

2

BEFORE THE ELECTION COMMISSION OF PAKISTAN

Representation No.: _____/2018

Petitioner:



Name: **Nazir Ahmad Dar** son of Malik Kaleemullah
NIC No.: 12101-5358968-1
Resident of Patwar Circle Pota, Kanungo Halqa Chahkan,
Tehsil & District Dera Ismail Khan
Khyber Pakhtoonkhwa
Cell No.: +92 342 9364470



REPRESENTATION

**UNDER SECTION 21(3) OF THE ELECTION ACT, 2017 READ
WITH RULE 12 OF THE ELECTION RULES, 2017 AND ALL
OTHER ENABLING PROVISION OF LAW
AGAINST PRELIMINARY REPORT IN RESPECT OF CONSTITUENCIES OF
DERA ISMAIL KHAN - I (NA-38) AND DERA ISMAIL KHAN - II (NA-39)**

The petitioner very humbly submits as under:

1. That the petitioner is resident of Dera Ismail Khan (D.I. Khan) and is a *bona fide* registered voter of Patwar Circle Pota, Kanungo Circle Chahkan, Tehsil & District D.I. Khan having Sr. 


(Copy of NIC of the petitioner is attached as **Annexure A**)

2. That prior to the delimitation of proposed two constituencies i.e. NA-38 and NA-39, the District D.I. Khan and District Tank had two constituencies i.e. NA-24 and NA-25. NA-24 was comprising all area of Tehsil D.I. Khan except Patwar Circle Giloti; some area of Tehsil Paharpur; and Tehsil Parova while some area of Tehsil Paharpur; Patwar Circle Giloti; Tehsil Kulachi; Tehsil Daraban; and District Tank were included in NA-25.
3. That it is a matter of record that as per the recent official census, the total population of D.I. Khan is 1,627,132. This hon'ble Commission proposed new delimitation of the said constituencies *vide* its Notification No. F.8(3)/2018-Elec-I dated 05.03.2018 whereby the previous constituencies of NA-24 and NA-25 have been changed in a manner that the whole District Tank has been delimited as one constituency i.e. NA-37 while District D.I. Khan has been divided into two constituencies i.e. NA-38 and NA-39 with the following areas therein:

NA-38 (D.I. Khan - I):

- (a) Paharpur Tehsil;





(b) The following Kanungo Halqas of Tehsil D.I. Khan:

- i. Yarik Kanungo Halqa; and
- ii. Shorkot Kanungo Halqa

(c) D.I. Khan Kanungo Halqa of D.I. Khan Tehsil, excluding the following Patwar Circles:

- i. Kotla Saidan; and
- ii. Dhap Chabak.

(d) Census Charge No.05 (MC D.I. Khan); and

(e) Census Charge No.1 (D.I. Khan Cantonment)

NA-39 (D.I. Khan - II):

(a) The following Kanungo Halqas of D.I. Khan Tehsil:

- i. Chahkan Kanungo Halqa; and
- ii. Muryali Kanungo Halqa.

(b) The following Patwar Circles of D.I. Khan Kanungo Halqa of D.I. Khan Tehsil:

- i. Kotla Saidan; and
- ii. Dhap Chabak.

(c) The following Tehsils of D.I. Khan District:

- i. Parova;
- ii. Daraban; and
- iii. Kulachi.

4. That the population has been shown in the said notification as 818,254 in NA-38 and 808,878 in NA-39.


5. That the said delimitation of both constituencies is against the principles of delimitation of constituencies as envisaged in section 20 of the Election Act, 2017 read with the Election Rules, 2017. Needless to state that under the said provisions of law, this hon'ble Commission, while delimiting the constituencies, has to give regard to the following to ensure homogeneity:



A 

- a. Distribution of population in geographically compact areas;
 - b. Physical features;
 - c. Existing boundaries of administrative units;
 - d. Facilities of communication and public convenience; and
 - e. Other cognate factors.
6. That the proposed delimitation requires modifications/amendments in accordance with the letter and spirit of law and in this regard, the following specific objections thereto may kindly be considered:
- a. As per rule 10(5) of the Election Rules, 2017, the delimitation of a constituency should start from the Northern end of the District and then proceed clock-wise in a *zigzag* manner keeping in view that population among the constituency shall remain as close as may be practicable to the quota. This principle has not been applied appropriately in respect of NA-38 and NA-39.
 - b. The cultural, social and geographical aspects of the delimitation have also not been given due consideration. It is to be noted that previously, Tehsil Kulachi and Tehsil Paharpur (excluding city area) were together in NA 25 and they have been so for the last two decades. Now, in the proposed delimitation, Kulachi is placed in NA 39 while Paharpur in NA 38.
 - c. That the economically stable and developed areas have been grouped together in NA-38 which is quite unreasonable. It can be seen that Tehsil Paharpur, D.I. Khan Kanungo Halqa of D.I. Khan Tehsil (excluding Patwar Circles Kotla Saidan and Dhap Chabak) and MC D.I. Khan are in the proposed delimitation of NA-38. On the other hand, NA-39 includes rural, economically unstable and far flung areas. It is to be noted that previously half of the rural areas were adjoined with Paharpur Tehsil whereas half were with D.I. Khan Tehsil due to which the said rural areas were benefited.
 - d. As per the proposed delimitation, NA-38 comprises one-third (1/3rd) of the total land area of the D.I. Khan District while two-third (2/3rd) of the said area belongs to NA-39. This itself evidently shows that the relevant rules have not been complied with and clock-wise *zigzag* method of delimitation has not been strictly followed.
 - e. That maximum regard in law has been given to the administrative units while adopting the manner of clock-wise *zigzag* manner.



- 5 
7. That in order to remove the aforesaid discrepancies and violations of law, the petitioner humbly makes the following proposal for delimitation of NA-38 and NA-39:

NA-38 (D.I. Khan - I)		
No.	Tehsil/Kanungo Circle/Patwar Circle/Census Circle	Population
1.	Tehsil Paharpur	
2.	Tehsil Kulachi	
3.	Kanungo Halqa Yarik of D.I. Khan Tehsil	
4.	Kanungo Halqa Chahkan of D.I. Khan Tehsil except Patwar Circle Sherukhona	
5.	Kanungo Halqa Shorkot of D.I. Khan Tehsil	
6.	Patwar Circle Ratta Kulachi and Kotla Saidan of Kanungo Halqa DI Khan	
Total		833273

NA-39 (D.I. Khan - II)		
No.	Tehsil/Kanungo Circle/Patwar Circle/Census Circle	Population
1.	Tehsil Parova	
2.	Kanungo Halqa Muriyali of D.I. Khan Tehsil	
3.	Kanungo Halqa D.I. Khan of D.I. Khan Tehsil except Patwar Circle Ratta Kulachi and Kotla Saidan	
4.	MC D.I. Khan	
5.	Cantonment D.I. Khan	
6.	Tehsil Daraban Kalan	
Total		793859

(Copy of the proposed modification/amendments showing NA-38 in yellow and NA-39 in green are enclosed as Annexure B)

8. That the proposed amendments/modifications in the delimitation of NA-38 and NA-39 are in line with the applicable rules wherein all the relevant principles have been duly complied with.
9. That the petitioner craves leave to agitate further grounds in support of his proposed amendments/modifications at the time of hearing before this hon'ble Commission.

Prayer

In view of the above submissions, it is humbly requested that the instant representation may kindly be allowed and the proposed amendments/modifications may kindly be made while delimiting the constituencies of NA-38 and NA-39.

Petitioner

Nazir Ahmad Dar

NIC No.: 12101-5358968-1

Resident of Patwar Circle Pota, Kanungo Halqa Chahkan,
Tehsil & District Dera Ismail Khan, Khyber Pakhtoonkhwa

Cell No.: +92 342 9364470

through Counsel

ATTAULLAH H. KUNDI
Advocate of the High Court

MISBAH UL MUSTAFA
Advocate of the High Court

KUNDI & MISBAH
LAWYERS & CORPORATE
CONSULTANTS

15, 2nd Floor, Malik Plaza, F-8 Markaz, Islamabad
Ph: +92 51 8736 852 Fax: +92 51 8736 853
Email: info@kundiandmishah.com

Verification:

Verified on oath on this 3rd day of April, 2018 that the contents of the above representation are true and correct to the best of my knowledge and belief and nothing material has been concealed.

Petitioner