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**BEFORE THE SECRETARY ELECTION COMMISSION OF PAKISTAN
ISLAMABAD**

1. Abdul Kareem S/O Abdul Raziq Khan.
Member Provincial Assembly PK 34
District Swabi KPK R/O Muhalla
Post Office Road Toor
Dher Tehsil Lahor District Swabi

2. Abdul Nasir s/o Abdul Raziq
R/o Muhalla Post Office Road Toor
Dher Tehsil Lahor District Swabi.....Petitioners/objectors

**REPRESENTATION / OBJECTIONS UNDER SECTION 21 (2) OF
ELECTION ACT 2017 AGAINST PRELIMINARY DELIMITATION PLAN
OF DISTRICT SWABI/PK 45 SWABI 3 DISTRICT SWABI KPK**

Petitioners submit as under:

1. That the petitioners are voter members of Patwar Halqa 2 Tehsil Lahor District Swabi. Whereas petitioner no. 1 is also elected member of the Provincial Assembly PK 34 District Swabi KPK. Certified copies of the voter lists are attached as Annexure A and B.
2. That according to the preliminary delimitation of District Swabi, proposed by the Election Commission of Pakistan, the number of Provincial Assembly seats have been reduced from 6 to 5, as under:

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No. and Name of constituency	Extent of constituency	Population
PK 43 Swabi-I	Topi Tehsil of Swabi District	328300
PK 44 Swabi-II	Swabi Tehsil, excluding the following areas: a. Shah Mansoor Patwar Circle b. Gar Munara Patwar Circle c. Zaida Patwar Circle and d. Census Charge No 03 (Zaida Municipal Committee of Swabi District)	330218
PK45 Swabi-III	i. Lahor Qaungo Halqa of Lahore Tehsil ii. Census Charge no 03(Zaida Municipal Committee) iii. The following Patwar Circles of Swabi Qaungo Halqa of Swabi Tehsil a. Shah Mansoor b. Gar Munara c. Zaida and iv. Census Charge No 02(Tordher Town Committee of Swabi District)	317820
PK46 Swabi-IV	i. Razar Qaungo Halqa of Razar Tehsil ii. The following Patwar Circles of Lahor Qaungo Halqa of Lahor Tehsil a. Jalsai and b. Jalbai c. The following Patwar Circles of Shumali Razar Qaungo Halqa of Razar Tehsil • Bacha • Dagai • Ismalia (South and North of Swabi District)	329211
PK 47 Swabi-V	i. Census Change No 03 (Razar Town Committee/Karnal Sher Khan Killi, and ii. Shumali Razar Qaungo Halqa of Tehsil,excluding the following Patwar Circles a. Bachai b. Dagai, and c. Ismalia of Swabi District	319067

3. That the principles of delimitation have been envisaged in section 20 of the Election Act 2017, which reads as under:

Section 20: Principles of delimitation:

- a. All constituencies for general seats shall as far as practicable, be delimited having regard to the distribution of population in geographically compact area, 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.
 - b. For the purpose of delimiting constituencies for the general seats of the national Assembly for the tribal areas two or more separate areas may be grouped into one Constituency.
 - c. As far as possible, variation in population of constituencies of an assembly or a local Government shall not ordinarily exceed 10%
 - d. If the limit of 10% under sub section (3) is exceeded in an exceptional case, the commission shall record reasons thereof in the delimitation order.
4. *That while undertaking the exercise of preliminary delimitation of District Swabi, the aforereffered. Principles /criteria laid down in the statute was over looked resulted in a gross violation of law. Therefore petitioners seriously challenge and call in question the validity of the preliminary delimitation.*
5. *That previous map of the constituencies of District Swabi is annexed as annexure C. Proposed preliminary delimitation map by the election commission is attached as annexure D whereas the delimitation proposed by the objectors /petitioners is E attached. Google map is attached as annexure F.*

6. That in the preliminary /proposed delimitation, the boundaries of Tehsil Lahor District Swabi have been disturbed by way of exclusion of PATAWR CIRCLES, JALSAI (with a population of 26689), and PATWAR CIRCLE, JALBAI (with a population of 37653). This has been done without any lawful justification, irrationally.

7. That the plan reading of the map /preliminary delimitation of District Swabi would reveal that the administrative unit of Tehsil Lahor could have been preserved, without making any change in its geographical topography, existing boundaries, public convenience and facilities of communication. Total population of Tehsil Lahor is 306168 whereas the required number of population for a constituency of Provincial Assembly KPK, as laid down by the election commission of Pakistan is 308317 whereas a shot fall of 2149 could have been ignored in terms of sub section 3 of section 20 of the Election Act 2017, wherein variation upto 10% is permissible. In the present case it is 0.69%. Even if the required number of 308317 is desired to be essentially met, this could have been done through inclusion of ZAIDA PATWAR CIRCLE of Swabi or any other PATWAR CIRCLE of Tehsil Razar, adjoining to Tehsil Lahore. This has been categorically proposed by the objectors /petitioners in their map annexure E. PATWAR CIRCLE Zaida (tehsil Swabi) having a population of 8222 could have been included in PK45 Swabi 3 after which its total population comes to 314390 which meets the requirement of the criteria laid down by the commission. Through this mechanism there will be 1.96% variation whereas in terms of the plan proposed by the commission the variation is 3.08%. It is pertinent to mention over here that not essentially, the aforereferred Patwar Circles but any of the circle(s) of the abutting /adjoining Tehsil could be sliced a bit for the purpose of preserving the geographic compatibility of the constituencies.

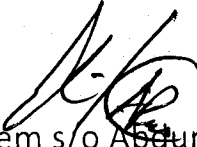

8. That the act of Election Commission of Pakistan's authorities, by way of proposed delimitation of District Swabi, the physical features, public

convenience, facilities of communication, cultural /physical homogeneity of the area has been completely ignored which is evident from the fact that the patwar circles namely JALBAI and JALSAI with a total population of 64342 have been excluded from PK45 and included in PK46 (Razar), which is altogether distinguished with each other in all respects ,by all means, for instance type of land ,crops produced , land holdings, living standard and all other features lack COGNENT FACTORS. So much so that the standard of scale of measurement of land in the aforereferred areas is Jarib in tehsil Razar and Kanal in tehsil Lahor.

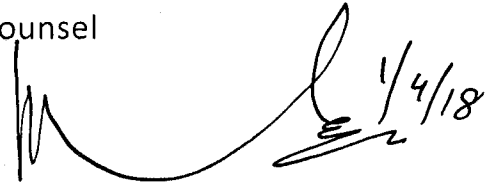
9. That the delimitation plan proposed by the objectors/petitioners placed as annexure E, fully encompasses/covers the stipulated criteria postulated and envisaged in section 20 of Delimitation act of 2017, wherein the principles of delimitation have been annunciated. Moreover it will certainly bring homogeneity in the creation of constituencies district Swabi causing /public convenience and facilities to the masses at large.
10. That the members of the village councils of Jalbai and Jalsai have passed a unanimous resolution whereby the commission have been requested to set aside the proposed/ preliminary delimitation by the election commission, stating therein that the same shall cause a great inconvenience to the inhabitation of the area.
11. That in terms of section 17 of the Election Act, 2017 delimitation shall be conducted after official publication of the census. Whereas in the present case although the census data has been published however it does not qualify the criteria being provisional in nature.

In view of what has been narrated, it is most respectfully prayed that the preliminary delimitation of district swabi by election commission may kindly be set aside and the delimitation plan proposed by the petitioner in annexure E may kindly be declared as final delimitation of the constituencies of district Swabi KPK.

Petitioners/objectors

1. 
Abdul Kareem s/o Abdur Razziq Khan.
Member provincial assembly PK3 District Swabi KPK R/o
Muhalla Post Office Road Toor Dher Tehsil Lahor District
Swabi.
Mob number 03135280001
2. 
Abdul Nasir s/o Abdur Razziq
R/o Muhalla Post Office Road ToorDher Tehsil Lahor
District,
Mob number 03005989417

Through counsel



(MUDASAR KHALID ABBASI)

Advocate Supreme Court of Pakistan.
22D, Street 6, Sector, D DHA 2 Islamabad.
mkabbasi205@gmail.com

0300 - 5174389