

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN

through Secretary

Representation No. _____/2018

In the matter of de-limitation of constituencies:

1. **Mr. Sohail Khan S/O Sabz Ali Khan**
R/O Mohallah Palosai,
Village Tordher, Tehsil Lahor District Swabi
Khyber Pakhtunkhwa
2. **Mr. Fida Hussain S/O Ghulam Hussain**
R/O Mohallah Moithi Khel, Village Maneri Payan, Tehsil & Distt. Swabi
Khyber Pakhtunkhwa

..... **Petitioners**

Representation under section 21(3) of the Election Act, 2017 r/w the Provisions of Chapter-III, Part.A of Election Rules, 2017 on behalf of the Petitioners for making appropriate amendments, alterations or modifications in the Preliminary List of Proposed Constituencies of District Swabi, NA-18 (Swabi-I) and 19 (Swabi-II), Khyber Pakhtunkhwa

The Petitioners respectfully submit as follows:

1. **That**, the Petitioners are registered voters of District Swabi, Khyber Pakhtunkhwa and enjoy good reputation and are known for their dedication, integrity and public work. Petitioner No.1 is the elected Nazim of Tehsil Lahor District Swabi. The titled presentation has been filed to take up appropriate suggestions to be approved by this Hon'ble Commission for finalization of two constituencies of District Swabi, on the facts and grounds as taken up hereinbelow.
2. **That**, it is submitted that **Article 51** of the Constitution of Islamic Republic of Pakistan 1973 provides that there shall be **342 seats** of the National Assembly, including seats reserved for women and non-Muslims. According to the Art. 51, **39 General Seats** and 9 reserved seats for Women have been allocated to the Province of Khyber Pakhtunkhwa for **National Assembly**.
3. **That**, District Swabi had been allocated two National Assembly Constituencies – **NA.12 (Swabi-I)** and **NA.13 (Swabi-II)** in 2002, 2008 and in the last General Elections 2013.

4. **That**, now in light of the Census Report 2017, District Swabi has been allocated two constituencies for National Assembly, now **Proposed as NA.18 (Swabi-I) and NA.19 (Swabi-II)** with population of **1,624,616**.
5. **That**, petitioners through the instant presentation pray that constituencies No. NA-18 and NA-19 may be altered and modified as being suggested by the Petitioners hereinbelow. The Petitioners on their behalf and on behalf of general public of (now Proposed NA-18 and NA-19) file the titled presentation as the proposed constituencies would adversely affect the rights and interests of the people of the area for several reasons as, *inter alia*, summarized hereinafter.
6. **That**, Art. 222 of the Constitution provides that 'Parliament may by law provide for, (a) the allocation of seats in the National Assembly as required under Art. 51 (3) and (4) of the Constitution and (b) the delimitation of constituencies by the Election Commission of Pakistan. It is thus, constitutional obligation/ mandate of this Hon'ble Commission to delimit the constituencies in accordance with law. Now, Section 17 of the Election Act, 2017 provides that '*Election Commission shall delimit the constituencies after every census officially published*'.
7. **That**, to delimit a constituency, the broader principles have been summarized in section 20 of the Election Act, 2017 that as far as practicable, delimitation shall be carried out having regard to the (i) distribution of population in geographically compact areas, (ii) physical features, (iii) existing boundaries of administrative units, (iv) facilities of communication and public convenience and (v) other cognate factors to ensure homogeneity in the creation of constituencies. It has also been provided that '*as far as possible, variation in population of constituencies of Assembly shall not ordinarily exceed ten percent*'.
8. **That**, according to the Preliminary Report on Proposed Constituencies issued by this Hon'ble Commission, Province of Khyber Pakhtunkhwa has been divided into 39 territorial constituencies on the Census of 2017. The quota per seat in respect of each National Assembly seat has been determined in relation to KP as under:

Total Population of KP: **30,523,371**
 Total NA Seats of KP: 39
 Quota Per NA Seat: = **782650**

9. That, based on the aforesaid population and seat quota with a variation of about 10% as provided in section 20 of the Election Act, 2017, two constituencies of National Assembly seats have now been proposed for District Swabi, in the following manner:

- 1) NA-18, Swabi-I - (Population, 783155)
- 2) NA-19, Swabi-II - (Population, 841461)

10. That, in the proposed 'constituencies' for District Swabi, regardless of the variation in the total population allocation for each seat, the Map as drawn up or prepared and marked with boundaries of these constituencies does not represent the actual area of those constituencies. If the 'proposed constituencies of ECP' are finalized, actually one area would fall in the middle of another constituency and great inconvenience would be caused to the general public of the area. Changes are therefore suggested in the Proposed constituencies of NA-18 and NA-19 only.

11. That, it is submitted on behalf of the Petitioners that the constituencies as suggested by the Petitioners, the Map whereof is attached herewith, may kindly be finalized by this Hon'ble Commission as these 'suggested' constituencies are better than the 'proposed' constituencies in terms of compactness of the area and convenience of the general public. In the suggested constituencies, the Petitioners are suggesting certain inclusion and certain exclusion in view thereof and in order to ensure proportionate population and more convenience of the general public especially to reflect the actual representations of the people in each constituency as suggested or proposed as summarized hereinbelow.

(a) In NA-18 Swabi-I, the following areas may kindly be deleted and be added to NA-19 Swabi-II;

- a. Swabi MC (population 123412)
- b. Saleem Khan UC (32949)
- c. Panj Pir UC (population 22087)

(b) In NA-19, (Swabi-II), it is suggested that the following areas may graciously be deleted from NA-19 and be added to NA-18;

- a. Lahor Sharqi (23537)
- b. Lahor Gharbi (23259)
- c. Jalbai UC (37653)
- d. Jalsai UC (26689)
- e. Haryan PC (8400)
- f. Beka UC (16758)

- g. Thano PC (14746)
- h. Tordher TC (41420)
- i. Jehangira UC (42081)

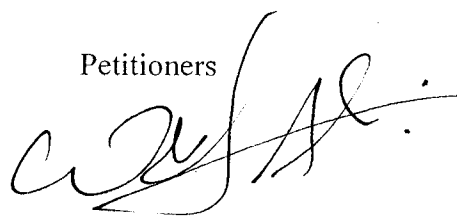
12. **That**, it is submitted that it is settled law and international practice in delimitation of the constituencies that totality of circumstances to be taken into account also known or called as redistricting standard. Accordingly, in view of the totality of circumstances, the best presentation is what has been suggested hereinabove. It may be added that, *inter alia*, it is the constitutional right of the general public of the area under Article 17 to have "real representatives". In case, the 'proposed constituencies' are not reviewed, altered and modified as suggested, the rights and interests of the people of the area would be adversely affected and prejudiced.

13. **That**, the Petitioners crave permission of this Hon'ble Commission to take additional grounds or make further suggestions during the oral arguments of the titled representations including but not limited to the presentation of detailed suggested maps emphasizing the need for modifications in the proposed constituencies in light of the Petitioners' suggestions. (copies of the proposed Map prepared by this Hon'ble Commission, the suggested Map prepared by the petitioners and the entries of the petitioners in voter lists are annexed with the instant representation).

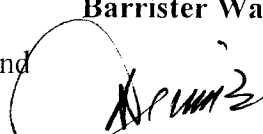
It is therefore most respectfully prayed that this Hon'ble Commission may kindly be pleased to consider and allow the titled representation and finalize, *inter alia*, NA-18 (Swabi-I), and NA-19 (Swabi-II) as suggested hereinabove by the Petitioners and may further be pleased to make all appropriate adjustments, amendments, alterations and modifications as may be required for the aforesaid in the interest of justice.

Date: 02/04/2018

Petitioners

Through 

Barrister Waqar Ali

and 

Aamir Ali Advocate Peshawar