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09/04/2018

BEFORE ELECTION COMMISSION OF PAKISTAN
THROUGH ITS WORTHY SECRETARY

REPRESENTATION U/S 21 OF THE ELECTIONS
ACT, 2017 (ACT NO.XXXIII OF 2017) R/W
RULE 12 OF THE ELECTION RULES, 2017 BY
AND ON BEHALF OF PETITIONER

Sheweth;

1. That the petitioner, namely; Muhammad Arif S/o Ghulam Nabi hails from District Charsadda and is duly registered voter bearing Vote Nos/ Silsila No.57 Family No.13 in constituency PK-60. (Copy of vote details, CNIC are annexed herewith marked as "A" & "B")
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-59 and PK-58 of District Charsadda.
3. That PK-60 is the proposed delimited constituency. The stated PK was part and parcel of PK-22 of the old constituencies. The area of PC Kangra has been included in proposed PK-59, which was part and parcel of PK-22 (old) now 60, which has been detached/ withdrawn/ excluded from PK-60 (old PK-22). Map duly obtained from

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the Election Commission office of the proposed constituencies of PK-60 and 59 is annexed herewith as mark "B".

4. That the petitioner seeks indulgence of this hon'ble Commission to reconsider the delimitation of proposed constituencies of PK-60, wherein, area of PC Sreekh has been included, which are part and parcel of PK-59 whereas PC Kangra has been excluded from PK 60 which was part and parcel of PK-~~60~~, on the following:-

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GROUND

- A. That the area of MC Kangra has remained with PK-60 since long, which is evident from the delimitation conducted in the years 1988 and 2002.
- B. That the delimitation of constituencies of PK-60 and PK-59 have been conducted in utter disregard to the provisions of Act No.XXXIII of 2017 as well as the Rules framed thereunder, the principles so formulated have been ignored with impunity.
- C. That the proposed delimitation has been carried out in utter violation of the Election Act, 2017 and the Rules made thereunder without taking into consideration the distribution of population I in geographically areas, physical features, existing boundaries of administrative units, facilities of communication, public convenience and other cognate factors to ensure homogeneity in the creation of constituency as laid down by section

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20(1) of the Act (ibid) r/w Rule 10 of the Election Rules, 2017, which are reproduced for ready reference:

"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 of 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 -----
- (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 limits of ten percent under subsection (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,

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population data of last census officially published alongwith relevant maps showing therein census charges, census circles and census blocks alongwith 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 alongwith 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.
- (4) **The constituency for an Assembly**

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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 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 clockwise 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;

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

- D. That the delimitation of constituency of Assemblies were supposed to start from the Northern End of the District & then proceed area wise in zigzag manner.
- E. That exclusion of PC Kangra from PK-60 and inclusion into PK-59 will not only disturb contiguity but also the population of PK-60 as well as the physical features of PK-60.
- F. That by adding PC Sreekh, in PK-60 is un-natural and inconvenient for the simple reason that the stated area is far away from PK-60. Thus the physical features, facilities of communication and existing boundaries are absolutely ignored.
- G. That the inhabitants of PC Kangra belongs to different tribes, therefore, by excluding the stated area from proposed PK-60 and disintegrating the tribe into different constituencies is beyond any

logic and understanding. On the other hand, the other inhabitants of PK-60 belongs to another tribe. The customs, traditions, common interest, livelihood etc of the stated two tribes are patently very different rather in clash with the interests of the other inhabitants of PK-60. Thus the delimitation to the extent of exclusion of PC Kangra from PK-60 and inclusion of Sreekh into PK ~~60~~ would create great inconvenience and hardship in selection of their representative during election as it will always be in lack of interest for elector and the voters.

- H. That excluding the same from PK-60 and including in PK-59 will always be defective and neglected, which is obviously against all norms of democracy and obviously against the relevant provisions of the Constitution, 1973 and the law on the subject.
- I. That if the proposed delimitation is finalized, it would create great hardship to the public and would cause them great inconvenience by travelling 25 kilometer from PK 59 would enter into Peshawar and then to PC Kangra. Moreso, Shabqadar and Kangra both are part and parcel of the M.C. area but astonishingly Shabqadar has been included into PK 60 while PC Kangra has been included in PK 59, which is unnatural.
- J. That inclusion of PC Kangra into PK 60 and exclusion of Sreekh from PK 60 and its inclusion

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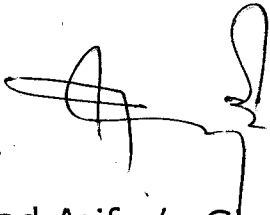
in PK 59 would not affect the population of PK-60
& 59.

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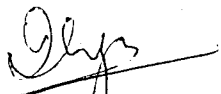
K. That the suggested map of PK-60 is attached
herewith as Annex "D")

It is, therefore, prayed that the afore stated
representation of the petitioner be positively
considered and the delimitation of PK-60 and 59
may kindly be reviewed as highlighted
hereinabove.



Petitioner
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Through



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