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**BEFORE THE SECRETARY ELECTION COMMISSION OF PAKISTAN**

1. Ali Gul Khan son of Sultan Muhammad, Resident of Village Chuhar Khel, District Lakki Marwat, KPK.
2. Aman Ullah Khan son of Naimat Ullah Khan, Resident of Mohallah Ismail Khel, Post Office Abba Khel, District Lakki Marwat.

**REPRESENTATION UNDER SECTION 20 & 21 OF THE ELECTION ACT, 2017 (ACT NO. XXXIII OF 2017) READ WITH RULE 10 & 12 OF THE ELECTION RULES, 2017 AGAINST PRELIMINARY DELIMITATION REPORT OF PK-91 AND PK-92.**

Respectfully Sheweth:

1. That applicant no.1 is a registered voter of District Lakki Markwat, KPK bearing Vote/Silsila No. 148, Gharana No. 59, Statistical Code No. 054020202, in proposed constituency PK-91 and the District Member of Chuhar Khel. *(Copies of CNIC along with Voter List are attached as annexure "B & C")*.
2. That applicants no.2 namely Aman Ullah Khan is registered voter of Abba Khel, District Lakki Marwat, bearing Vote/Silsa No.247, Block Code No.054021502 in proposed constituency PK-92. *(Copies of CNIC along with Voter List are attached as annexure "B & C")*.
3. That the proposed delimitation has been made out not in accordance with the Election Act, 2017 (Act XXXIII of 2017) and Election Rules, 2017 without taking into consideration the physical features, existing boundaries of administrative units, distribution of population in geographically compact areas, facilities of communications, public convenience and other cognate factors to ensure homogeneity in the creation of constituencies as laid down by Section 20 (1) of the Act No. XXXIII of 2017 read with Rule 10 of Election Rules, 2017 made there under.
4. That the principles laid down in Section 20 of the Election Act, 2017 in eve of that the Election Commission shall delimit territorial constituencies for Election of National Assembly or Provincial Assembly and to the Local Governments in accordance with the provisions of the Constitution, this Act, Rules and the applicable local Government Laws. For ready reference, the relevant section is reproduced herein below;

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**Section 20. Principles of delimitation:-**

*(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.*

5. That the applicants are dissatisfied from the proposed delimitation and brings into the knowledge of the commission to reconsider the delimitation of proposed constituencies of PK-91 and PK-92, where the Patwar Circles **Abba Khel** and **Mandra Khel** which were previously part of PK-76 (current proposed PK-91) are included in proposed PK-92 LAKKI MARWAT-II and under the proposed constituencies of PK-91 the Patwar Circles i.e. **ABDUL KHEL** (ABDUL KHEL and ALAWAL KHEL), **BADNI KHEL** (BADNI KHEL, KAR-BADNI KHEL and KUTI KHEL), **CHUHAR KHEL** (BAHU KHEL, CHUHAR KHEL), **JHANG KHEL** (JHANG KHEL, SAMANDAR TATTAR, SHARBI KHEL), **NAWAR KHEL** (NAWAR KHEL, ZANGI KHEL) these should be included in PK-92 due to facilities of communication, public convenience, geographically compact areas, physical features while the above mentioned Patwar Circles included in proposed constituency of PK-91.
6. That the preliminary report regarding delimitation specifying the above mentioned area has been prepared without holding a proper inquiry and recording evidence regarding its physical features of the areas, existing boundaries, administrative units, communication facilities, public convenience, therefore, petitioner seeks amendments, alteration and modification in the preliminary report specifying the above mentioned areas proposed to be in PK-91 and PK-92 on the following grounds.

**GROUND**

- I. That while conducting the delimitation of constituencies of PK-91 and PK-92 the provisions of the Act XXXIII, 2017 as well as the Rules framed there under is ignored.
- II. That previous position of Abba Khel and Mandra Khel Patwar Circle were part of previous constituency PK-76 (Current proposed Constituency No.PK-91) however the proposed delimitation of District Lakki Marwat, these two Patwar Circle Abba Khel and

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Mandra Khel have been placed in PK-92 which is against the basic principal of Election Act, 2017.

- III. That after recent census the election commission did not create any new seat in the District Lakki Marwat for provincial assembly hence there is no need for new territorial delimitations which are carried out in this constituency (District Lakki Marwat) for election 2018.
- IV. That the ABBA KHEL and MANDRA KHEL Patwar circles which are not placed in LAKKI MARWAT-I i.e. proposed PK-91 and included in LAKKI MARWAT-II i.e. proposed PK-92, if the proposed delimitation is finalized and not reverted back to its previous position then the population of above mentioned Patwar Circles will definitely face hindrance and difficulties in approaching district administration, revenue authorities, police stations, etc.
- V. That inhabitants of previously constituency PK-76 (proposed constituency PK-91) belong from the same tribe therefore, by excluding the Patwar Circle Abba Khel and Mandra Khel from the previous constituency PK-76 (proposed constituency PK-91) disintegrating the tribe into different constituency is beyond any logic and understanding. The customs, traditions, common interest, and livelihood etc of the said tribe is patently very different rather in clash with the interest of inhabitants of (proposed constituency PK-92) thus, the proposed delimitation to the extent of exclusion of areas of Patwar Circle of Abba Khel and Mandra Khel from the proposed constituency PK-91 would created great inconvenience and hardship in selection of their representative during election since it will always be in lack of interest. Resultantly the true representation of the Patwar circle of Abba Khel and Mandra Khel after excluding the same from the proposed PK-91 will always be defective and neglected that is certainly against all norms of democracy and obviously against the relevant provision of the Constitution of Islamic Republic of Pakistan, 1973.
- VI. That the Patwar Circle Abba Khel and Mandra Khel is placed in proposed constituency of PK-92 whereas these two Patwar circles fall within the territorial jurisdiction of Police station Lakki and the same is situated in present constituency of PK-91 hence if the proposed constituency be final then it will be destructive and in connivance for the public.

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- VII. That it is reiterated that the proposed delimitation to the extent of exclusion of the areas of Patwar Circles of ABBA KHEL and MANDRA KHEL of ISSAK KHEL Qanungo Halqa from LAKKI MARWAT-I proposed PK-91 would create great inconvenience and hardship in selection of their representative during election as, it will always be in lack of interest and of mere importance to either side (i.e. the elector and the voters). Resultantly the true representation of the Patwar Circles of ABBA KHEL and MANDRA KHEL after excluding the same from the proposed PK-91 will always be defective and neglected which is for sure against all norms of democracy and obviously against the relevant provisions of the constitutions of the Islamic Republic of Pakistan, 1973 thus, clearly the public convenience and other cognate factors to ensure homogeneity in creation of constituencies as, is the basic principle laid down in Section 20 of Act XXXIII of 2017 and the rules framed there under are therefore not considered at all.
- VIII. That the population of both Patwar Circles i.e. ABBA KHEL and MANDRA KHEL have unanimously decided however the people are not willing to include in PK-92 because of the above mentioned hindrances and hardships to be faced by the population, whilst the people want to live in the same as they were living in the previous constituency i.e. PK-76 currently PK-91.
- IX. That if the proposed exclusion of above mentioned Patwar circles from PK-91 are not amended, altered, modified, and the said areas are not included in PK-91 then the petitioner along with the entire population of said Patwar Circles would suffer irreparable loss for the rest of their lives. The mass population would have to face inconvenience regarding their revenue matters, health and education facilities including law enforcement, communication, transport etc., therefore, such proposed exclusion of said Patwar Circles from PK-91 in the preliminary report of delimitation requires to be amended and modified, in largest interest of population of above mentioned Patwar Circles.
- X. That main Qanungo Halqa ISSAK KHEL of these two Patwar Circles ABBA KHEL and MANDRA KHEL are included in PK-92 whereas these above mentioned Patwar circles are separated from main Qanungo Halqa ISSAK KHEL and included in PK-92 due to

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this, these Patwar Circles always were ignored by the representatives of both constituencies i.e. PK-91 and PK-92 it is important to mention here that not a single Government took interest in the development of these two Patwar Circles. They are always deprived from the development funds due to this imbalanced and improper delimitation of constituencies and all the basic facilities like health, education, revenue, drinking water supply, post office and police station were not properly provided and no development is made in this area since many decades.

- XI. That unfortunately from previous delimitation the Qanungo Halqa ISSAK KHEL is divided and some part of Patwar circle is included in one constituency and some part in other without taking into consideration of its cultural, social, political, geographical position, that is why this area has always been ignored by the Government and its representatives due to which no development is made in these areas. Further to this even no hospital, school, revenue or administrative facilities what so ever have been provided. Now the residents of these areas are willing that the Patwar Circles i.e. ABBA KHEL and MANDRA KHEL which are included in proposed PK-92 be added to PK-91 and the Patwar Circles i.e. ABDUL KHEL, BADNI KHEL, CHUHAR KHEL, JHANG KHEL, NAWAR KHEL, which have been included in the proposed PK-91 be shifted to PK-92 because this is for the better interest of the residents.
- XII. That if the proposed delimitation is finalized, it would create great hardship to the public and cause them inconvenience. Because the police stations, post offices, public health, drinking water supply, basic health units, revenue circle of above mentioned patwar circle etc are in PK-91.
- XIII. That any other additional grounds will be raised at the time of arguments with the prior permission of this Honorable Forum.

**Suggestion:**

The Patwar circles of ABBA KHEL and MANDRA KHEL shall be included in proposed PK-91 from proposed PK-92 whereas the Patwar circles i.e. ABDUL KHEL, BADNI KHEL, CHUHAR KHEL, JHANG KHEL, NAWAR KHEL, be added in the proposed constituency of PK-92 from PK-91.

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It is, therefore, most respectfully prayed that the afore-stated representation of the applicants may kindly be accepted in the light of above stated submission and both the Patwar Circles i.e ABBA KHEL and MANDRA KHEL may graciously be included in PK-91 and ABDUL KHEL, BADI KHEL, CHUHAR KHEL, JHANG KHEL, NAWAR KHEL be added in the proposed constituency of PK-92 from PK-91.

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 PK-91 AND INCLUDED IN PK-92**

S. No.	Patwar Circles	Total Population
1	Nawar Khel	15412
2	Badni Khel	3866
3	Jhang Khel	6758
4	Chuhar Khel	7523
5	Abdul Khel	6354
	<b>Total:</b>	<b>39913</b>

**SUGGESTED PATWAR CIRCLES TO BE INCLUDED IN PAK-91 AND EXCLUDED FROM PK-92**

S. No.	Patwar Circles	Total Population
1	Abba Khel	22102
2	Mandra Khel	9725
	<b>Total</b>	<b>31827</b>

Applicants

Through

Gh. Dastgir

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