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To,

The Secretary,
Election Commission of Pakistan,
Islamabad.

Subject: **REPRESENTATION U/S 21(3) OF THE ELECTION ACT, 2017 AGAINST THE PRELIMINARY DELIMITATION OF THE CONTITUENCY IN RESPECT OF PK-50 MARDAN-III, PK-51 MARDAN-IV, & PK-52 MARDAN-V NOTIFIED ON 05.03.2018**

Respected Sir,

With reference to Notification No. F.8(3)/2018-Elec-I dated 05.03.2018, regarding publication of preliminary report of delimitation of constituencies of National Assemblies and Provincial Assemblies, we hereby filed objections against the above said preliminary delimitation of Provincial Assembly constituencies PK-50 Mardan-III, PK-51 Mardan-IV, & PK-52 Mardan-V as under:

1. That the principles laid down in section 20 of the Election Act, 2017 and rule 12 of the Election Rules, 2017 have not been adhered to.
2. That geographically compact area means naturally and politically division of the earth which apparently seems to be one unit. Unfortunately the preliminary delimitation in respect of PK-50 Mardan-III, PK-51 Mardan-IV, & PK-52 Mardan-V is not inconsonance with the geographical nature of the area. There is a Nala which come from Shahbaz Ghari & after passing across Bala Gari, comes forward to the down and separates census Circles No.5, 6, 7 & 8 of Mardan Municipal Committee from the other census circles. In this block Alla Dad Khel patwar circle of Hoti (Kamalzai Janoobi) QH of Mardan Tehsil also falls. All the patwar circles/ census circles are adjacent and

Q. No. 1
31/03/18

9

gives a picture geographically one unit as has been shown in the proposed map.

3. That the next principle of delimitation is physical feature which is also correlated with the first one. Rule 10(2) of the Election Rules, 2017, specifically provides physical features such as the proposed delimitation is more appropriate as compared to preliminary delimitation made through the above notification. Thus this principal is also applicable in this case and the attachment of census circles 5, 6, 7 & 8 of Mardan Municipal committee, Alla Dad Khel and Bala Ghari with PP-50 is according to the section 20 of the Act, in the light of physical features of the constituency.
4. That the residents of census circles 5, 6, 7 & 8 of Mardan Municipal committee, Alla Dad Khel and Bala Ghari have relations with the residents of Chak Mardan, Babeni, Fathma and Bakhashali, whereas the residents of Shahbaz Ghari, Garyala and Ghari Dolatzai have agnation with the adjacent patwar circles, Ghari Ismail Zai, and Kot Daulatzai. Similarly Toru and Shamatpur are adjacent with census circles No.9, 10, 11, 12 & 13 of charge No.5 of Mardan Municipal Committee, on the other side of Nallah.
5. That most important fact which determines all other factors is facility of communication and public convenience. In the instant case public road transport facilities in the proposed delimitation within the patwar circles/ census circles are much better than the rest of patwar circles of Mardan District. Since the patwar circles included in the proposed delimitation are interlinked with each other, whereas, the remaining patwar circles are situated on the other side of Nallah, therefore, the residents of these localities are familiar with the customs of such area and if the preliminary

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31/03/18

3

delimitation keep intact the people will not be able to accommodate with different set of minds. On this score alone, the demand of petitioners is prima facie and merits consideration.

6. So far as cognate factor is concerned, naturally the people have relations with the people where they feel convenient and have communication facilities. Accordingly residents of census circles 5, 6, 7 & 8 of Mardan Municipal committee, Alla Dad Khel and Bala Ghari have close relations with the residents of Chak Mardan, Babeni, Fathma and Bakhashali even the above circles and Chak Mardan have to offer funeral of their deceased together, so this homogeneity demands that the proposed constituencies may kindly be approved to facilitate the residents of that area.

7. That the rule of northern and cannot be made applicable while delimiting the constituencies of each district. If the basic ingredients which have been mentioned in Section 20 of the Act ibid fulfill, rest of the conditions are subsidiary. Moreover, this rule has not been applied while making preliminary delimitations of all the PKs of Mardan District. Moreover, PK-52 preliminary delimitation neither gives the picture of geographical compact area nor its physical feature seems to be one unit.

8. Preliminary and proposed delimitation is given here under in an annotated form:

Preliminary Delimitation			Proposed Delimitation		
Constituency No.	Description	Population	Constituency No.	Description	Population
PK-50 Mardan-III	(a) The following Patwar Circles of Mardan (Kamal Zai		PK-50 Mardan-III	(a) The following Patwar Circles of Mardan (Kamal Zai	

31/03/18

4

Shumali) Qanungo Halqa of Mardan Tehsil (i) Mardan; (ii) Chak Mardan; (iii) Babaini; (iv) Fathma; (v) Gadar; (vi) Bakhshali; (vii) SHahbaz Garhi; and (viii) Ghari Dolat Zai. (b) The following Patwar Circile of Sudhum Qanungo Halqa of Rustam Tehsil; (i) Gujrat; and (ii) Garyala. of Mardan District	32960 26462 40962 24344 19281 26279 37295 41255 24890 21580		Shumali) Qanungo Halqa of Mardan Tehsil (i) Mardan; (ii) Chak Mardan; (iii) Babaini; (iv) Fathma; (v) Gadar; (vi) Bakhshali; and (vii) Bala Ghari (b) Patwar Circile Gujrat of Sudhum Qanungo Halqa of Rustam Tehsil; (c) Alla Dad patwar circle of Hoti (Kamal Zai Janubi) QH of Mardan Tehsil (d) the following census circles of census charge No.05 of Mardan Municipal Committee; (i) Censes Circle No.05; (ii) Censes Circle No.06 (iii) Censes Circle No.07 (iv) Censes Circle No.08 of Mardan District	32960 26462 40962 24344 19281 26279 20933 24890 20513 15155 17334 8053 17539
Total	295308		Total	294705

5

PK-51 Mardan-IV	(a) The following Patwar Circles of Hoti (Kamal Zai Janubi) Qanungo Halqa of Mardan Tehsil (i) Shamat Pur; 19600 (ii) Akbar Pura; 439 (iii) Qasim; 17677 (iv) Kandar; 8266 (v) Ghumbat; 25989 (vi) Mohib Banda 15025 (vii) Chak Shabaz Ghari; 20513 (viii) Alla Dad Khel; 17945 (ix) Hoti 43124 (x) Toru; and 39622 (xi) Mayar. (b) The following Patwar Circles of Mardan (Kamal Zai Shamali) Qanungo Halqa of Mardan Tehsil (i) Bhala Ghari; 20933 (ii) Kot Ismail Zai 8898 (iii) Kot Dolat Zai; and 11762 (iv) Ghari Ismail Zai. 19830 of Mardan District.		PK-51 Mardan-IV	(a) The following Patwar Circles of Hoti (Kamal Zai Janubi) Qanungo Halqa of Mardan Tehsil (i) Akbar Pura; 439 (ii) Qasim; 17677 (iii) Kandar; 8266 (iv) Ghumbat; 19489 (v) Mohib Banda 15025 (vi) Chak Shabaz Ghari; 17945 (vii) Hoti & (viii) Mayar. 39622 (b) The following Patwar Circles of Mardan (Kamal Zai Shamali) Qanungo Halqa of Mardan Tehsil (i) Kot Ismail Zai 8898 (ii) Kot Dolat Zai; and 11762 (iii) Ghari Ismail Zai. 19830 (iv) Shahbaz Ghari 37295 (v) Garyala; 21580 (vi) Ghari Daulat Zai 41255 of Mardan District.	
	Total	289112		Total	285072
PK-52 Mardan-V	(a) The following Census Circles of Census Charge No.04 of Mardan		PK-52 Mardan-V	(a) The following Census Circles of Census Charge No.04 of Mardan	

3/10/18

8

Municipal Committee.			Municipal Committee.	
(i) Census Circle No.07;	16819		(i) Census Circle No.07;	16819
(ii) Census Circle No 08;	34071		(ii) Census Circle No 08;	34071
(iii) Census Circle No 10;	12292		(iii) Census Circle No 10;	12292
and			and	
(iv) Census Circle No 11;	8418		(iv) Census Circle No 11;	8418
(b) The following Census Circles of Census Charge No.05 of Mardan Municipal Committee.			(b) The following Census Circles of Census Charge No.05 of Mardan Municipal Committee.	
(i) Census Circle No.05;	15155		(i) Census Circle No.9;	10164
(ii) Census Circle No. 06;	17334		(ii) Census Circle No.10	7253
(iii) Census Circle No.07;	8053		(iii) Census Circle No.11;	10055
(iv) Census Circle No. 08;	17539		(iv) Census Circle No.12;	9432
(v) Census Circle No.9;	10164		and	
(vi) Census Circle No.10	7253		(v) Census Circle No.13.	28249
(vii) Census Circle No.11;	10055		(c) The following Census Circles of Hoti (Kamal Zai Janubi Qanungo Halqa of Mardan Tehsil;	23628
(viii) Census Circle No.12;	9432		(i) Mohabat Abad;	35310
and			(ii) Behra Khan	
(ix) Census Circle No.13.	28249		(iii) Ghala Dhera	17370
(c) The following Census Circles of Hoti (Kamal Zai Janubi Qanungo Halqa of Mardan Tehsil;			(iv) Bago Banda.	19453
(i) Mohabat Abad;	35310		(v) Shamat Pur;	19600
(ii) Behra Khan			and	
			(vi) Toru;	43124
			of Mardan	

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31/03/18

7

	(iii) Ghala Dhera and	17370		District	
	(iv) Bago Banda. of Mardan District	19453			
	Total	290595		Total	295238

NOTE: The petitioner have neither disturbed any provincial constituency nor have gone beyond the boundaries of respective NA, therefore, the proposed map has been attached only to that extent.

PRAYER:

That in the light of above legal/factual position, the following amendments in the preliminary delimitation of PK-50 Mardan-III, PK-51 Mardan-IV, & PK-52 Mardan-V are suggested:

Sr.#	Constituency No.	Description	Population
i.	PK-50 Mardan-III	(a) The following Patwar Circles of Mardan (Kamal Zai Shumali) Qanungo Halqa of Mardan Tehsil (i) Mardan; (ii) Chak Mardan; (iii) Babaini; (iv) Fathma; (v) Gadar; (vi) Bakhshali; and (vii) Bala Ghari (b) Patwar Circile Gujrat of Sudhum Qanungo Halqa of Rustam Tehsil; (c) Patwar circle Alla Dad Khel of Hoti (Kamal Zai Janubi) QH of Mardan Tehsil (d) the following census circles of census charge No.05 of Mardan Municipal Committee; (i) Censes Circle No.05; (ii) Censes Circle No.06 (iii) Censes Circle No.07 (iv) Censes Circle No.08 of Mardan District	32960 26462 40962 24344 19281 26279 20933 24890 20513 15155 17334 8053 17539
		Total	294705
ii.	PK-51 Mardan-IV	(a) The following Patwar Circles of Hoti (Kamal Zai Janubi) Qanungo	

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8

		Halqa of Mardan Tehsil (i) Akbar Pura; (ii) Qasim; (iii) Kandar; (iv) Ghumbat; (v) Mohib Banda (vi) Chak Shabaz Ghari; (vii) Hoti & (viii) Mayar. (b) The following Patwar Circles of Mardan (Kamal Zai Shamali) Qanungo Halqa of Mardan Tehsil (i) Kot Ismail Zai (ii) Kot Dolat Zai; and (iii) Ghari Ismail Zai. (iv) Shahbaz Ghari (v) Garyala; and (vi) Ghari Daulat Zai of Mardan District.	439 17677 8266 25989 19489 15025 17945 39622 8898 11762 19830 37295 21580 41255
		Total	285072
iii	PK-52 Mardan-V	(a) The following Census Circles of Census Charge No.04 of Mardan Municipal Committee. (i) Census Circle No.07; (ii) Census Circle No 08; (iii) Census Circle No 10; and (iv) Census Circle No 11; (b) The following Census Circles of Census Charge No.05 of Mardan Municipal Committee. (i) Census Circle No.9; (ii) Census Circle No.10 (iii) Census Circle No.11; (iv) Census Circle No.12; and (v) Census Circle No.13. (c) The following Census Circles of Hoti (Kamal Zai Janubi Qanungo Halqa of Mardan Tehsil; (i) Mohabat Abad; (ii) Behra Khan (iii) Ghala Dhera (iv) Bago Banda. (v) Shamat Pur; and (vi) Toru; of Mardan District	16819 34071 12292 8418 10164 7253 10055 9432 28249 23628 35310 17370 19453 19600 43124
		Total	295238

Keeping in view the position stated above, it is requested that proposed amendments in PK-50 Mardan-III, PK-51 Mardan-IV,

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31/08/18

9

& PK-52 Mardan-V which have been made purely in the public interest according to the Act and Rules may kindly be accepted and delimitation of above Provincial Assembly constituencies may very kindly be amended accordingly, please (Copies of census data, extracts of voter lists and maps are enclosed for perusal).

Petitioners

Sigra

1. Muhammad Ashfaq

S/o Aslam Khan
Resident of Ghari Kapora Road,
Mohallah Old Chungi No.10, Mardan
Vote # Statistics Block Code:028050608,
Silsa No.10, Circle No.8, Hafizabad Nehar Road,
Mardan

Munir

2. Haji Munir Khan

S/o Raheem Gul,
Resident of Post Office Bagh Colony,
Paar Hoti, Mohallah Noor Man Khel, Mardan
Vote # Statistics Block Code:028050804
Silsa No.719, MC Circle No.8,
Voter Area Sikandari Korona. Mardan.

Through

Ghulam Muhammad Khan

Ghulam Muhammad Khan

Advocate High Court
Cell # 0300-9821197