

**BEFORE THE ELECTION COMMISSION OF PAKISTAN**  
**Through its worthy secretary**

**REPRESENTATION FOR AND ON BEHALF OF YASIR**  
**KHAN YOUSAFZAI UNDER SECTION 21 OF THE**  
**ELECTIONS ACT 2017 (ACT NO. XXXIII OF 2017)**  
**READ WITH RULE 12 OF THE ELECTION RULES,**  
**2017.**

Respectfully Sheweth:

1. That the Petitioner Yasir Khan Yousafzai hails from District Mardan and is duly registered as a Voter bearing Vote No. Silsila No. 12 Block code No. 028051303 in proposed Constituency PK-52 Presently the Petitioner is an Advocate of High Court, Peshawar at District Mardan, Khyber Pakhtunkhwa. (Copy of vote details and CNIC are annexed herewith Marked A and A1)
2. That the Election Commission of Pakistan (the Commission) notified vide official gazette dated 03.03.2018 proposing, inter alia, the determination of areas of PK-52. It would be pertinent to note that the proposed PK-52 now consists of Mardan Tehsil.
3. That the proposed delimitation has been carried out in utter violation of Election Act 2017 (Act XXXIII of 2017) and Election Rules, 2017 without taking into consideration the distribution of population in geographically compact areas, physical features,

existing boundaries of administrative units and old Continuance in consideration by any manner.

4. That the principles on the basis of which the delimitation will be conducted is laid down in Section 20 of the Act No. XXXIII of 2017 while the procedure for delimitation of constituencies of an Assembly has been provided under Rule 10 of the Election Rules, 2017 (Relevant Section 20 of the Act No. XXXIII of 2017 and Rule 10 of the election Rule 2017 are attached as annexure B)
5. That the Petitioner seeks the indulgence of this Hon'ble Commission to re-consider the delimitation of proposed constituencies of PK-52 wherein Parwar Circles UC Maho Dara and UC Toru been excluded and added to two different provincial constituencies without due deliberation and consultation without the vime of the Act XXXIII of 2017 and Rule framed their under and including an areas from different constituencies just to facilitate a particular class or political party.
6. That the Petitioner seeks the indulgence of this Hon'ble Commission to reconsider the proposed constituency of PK-52 on the following grounds:-

Grounds:-

- A. That there is natural boundary in the area i.e. the River (called Gudar) in between the area of old constituency and the newly added Union Council of

Par Hoti, but the authority hasn't considered this fact whilst delimiting the constituency.

- B. That delimitation at the verge of the Election only amounts to facilitate a particular class or Political Party rather than giving its impact for the betterment of the people of the constituency.
- C. That Article 219 of the constitution gives a time frame of 01 year to announce rulls annually which has not been followed in the instant matter.
- D. That even in other countries following the similar constitution like us, delimitation in relation to election laws, takes effect two years prior to general Election rather than at the verge of the Election.
- E. That while conducting the delimitation of constituencies of PK-52, the provisions of Act XXXIII of 2017 as well as the Roles framed there-under were ignored.
- F. That the Patwar circles of UC Maho Dere and Toru have remained with old constituency of PK-24 since long which is evident from the delimitation conducted in the years 1988 and 2002.
- G. That the instance delimitation of constituency consists of Rural and Urban areas, hence, the instant change will not bring any positive impact in the life of urban or rural population respectively.

- H. That the proposed delimitation has also disturbed the population in Tehsil Mardan and made it cumbersome for the people of Mardan in order to identify their respective constituency.
- I. That clearly if the proposed delimitation is finalized in its current shape, it would create greater hardship to the public and cause them inconvenience.
- J. That Thus the physical features, facilities of communication and existing boundaries of administrative units are absolutely ignored.
- K. That the law as codified under section 20 of the Elections Act 2017 (ACT NO. XXXIII OF 2017) has not been perused according to the will of the law as section 20 of the Act lays down principals that are ought to be considered when a prudent mind considers delimitation, however, in the current instant, legal obligations placed on the authority were either ignored or were given less weight when the delimitation was considered for PK 52.

**Proposed Constituencies of Pk-52 Is annexed**

**herewith marked "C"**

**AND**

**Map showing**

**Suggested Constituencies of PK-52 Is annexed**

**herewith marked "D"**

It is, therefore, humbly requested that on acceptance of this representation of the appellant:-