

The Secretary,  
Election Commission of Pakistan,  
Islamabad

Je

**REPRESENTATION UNDER SECTION 21(3) OF ELECTION ACT**  
**2017 READ WITH ELECTION RULES 2017 IN RESPECT OF**  
**PROPOSED NATIONAL ASSEMBLY CONSTITUENCIES NA-38**  
**DERA ISMAIL KHAN – I AND NA-39 DERA ISMAIL KHAN II**

Respectfully Sheweth:

1. That the Petitioner is a permanent resident and registered voter in the proposed constituency of NA 38 Dera Ismail Khan-I which falls presently in NA 24 Dera Ismail Khan at Silsila Number 69, Block Code 056030536, Electoral Area Shorkot, Tehsil & District Dera Ismail Khan.
2. That the Honourable Election Commission of Pakistan ("Commission") has been pleased to notify vide the Official Gazette dated 05.03.2018 proposing, *inter alia*, the delimitation of constituencies NA 38 and 39. The said constituencies are presently one National Assembly constituency (NA 24). However, after the 2017 Census of Pakistan as per the formula [Population of District ÷ Quota of Khyber Pakhtunkhwa], District Dera Ismail Khan has been allocated two (02) constituencies/seats of National Assembly in the Preliminary Delimitation Report, 2018 published by this Honourable Commission.
3. That the Preliminary Delimitation Report, 2018 proposes the delimitation of two constituencies of National Assembly of District Dera Ismail Khan in the following manner:

Sr. No.	Number and Name of Constituency	Extent of Constituency
1.	NA-38 Dera Ismail Khan-I	(a) Paharpur Tehsil

		<p>(b) The following Qanungo Halqas of Dera Ismail Khan Tehsil:</p> <ul style="list-style-type: none"><li>(i) Yarak Qanungo Halqa; and</li><li>(ii) Shorkot Qanungo Halqa.</li></ul> <p>(c) Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan, excluding the following Patwar Circles:</p> <ul style="list-style-type: none"><li>(i) Kotla Saidan; and</li><li>(ii) Dhap Chabak</li></ul> <p>(d) Census Charge No. 05 (MC Dera Ismail Khan); and</p> <p>(e) Census Charge No. 01 (Dera Ismail Khan Cantonment) of Dera Ismail Khan District</p>
2.	NA-39 Dera Ismail Khan - II	<p>(a) The following Qanungo Halqas of Dera Ismail Khan Tehsil:</p> <ul style="list-style-type: none"><li>(i) Chahkan Qanungo Halqa; and</li><li>(ii) Muryali Qanungo Halqa</li></ul> <p>(b) The following Patwar Circles of Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan Tehsil:</p> <ul style="list-style-type: none"><li>(i) Kotla Saidan; and</li><li>(ii) Dhap Chabak</li></ul> <p>(c) The following Tehsils of Dera Ismail Khan District:</p> <ul style="list-style-type: none"><li>(i) Parowa;</li><li>(ii) Daraban; and</li><li>(iii) Kulachi</li></ul> <p>of Dera Ismail Khan District</p>

4. That through the instant representation, the Petitioner seeks the indulgence of this Honourable Commission to delimit the above constituencies in the following manner:

Sr. No.	Name and No. of Constituency	Proposed amendments, alterations or modifications	Extent of Constituency after including the proposal
1.	NA 38- Dera Ismail Khan - I	<p><b>Exclude</b></p> <p>The following Qanungo Halqas of Dera Ismail Khan Tehsil:</p> <p>(a) Yarak Qanungo Halqa which includes the following Patwar circles:</p> <p>(i) Giloti (ii) Sadra (iii) Yarak (iv) Budh Sharqi Gharbi</p> <p><b>Include</b></p> <p>(a) Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan, including the following Patwar Circles:</p> <p>(i) Kotla Saidan</p>	<p>(a) Paharpur Tehsil (b) The following Qanungo Halqas of Dera Ismail Khan Tehsil:</p> <p>(i) Shorkot Qanungo Halqa.</p> <p>(c) Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan, excluding the following Patwar Circles:</p> <p>(i) Dhap Chabak (d) Census Charge No. 05 (MC Dera Ismail Khan); and (e) Census Charge No. 01 (Dera Ismail Khan Cantonment) of Dera Ismail Khan</p>

Jan 4

			District
2.	NA-39 Dera Ismail Khan - II	<p><b>Exclude</b></p> <p>(a) The following Patwar Circle of Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan Tehsil:</p> <p>(i) Kotla Saidan</p> <p><b>Include</b></p> <p>The following Qanungo Halqas of Dera Ismail Khan Tehsil:</p> <p>(a) Yarik Qanungo Halqa which includes the following Patwar circles:</p> <p>(v) Giloti</p> <p>(vi) Sadra</p> <p>(vii) Yarik</p> <p>(viii) Budh Sharqi Gharbi</p>	<p>(a) The following Qanungo Halqas of Dera Ismail Khan</p> <p>(i) Muryali Qanungo Halqa</p> <p>(b) The following Qanungo Halqas of Dera Ismail Khan Tehsil:</p> <p>(i) Chahkan Qanungo Halqa; and</p> <p>(ii) Yarik Qanungo Halqa</p> <p>(b) The following Patwar Circles of Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan Tehsil:</p> <p>(c) Dhap Chabak</p> <p>(d) The following Tehsils of Dera Ismail</p>

*Page 5*

			Khan District: (e) Parowa; (f) Daraban; and (g) Kulachi of Dera Ismail Khan District
--	--	--	---

5. That being aggrieved by and dissatisfied with the part list of constituencies, published in the Preliminary Delimitation Report 2018, particularly specifying the areas proposed to be included in/excluded from proposed National Assembly constituencies NA- 38 and NA – 39 of District Dera Ismail Khan and in the best interest of the population of the district as a whole, the Petitioner seeks the gracious interference of this Honourable Commission for making amendments, alterations or modifications as suggested/ proposed by the Petitioner in Paragraph 4 above, inter alia, on the following grounds

#### GROUND

- A. That a combined reading of Section 20 of the Election Act 2017 and Rule 10 of the Election Rules 2017 reveals that the following principles and procedures are to be kept in mind at the time of making the delimitation of the constituencies:
- (i) Distribution of population in geographically compact areas,
  - (ii) Physical features,
  - (iii) Existing boundaries of administrative units,
  - (iv) Facilities of communication
  - (v) Public convenience
  - (vi) Other cognate factors to ensure homogeneity in the creation of constituencies
  - (vii) The delimitation of constituencies of an Assembly shall start from the Northern end of the district; and



- (viii) Then it will proceed clockwise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable
- (ix) The variation in population between two or more constituencies shall not ordinarily exceed ten percent.
- B. That while preparing the Preliminary Delimitation Report, 2018 comprising of proposals for delimitation of constituencies for National Assembly in Dera Ismail Khan constituencies NA-38 and NA-39, it is respectfully submitted, the relevant Delimitation Committee failed to adhere to the above stated mandatory principles and procedures in letter and spirit therefore there is a need to revisit the said delimitation proposal by this Honourable Commission.
- C. That while preparing the delimitation report for proposed constituency NA-38, the Delimitation Committee excluded the patwar circle of Kotla Saidan and included the same in proposed constituency NA-39 without giving regard to the geographical compactness, facilities of communication, existing b and public convenience. It is pertinent to mention, that patwar circle Kotla Saidan is a part of Dera Ismail Khan city and the constituencies of NA-38 and NA-39 have been demarcated in a manner where adjoining houses fall in different constituencies making it very difficult for the public to seek redressal of their grievances from their public representatives and also development work will be affected as the construction of streets, electricity and other amenities will be divided in a manner where half of the street will be developed and the other will not be as the priorities of the representatives are varied as per the requirements of the constituency.
- D. Similarly, Yarik Qanungo Halqa which includes the patwar circle of Budh Sharqi, Yarik, Giloti and Sadra has been wrongly included in proposed NA-38 and as a result of, it is respectfully submitted, non application of mind by the relevant Delimitation Committee because the inclusion of Yarik Qanungo Halqa and its Patwar circles in proposed NA-38 is a blatant



violation of principles of delimitation as mandated by Section 20 of the Election Act 2017 and Rule 10 of the Election Rules 2017.

- (i) These patwar circles do not form a geographically compact part of proposed NA-38 and such inclusion has created pockets in the proposed constituency, hence violation of principle of distribution of population in geographically compact areas.
  - (ii) There is no direct road access to these patwar circles through the proposed NA-38 constituency and the public has to travel through for 30 kilometers all the way around NA-39 in order to reach other parts of proposed NA-38, hence violation of principle of facilities of communication and public convenience.
  - (iii) That the Delimitation Committee has failed to start the delimitation of the constituencies from the Northern end of the District. The Northern end of the District Dera Ismail Khan starts from Paniala Halqa Qanungo whereas the Delimitation Committee has initiated this exercise from Yarak Halqa Qanungo. If the exercise was to be conducted as per the prescribed law and rules, in a zigzag manner, Yarak Halqa Qanungo will not form part of the proposed NA-38 constituency and will fall in NA-39 constituency. Instead Kotla Saidan will fall in the constituency of NA -38.
- E. That if the proposal for delimitation of NA-38 and NA-39 made by the Delimitation Committee in its Preliminary Delimitation Report, 2018 is finalized without incorporating amendments, alterations or modifications proposed/suggested by the Petitioner in paragraph 4 above, the entire population of above detailed Halqa Qanungo and Patwar circles would suffer irreparable loss and hardships and their miseries will increase manifold.

F. That the amendments, alterations or modifications proposed/suggested by the Petitioner in paragraph 4 above are for the sole purpose of providing facilities and ease to the inhabitants of the said areas.

**PRAYER**

In view of the foregoing, it is most respectfully prayed that the instant representation may kindly be accepted and the amendments, alterations or modification proposed/suggested by the Petitioner in paragraph 4 of this representation may graciously be incorporated in the final report and list of constituencies showing the areas included in each constituency.

Any other relief, which this Honourable Commission may deem just and appropriate, may also be granted in the interest of justice and equity.

**Petitioner**

**Muhammad Razzaq s/o Mushtaq Ahmad**  
R/o Shorkot, Tehsil & District D. I. Khan

Through

**Barrister Salman Hamid Afridi**  
Advocate High Courts  
Partner,  
**H & M Advocates and Corporate Consultants**  
House 1-A, Main Service Road, next to Street 32,  
Sector F-8/1, Islamabad

Dated: 03<sup>rd</sup> April 2018