

To

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24/03/2018
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The Election Commission of Pakistan
Through Secretary, Election Commission,
Constitutional Avenue, Islamabad

Subject: **REPRESENTATION/OBJECTION PETITION U/S 21
(3) OF THE ELECTION REFORMS ACT, 2017 R/W
RULE-11 OF THE ELECTION RULES 2017 AGAINST
THE NEWLY DE-LIMITATION OF CONSTITUENCY
PK-61 NOWSHERA-I (ERSTWHILE PK-14
NOWSHERA-III).**

Respected Sir,

1. That the applicant is the permanent resident of Banda Chel Khashgi Payan and is a registered voter of the said area. (Copy of the relevant document is attached).
2. That before the recent delimitation of constituency of PK-61 Nowshera-1, applicant was voter of erstwhile voter of PK-14 Nowshera-III which was comprising of following Patwar circles.
 - i. Behram Kalay
 - ii. Kalinjer
 - iii. Khashgi Bala
 - iv. Khashgi Payan
 - v. Nowshera Kalan (MC)

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- vi. Nowshera Cantt
- vii. Amangarh Town committee

Whereas PK-62 erstwhile PK-16 Nowshera-V was comprising of following Patwar circles

- i) Rashakai-I
- ii) Rashakai-II
- iii) Kandhar
- iv) Risalpur Cantt
- v) Pir Sabaq
- vi) Zara Myana
- vii) Misri Banda
- viii) Ali Muhammad
- ix) Mughalki
- x) Nandrak
- xi) Mina Essa

3. That under the new set up and de-limitation of the constituencies Nowshera Kalan (MC), Nowshera Cantt, and Amangarh (TC) were excluded whereas Misri Banda, Turlandi, Zara Miana, Pir Sabaq, , Kandhar, Rashakai-I and Rashakai-II were included in PK-61 which was PK-14 Nowshera-III.
4. That though the above stated changes were brought in the two consistencies i.e. PK-61 Nowshera-I and PK-62 Nowshera-II however the important determining factors as provided under

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the law for constituting a constituency were totally ignored which are to be highlighted as under:-

- i. In District Nowshera there are three Tehsil namely Nowshera, Pabbi and Jehangira and PK-61 is situated in Tehsil Nowshera however in the said constituency Patwar Circle namely Misri Banda was included which is situated in another Tehsil namely Jehangira whereas the rest of the whole constituency is part of Tehsil Nowshera. Similarly Risalpur Cantt which is situated in heart of this constituency was excluded from PK-61 Nowshera despite the fact that the same is also situated in Tehsil Nowshera.
 - ii. That the constituency namely PK-61 Nowshera-I was constituted in such a causal and ignorant manner that the concerned authorities did not bother and care for the boundaries of Tehsil (s) what to speak of Patwar Circle (s) or union council (s).
5. That so far the criteria of population for a particular consistency is concerned the same could be maintained even if namely Misri Banda, Turlandi and Zara Miana Patwar circles are excluded and Risalpur Cantt are included as after

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such changes the population of Pk-61 would be 30,5,242 whereas that of Pk-62 would be 2,96,013. (Copies of relevant documents are attached).

6. That it is also submitted for your kind consideration that Risalpur Cantt is a bridge between the area (s) situated on the East & West of PK-61 as one has to cross the Risalpur Cantt while moving to either side of constituency as the main road leads to Pir Sabaq goes through the Risalpur Cantt. One face the same situation even if one moves from the North to South or vice versa. It means that Risalpur Cantt would be touched from all sides during the course of any kind of activities or movement but even then Risalpur Cantt was excluded and Patwar circle of Misri Banda was included in PK-61 Nowshera-I.
7. That similarly while constituting Pk-62 & PK-63, a gross illegality was committed as Akora Khattak-I (PC) (MC) was made part of Pk-62 whereas Akora Khattak-II was made part of Pk-63. Both these Patwar circles should have been part of one constituency but even this was divided into two constituencies.
8. That if Patwar circles namely Zara Miana, Turlandi & Misri Banda are included in PK-62 and Akora Khattak -I (PC) /MC are excluded from PK-62 then it will meet and maintain the requirement of

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population factor of a constituency as when Akora Khattak-I (PC)/MC are included in Pk-63 and Amangarh Industrial Town committee are excluded, then in that case too, the population of PK-63 would meet the legal requirement. Even otherwise Amangarh Industrial Town Committee, Pir Pai, Azakhel Payan and Azakhel Bala Patwar circles are situated on main G.T Road, therefore it is in the larger interest of inhabitants of Amangarh (TC) to be part of Pk-64. Similarly when Amangarh industrial Town Committee is included in PK-64 then for keeping Population requirement Banda Nabi (PC) has to be included in PK-65. Even otherwise Banda Nabi is situated in Tehsil Pabbi and it is more realistic for convenience point of view for the inhabitants of Banda Nabi.

9. That keeping in view the above stated position the constitution of Pk-61 has been made on un-natural and illegal basis as Patwar circle namely Misri Banda of another Tehsil (Jehangira) has been included where as Risalpur Cantt which is situated in Tehsil Nowshera and also in the centre has been excluded which has rendered the de-limitation of said constituency against the Rules.
10. That while constituting PK-61 all the determining factors including of Patwar circles, Tehsil boundaries and conveniences of people have

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totally been ignored which necessitated the filing of instant objection petition.

11. That if the aforesaid desirous changes are not brought in the formation and delimitation of PK-61 Nowshera-I it would defeat the spirit and object of Election Reform, Act 2017 and the Rules framed there under.

It is, therefore prayed that by accepting this objection petition, amendment/changes may please be brought in constituency namely PK-61 Nowshera-I, by excluding Patwar circle of Misri Banda, Turlandi & Zara Miana and by including Risalpur Cantt, so as to bring the same in conformity with the criteria as laid down by the Election Reforms, Act, 2017 and the Rules framed there under.

Hamid
Applicant/objector
Hamid Ali Khan
S/o Wali Muhammad Khan
R/o Banda Chel, P.O
Khashgi Payan,
Tehsil & District, Nowshera

Through

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21.3.2018
Muhammad Ijaz Khan Sabi
Advocate
Supreme Court of Pakistan

Dated 21.03.2018