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**BEFORE THE HONOURABLE ELECTION COMMISSION**  
**OF PAKISTAN, ISLAMABAD**

Representation No. \_\_\_\_\_ / 2018


- 1) Maqbool Shah resident of Village Kandar Akbarpura, B.C 0770/0307  
(Mufti Ali Shah) Tehsil Pabbi District Nowshera. CL-36
- 2) Fayyaz Ali Shah resident of village Akhund Khel Akbarpura  
Tehsil & District Nowshera.
- 3) Mian Muhammad Waqas resident of Village Miangan,  
Akbarpura, Tehsil & District Nowshera.
- 4) Syed Jamal Shah resident of Village Miangan, Akbarpura,  
Tehsil & District Nowshera.
- 5) Jalal ud Din resident of Village Syed Ibraheem Shah,  
Akbarpura, Tehsil & District Nowshera.
- 6) Syed Mannan Shah resident of village Syidianabad,  
Akbarpura, Tehsil and District Nowshera.
- 7) Nizam ud Din resident of village Syed Ibraheem Shah,  
Akbarpura, Tehsil & District Nowshera.
- 8) Malik Kamran Zaman resident of Akbarpura, Tehsil Pabbi,  
District Nowshera.
- 9) Khalil Ahmed resident of village Para Khara, Akbarpura,  
Tehsil & District Nowshera.

*... Applicants/ Petitioners*

**VERSUS**

The Delimitation Officer PK – 65 Nowshera – V.

*....Respondent*



**REPRESENTATION UNDER ELECTION ACT, 2017**  
**AND RULES FRAMED THEREUNDER AGAINST THE**  
**DRAFT DELIMITATION OF CONSTITUENCIES IN**  
**RESPECT OF PROVINCIAL ASSEMBLY**  
**CONSTITUENCY PK-65 NOWSHERA-V.**

Respectfully submitted that :

1. The applicants/petitioners are resident of Akbarpura, Tehsil Pabbi, District Nowshera and registered voters of the constituency PK-65 Nowshera – V.
2. That the Delimitation Authorities on the instructions of Election Commission of Pakistan in consideration of the most recent census, carried out the Delimitation of the Constituencies, among others, PK-65 Nowshera –V. The Election Commission of Pakistan published the said draft delimitation of constituencies among others of KPK and specifically PK-65. In the said draft of the delimitation of Provincial Assembly Constituency PK-65 Nowshera –V has been described as under:-
  - a. Census charge No.01 (Cherat Cantonment)
  - b. Census charge No.02 (Pabbi Municipal Committee) and
  - c. Pabbi Qanungo Halqa of Pabbi Tehsil, excluding the following Pawar Circles:-
    - i. Aman Kot.
    - ii. Chowki Drab.
    - iii. Banda Mohib.
    - iv. Banda Sheikh Ismail.
    - v. Banda Nabi.
    - vi. Dagai.
    - vii. Jabba Daud Zai.

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- viii. Garhi Momin.
- ix. Tarakha.
- x. Shinde Payan-I.
- xi. Shinde Payan-II and
- xii. Zakhai.

3. The Qanungo Halqa of Pabbi Tehsil mentioned at (ix), (x) and (xi) were previously part of the constituency PK-65 Nowshera -V which have now without any reasonable justification been changed and shifted to PK-64. Copy of the Map duly marked boundaries of the constituency is attached as Annexure to this Representation.
4. Feeling aggrieved from this arbitrary change in delimiting the constituency, the petitioners/applicants submits the instant representation in accordance with the provision of Election Act 2017 and rules framed thereunder on the following among other grounds.

**GROUND:**

1. It is admitted fact that the Election Commission has made these changes keeping in view of the population of the constituency. However, the population of the constituency has not increased in such a quantum that these three areas are excluded from the constituency. In fact the important factor of Internally Displaced Persons (IDPs) has not been taken into consideration. The IDPs are included in the population but as voter they never opted to be the voters of their temporary place of residence. They do not change the addresses on their NICs and also do not have any interest in the constituency. Therefore, on the basis of this increase voters of the specific portions as mentioned

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above constituency cannot be deprived of from their right of franchise in accordance with their wishes. In view of above explanation inclusion of IDPs as population and as resident of this constituency is not fair and justified.

2. The prime spirit of Election Act 2017 is defeated because due to shifting of above referred three Qunango Halqas of Pabbi Tehsil, the voter shall suffer a lot as they have to travel approximately 50 to 60 km to reach the political centre of the constituency. The spirit of homogeneity and contiguity shall not be achieved due to this change.
3. In addition, the remaining areas of the constituency where these areas have been shifted now are pushto speaking and voters shall not feel comfortable because they are hindco speaking and have their relations in the adjoining areas. The status of voters of these three qanungo halquas shall remain in minority forever.
4. The residents of these three areas (now excluded) have no relationship with the other part of their new Provincial Assembly Constituency (PK-64). Their inclusion in PK-64 shall deprive them from their right of franchise and if they will be forced to remain in PK-64 the female voter shall not be able to cover this long distance and they will not cast their votes.

**PRAYER:**

Keeping in view the foregoing. it is respectfully prayed that the excluded qunango halqa of Pabbi Tehsil namely **Tarakha; Shinde Payan-I and Shinde Payan-II** may very graciously be restored and

attached with the PK-65 in final list of demarcation of constituencies.

Any further relief which this Honourable Commission may deem appropriate may also be allowed.

**APPLICANTS/PETITIONERS**

1) Maqbool Shah	Maqbool
2) Fayyaz Ali Shah	Fayyaz
3) Mian Muhammad Waqas	Waqas
4) Syed Jamal Shah	Jamal
5) Jalal ud Din	جلال الدين
6) Syed Mannan Shah	Mannan Shah.
7) Nizam ud Din	Nizam
8) Malik Kamran Zaman	کامران زمان
9) Khalil Ahmed	Khalil

THROUGH:

**Imran Feroze Malik**  
Advocate High Court

**Mumtaz Ahmed Awan**  
Advocate High Court

**ABZ LAW**

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