

BEFORE THE ELECTION COMMISSION OF PAKISTAN
THROUGH ITS WORTHY SECRETARY

8/26/03/2018
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REPRESENTATION FOR AND ON BEHALF KHALID KHAN
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, Khalid Khan hails from District Charsadda and is duly registered as a Voter bearing Vote No./Silsila No. 3 Block, Code No. 035010908 in proposed Constituency PK-57. Presently the petitioner is a member of the Provincial Assembly of the Province of Khyber Pakhtunkhwa.

(Copy of Vote details & CNIC are annexed herewith marked "A" & "A1").

2- **That** the Election Commission of Pakistan ("**the Commission**") has been pleased to notify vide official gazette dated 03-03-2018 proposing, inter-alia, the delimitation of areas of PK-56 and PK-57. It would be pertinent to note that the proposed PK-56 now consists of Tehsil Tangi excluding Patwar Circles Bari Bandan, Dakki, Amirabad and Ziam whereas the proposed constituency of PK-57 now consists of Teshil Charsadda including Patwar Circles of Bari Bandan, Dakki, Amirabad and Ziam.

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3- **That** the proposed delimitation has been carried out in utter violation of the 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 (Tehsil Tangi and that of Tehsil Charsadda), facilities of communication, public convenience and other cognate factors to ensure homogeneity in the creation of constituencies as laid down by Sec. 20(1) of the Act No. XXXIII of 2017 read with Section 10 of the Election Rules, 2017 made thereunder.

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.

For ease of reference, the relevant Section and rule are reproduced below with precise emphasized sub-rule marked in bold italics letters;

“**Section 20.** Principles of Delimitation: -
Of Act XXXIII of 2017

(1) All constituencies for general seats shall, as far as practicable, be delimited **having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.**

(2) For the

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- (3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.
- (4) If the limit of ten percent under sub-section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.

“Rule 10. Draft proposals for delimitation of constituencies.—
Of the Election Commission Rules, 2017

- (1) A Delimitation Committee constituted under rule 9 shall, immediately after its constitution, proceed to obtain from Pakistan Bureau of Statistics, population data of last census officially published along with relevant maps showing therein census charges, census circles and census blocks along with description, relating to a Province, a district, an agency, or any other administrative or revenue unit as it may require.
- (2) The Delimitation Committee shall also obtain district maps along with description, duly authenticated by Pakistan Bureau of Statistics, or, as the case may be, the district head of Revenue Department, prepared on a uniform scale as may be determined by the Commission indicating therein details of all administrative and revenue units in the district to the level of a Patwar Circle or, as the case may be, a Tapedar Circle, as well as prominent geographical and physical features, such as rivers and mountains and any other information as may be determined by the Commission or required by the Committee.
- (3) In preparing draft proposals for delimitation of constituencies, **the Delimitation Committee shall follow the principles of delimitation as laid down in section 20, procedure given in this Chapter** and the guidelines provided by the Commission from time to time.

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(4) **The constituency for an Assembly shall not ordinarily extend to more than one district except in exceptional circumstances for reasons to be recorded by the Delimitation Committee: Provided that a Patwar Circle or, as the case may be, a Tapedar Circle shall be the basic unit for delimitation and it shall not be broken under any circumstances:**

Provided further that in case of urban areas census circle shall not be broken under any circumstances.

(5) As far as possible, the delimitation of constituencies of an Assembly shall start from the Northern end of the district, or, as the case may be, the agency and then proceed clock-wise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable to the quota:

Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to that district or agency:

Provided further that the variation in population between two or more constituencies shall not ordinarily exceed ten percent and the Delimitation Committee shall record reasons if, in exceptional circumstances, the variation has to exceed the limit.

(6) For the purpose of preparation of draft proposals for delimitation, the Delimitation Committee may require assistance from any Federal, Provincial or, as the case may be, a Local Government Authority.

(7) After the draft proposals for delimitation of constituencies are finalized on Form-5, the Delimitation Committee shall

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send the same to the Commission, within the time specified and in the manner as may be determined by the Commission.

- 5- **That** the Petitioner seeks the indulgence of this Hon'ble Commission to reconsider the delimitation of proposed constituencies of PK-56 wherein Patwar Circles Bari Bandan, Dakki and Amirabad are excluded from Tehsil Tangi while under the proposed constituency of PK-57 which consists of Teshil Charsadda the Patwar Circles of Bari Bandan, Dakki and Amirabad which are part of Tehsil Tangi are included with the same.

- 6- **That** the Petitioner seeks the indulgence of this Hon'ble Commission to reconsider the proposed constituency of PK-56 and PK-57 on the following grounds:-

GROUND S:

- A- **Because** while conducting the delimitation of constituencies of PK-56 and PK-57 the provisions of Act XXXIII of 2017 as well as the Rules framed thereunder are ignored.

- B- **Because** the Patwar Circles of Bari Banda, Dakki and Amirabad have remained with Tangi Tehsil since long which is evident from the delimitation conducted in the years 1988 and 2002.

(The extracts from official gazette showing delimitation of the areas in the year 2002 is marked herewith as Annex "B").

- C- **Because** the delimitation of Constituency of Assemblies were supposed to start from the Northern End of the District and then proceed Clock wise in zigzag manner.

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D- Because the proposed delimitation also disturbs the population in Tehsil Tangi as well as the physical features of Tangi Tehsil.

E- Because the inhabitants of Tangi Tehsil all belong to the same tribe i.e Momand Tribe, therefore, by excluding Patwar Circles of Bari Banda, Dakki and Amirabad from the proposed PK-56 and disintegrating the tribe into different constituencies is beyond any logic and understanding. The customs, traditions, common interest, livelihood etc. of the Mohmand Tribe is patently very different rather in clash with the interests of the inhabitants of Tehsil Charsadda (the previously PF-18 & PF-19). Thus the proposed delimitation to the extent of exclusion of the areas of Patwar Circles of Bari Banda, Dakki and Amirabad from the proposed PK-56 (the inhabitants/voters of whom also belong to Momand Tribe) would create great inconvenience and hardship in selection of their representative during election as it will always be in lack of interest and of hardly any importance to either side (i.e the elector and the voters). Resultantly the true representation of the Patwar Circles of Bari Banda, Dakki and Amirabad after excluding the same from the proposed PK-56 will always be defective and neglected which is obviously against all norms of democracy and obviously against the relevant provisions of the Constitution of the Islamic Republic of Pakistan, 1973.

(A copy of Wajib-ul-Arz of Mauza Mandani and Bari Bandan are annexed herewith marked "C" & "C1")

F- Because the inhabitants of Patwar Circles of Bari Banda, Dakki and Amirabad of Tangi Tehsil all belong to the same tribe i.e Momand Tribe, therefore, by excluding the said Patwar Circles from the proposed PK-56 and disintegrating the tribe into different constituencies when their customs, traditions, common interest, livelihood are absolutely different rather in clash with the interests of the inhabitants of the rest of the proposed PK-56 (the previously PK-

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20). Thus it is reiterated that the proposed delimitation to the extent of exclusion of the areas of Patwar Circles of Bari Banda, Dakki and Amirabad from the proposed PK-56 (the inhabitants/voters of whom also belong to Momand Tribe) would create great inconvenience and hardship in selection of their representative during election as it will always be in lack of interest and of hardly any importance to either side (i-e the elector and the voters). Resultantly the true representation of the Patwar Circles of Bari Banda, Dakki and Amirabad after excluding the same from the proposed PK-56 will always be defective and neglected which is obviously against all norms of democracy and obviously against the relevant provisions of the Constitution of the Islamic Republic of Pakistan, 1973. **Thus clearly the public convenience and other cognate factors to ensure homogeneity in the creation of constituencies as is the basic principle laid down under Section 20 of the Act XXXIII of 2017 and the rules framed thereunder are therefore not considered at all.**

- G- Because** clearly if the proposed delimitation is finalized, it would create great hardship to the public and cause them inconvenience.
- H- Because** by adding Patwar Circles of Bari Banda, Dakki and Amirabad, a natural boundary line is formed by Lower Swat Canal in the proposed PK-56 of the constituency of the provincial Assembly, which also has been disregarded. Thus the physical features, facilities of communication and existing boundaries of administrative units are absolutely ignored.
- I- Because** the same Bari Banda, Dakki and Amirabad is part Tehsil Tangi in the proposed constituency NA-23 and not part of Tehsil Charsadda.

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SUGGESTIONS:

- I. **The** Patwar Circles of Bari Bandan, Dakki and Amirabad which are part of Tehsil Tangi shall be included in the proposed PK-56 whereas the Patwar Circles Sherpao, Tangi Nusratzai, Jura, Namu, Tangi MC and Chena be added to the proposed constituency of PK-57 consists of Teshil Charsadda.

The population in such an eventuality shall remain uninterrupted as well. For easy reference the table below shows the population of the suggested swapping of patwar circles.

**SUGGESTED PATWAR CIRCLES TO BE
EXCLUDED FROM PAK-57 AND INCLUDED IN PK-56**

S.No.	Patwar Circles	Total Population
1.	Bari Bandan	31,772
2.	Dakki	24,445
3.	Amirabad	23,222
	Total:	79,439.

**SUGGESTED PATWAR CIRCLES TO BE
INCLUDED IN PK-57 AND EXCLUDED FROM PK-56**

S.No.	Patwar Circles	Total Population
1.	Sherpao	21,707.
3.	Tangi Nusratzai	5,254
4.	Jura	4,546
5.	Namu	8,017
6.	Tangi MC	33,012
7.	Chena	14,477
	Total:	87,017.

The detail tables are annexed herewith marked "D" to "D7"

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Map duly obtained from the Commission showing the
Proposed Constituencies of PK-56 and PK-57
 is annexed herewith marked "E"

AND

Map showing
Suggested Constituencies of PK-56 and PK-57
 is annexed herewith marked "F"

- II. The rest of the constituencies of the district i-e PK-58, PK-59 and PK-60 shall remain uninterrupted as the above suggested change will have no impact of the other constituency.
- III. Any other remedy deemed appropriate in the circumstances of the case may also be granted.


It is, therefore, most respectfully prayed that the afore-stated representation of the Petitioner be positively considered and the delimitation of PK-56 and PK-57 be kindly reviewed as requested hereinabove.



Petitioner

Khalid Khan son of Noor Alam Khan
 Resident of Ziam, P.O. Ziam Qila,
 Tehsil Tangi, District Charsadda
 CNIC No. 17102-2040786-9

Through



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