distribution of population in geographically compact areas in PK 51 Mardan IV.

- 5- That the Patwar Circle Par Hoti, Bala Garhi and its village councils under the new development distribution facilities of communication, i.e. **(Bakshali Interchange of Swat Motorway)** situated at Patwar Circle Bala Garhi) is almost inside Bakhsali & caged with Bakshali Patwar Circle of PK 50-Mardan III but the said Patwar Circle Par Hoti and Bala Garhi have wrongly has been included in the proposed delimitation in PK-51Mardan IV against public convenience hence liable to be corrected by accepting the instant representation.
- 6- That the *Patwar Circle Garyala* is part of Tehsil Rustam while all other areas in the newly proposed delimited Patwar Circles are of Tehsil Mardan hence such delimitation is against the law rules and procedure and may be excluded from the new PK-50 Mardan-III in order to make it accessible and to ensure homogeneity in the creation of constituencies.
- 7- That it is pertinent to note that Chak Shahbaz Garhi Has been wrongly included in PK-51 Mardan-IV while Shahbaz Garhi is paved & placed in PK-50 Mardan-III at serial No:(VII) in the proposed preliminary delimitation act hence liable to be corrected in accordance with the principles laid down for the purpose of the delimitation.
- 8- That Babini and Fathma has road and ring road link with PK-51 Mardan-IV but it has been included illogically in the PK-50 Mardan-III & thus the same can be exchanged for Bala Garhi, Chak Shahbaz Garhi Kot Ismail Zai & Kot Daulat Zai and Par Hoti.
- 9- That in the proposed preliminary delimitation Patwar Circle Mardan is mentioned as it is without any explanation or reference to any designated areas, thus

the proposed preliminary delimitation made assailable about the key areas presumed to be the heart of PK-50 Mardan III and hence liable to be corrected because due to the new developmental changes inside the Patwar Circle are imminent.

10- That in the proposed preliminary delimitation maps Hoti and Par Hoti Patwar Circles is made into one Unit which is against the facts. Par Hoti Union Council rests with the PK-50 Mardan III and the same is required to be included in PK-50 Mardan III while Patwar Circle Hoti has no nexus with PK-50 Mardan III but the said Par Hoti has been thrown out of equation to the PK-50 Mardan IV hence need to be corrected on acceptance of the instant reference.

11- That the honourable Commission has to exercise the delimitation powers, as this is a case of witnessed dissatisfaction and disenchantment, among people of area on **delimitation** and if the proposed whereby local areas are not included or excluded out of their declared places such manoeuvring in census blocks it will offset demographic balance to peril of one party and to advantage of another, hence the same needs to be corrected on acceptance of the instant representation.

Therefore it is most humbly prayed that while accepting the instant representation the objections of the petitioner may be redressed & PK-50 Mardan III may be included with Patwar Circle Kot Ismail Zai & Kot Doulat Zai, Par Hoti including Chak Hoti, Chak Shahbaz Garhi, Bala Garhi, Patwar Circle Alla Dad Khel in Mardan & due to the specific reason of being location locked together by the new

7

fenced Mardan Ring Road & Swat Motorway & geographically compact areas, having close existing boundaries of administrative units, facilities of communication & public convenience. While Patwar circle Babini and Garyala have nothing to do in any aspect with PK-50 Mardan may be adjusted accordingly or the PK-50 Mardan III may be delimited as the Annexure-(A) and Khyber Pakhtunkhwa Local Government Act, 2013.

Aza
Kh
Petitioner

Through:

Y. J. O. K.

Syed Kausar Ali Shah
Advocate Higher Courts
Member IBA Criminal Law Committee
Office District Courts Mardan KPK
03454000690.

8

BEFORE THE DELIMITATION COMMISSION /ELECTION
COMMISSION OF PAKISTAN.

Azam Khan Son of Rosham Khan Resident Of Khan Qilla Par Hoti
District & Tehsil Mardan PK.

Petitioner.

Vetsus

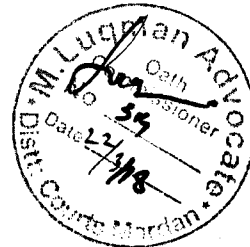
Provincial Election Commissioner Bungalow No. 11-A, Michni Rd,
Peshawar, Khyber Pakhtunkhwa & Others.

Respondents.

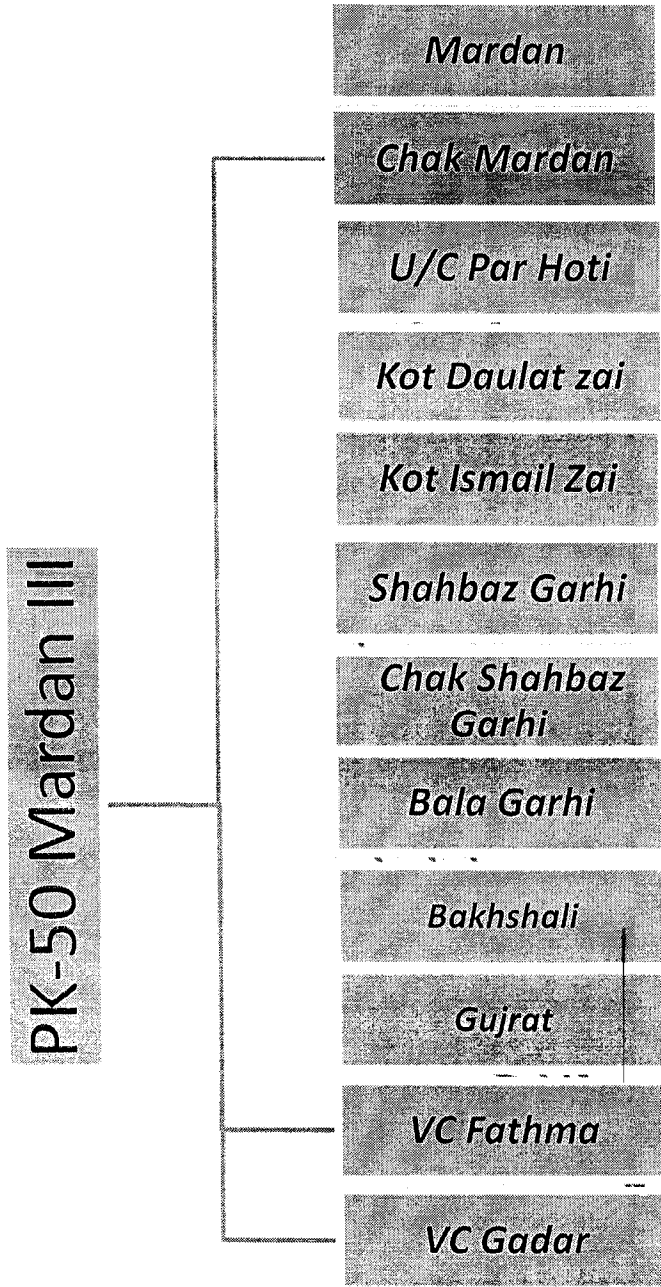
REPRESENTATION UNDER SECTION 10, 10(3) READ WITH SECTION
10-A DELIMITATION OF CONSTITUENCIES ACT, 1974.

AFFIDAVIT

I Azam Khan Son Of Rosham Khan Resident Of Hoti District & Tehsil
Mardan do hereby solemnly affirm and declare that the contents of
the instant application are true and correct to the best of my
knowledge and belief and nothing has been concealed from this
honourable court.



Deponent:



تصدیق کی جاتی ہے، جملہ نکات اسنو راجا
صفحہ ہزار ادبیت دیویم سید ہیں۔

Aze
Kh

170
2/23/12