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

Mahmood Zaib Khan Son of Mubarak Zeb Khan, Resident of Timar Dherai, Timargara
District Dir Lower, Khyber Pukhtoonkhwa.

CNIC No. 15302-2157187-9.

**Representation/Objections under Section 21(3) of Election Act, 2017 For
Inclusion Of Union Council Rabat of Tehsil Balambut in PK15 and
inclusion of Union Council of Balambut of Balambat Tehsil Pk 13 lower
Dir I On The Ground Of Geographical Attachment And Others
Considerable Factors.**

Respectfully Sheweth:-

1. That the brief facts of the case are that the petitioner is a law-abiding citizens of Pakistan and belong to of Timar Dherai, Timargara District Dir Lower, Khyber PukhtunKhwa bearing CNIC No. 15302-2157187-9. Copy of the voter extract Certificate is attached as **Annexure "A"**.
2. that the petitioner remained member provisional assembly from PK-94 (Lower Dir-I) in the general election 2008.
3. That this honorable Commission issued a draft list of proposals for the delimitation of constituencies, vide notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules, 2017 for information of public and invited the public to file objections, if any, within 30 days, under section 21 (3) of Elections Act, 2017 hence the instant petition. Copy of the Notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018 is attached as **Annexure "B"**.
4. That before the creation of Pakistan and later until 1969, Dir State was merged and then declared a district in the Province of NWFP (Now Khyber Pukhtunkhwa). In 1996, it was further split in two separate Districts as Dir Lower and Dir Upper; for administrative reasons. District Dir Lower

borders with Swat District on its East, Afghanistan on its West, Upper Dir and Chitral on its North & Bajaur Agency North West and Malakand on its South.

5. That the district Dir lower is administratively subdivided into seven(7) Tehsils, Adenzai, Timergara, Balambat, Khall, Munda, Samar Bagh and Lal Qila Maidan, which contain a total of 41 Union Councils As follow

S.No.	Name of Tehsil	Union Councils
i.	Adenzai	Asbanr, Badwan, Chakdara, Khadagzai, Tazagram, Khanpur, Kotigram, Ouch
ii.	Balambat	Balambat, Hayaserai, Lajbook, Munjai, Koto, Rabat
iii.	Khall	
iv.	Lal Qilla	Bishgram, Lal Qilla, Gall Maidan, Kotkai (Maidan), Zaimdara,
v.	Munda	Khazana, Mia Kalai, Munda,
vi.	Samar Bagh	Darangai, Kambat, Mayar, Maskini, Sadbar Kali, Samar Bagh
vii.	Timergara	Bagh Dush Khel, Bandagai, Khungai, Malak Abad Ghara, Noora Khel, Shahi Khel Ziarat Talash, Timergara (Urban)

6. That currently District Dir lower is represented by one elected MNA (Member of National Assembly) elected from NA constituency NA-34 and four elected MPAs in the provincial assembly of Khyber Pukhtunkhwa who represent the following constituencies,

- I. PK-94 (Lower Dir-I)
- II. PK-95 (Lower Dir-II)
- III. PK-96 (Lower Dir-III)
- IV. PK-97 (Lower Dir-IV)

7. That under the new draft list of proposals for the delimitation of constituencies issued by this Honorable Election Commission of Pakistan vide notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018, the Number of seats for District Dir Lower in the national assembly and provincial assembly were increased from 1 to 2 seats and from 4 to 5 respectively.
8. That under the new draft list of proposals for the delimitation of constituencies, the previously NA-34. Dir Lower has been bifurcated in two constituencies NA-6 and NA-7. For the provisional assembly of Khyber Pukhtunkhwa, the constituencies of Dir Lower have been divided in to 5 constituencies increasing one seat for the provisional assembly.
9. That under the preliminary draft of delimitation of constituencies, the proposed provincial assembly constituencies for Dir Lower are as under:-

S.No	CONSTITUENCIES	AREA
01.	PK-13 Lower Dir-I	a) Khall Tehsil and b) Balambut Tehsil, excluding the union council of Balambat. Of Lower Dir District.
02.	PK-14 Lower Dir-II	a) Tehsil Adenzai, excluding the union council of Ouch of Lower Dir District
03.	PK-15 Lower Dir-III	a) Census Charge No.14 of Timergara Municipal Committee. b) Timergara Tehsil c) The Balambat union council of the Balambat tehsil and d) The Ouch union council of the Adenzai Tehsil of Lower Dir District.
04.	PK-16 Lower Dir-IV	(a) Munda Tehsil (b) The Following Union council of Samarbagh Tehsil. (i) Samarbagh. (ii) Mayar and (iii) Sadbar Kalay Of Lower Dir District.

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05	PK-17 Lower Dir-V	(a) Lal Qila Tehsil (b) The Following union councils of the Samarbagh Tehsil (i)Kambat (ii)Maskini (iii)Drangal Of Lower Dir District.
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Copy of the Draft list of constituencies under Rule 10 (7) is attached as **Annexure "C"**

10. That under the new draft issued by this Honorable Election Commission of Pakistan vide notification No. F.8 (3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules, 2017. The petitioner's old provincial assembly constituency, PK-94 (Lower Dir-IV) is now re-numbered with PK-15 Lower Dir-III.
11. That one of the union councils of the Tehsil Balambut, "**Union Council Balambut**" is merged into the PK-15 Lower Dir III, dis-regard to geographical position of the area, physical features, existing boundaries of administrative units, facilities of communication, convenience of the public at large, social and cultural affiliations voters female voters in particular, and other cognate factors.
12. That the Union Council Balambut despite being across of river Panjkora and is administratively part of Tehsil Balambut is made part of PK-15 Lower Dir-III without any logic. It transpires that during the process of delimitation of PK-15 Lower Dir III constituency, uniformity in population as well as the geographical cogency was ignored.
13. That the basic principles for delimitation are to pay consideration to the distribution of the population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience but the authorities ignored these prime factors and made delimitation in vacuum, causing inconvenience.

Grounds

The Petitioner is aggrieved with the delimitation preliminary draft of the provincial assembly constituencies of pk-15 Lower Dir III and seek review

of the proposals regarding Provincial Assembly's constituencies NO. 15 on the following grounds amongst others:-

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Geography.

- I. That the authorities overlooked the mandatory legal requirements of geographically connected areas while delimiting. Balambut union council situated across the river panjkora of the PK 15 lower Dir III constituency, it has been included in PK 15, which has no geographical connection with it. While physically attached and connected union council namely Rabat of Tehsil Balambut with PK15 has been ignored to be made part of PK 15 lower Dir III. Which is the gross violation of the principles of delimitation section 20 of the Election Act 2017. These arrangements amounts to jeopardizing the rights of the people of Union council Rabat and union council Balambut of Tehsil Balambut Dir Lower. Hence should be revisited. Copy of the map is attached as **Annexure "D"**
- II. It is relevant to mentioned that, the map provided from the Deputy Commissioner Dir Lower office to this honorable commission is outdated and have no detail to show boundaries of the union councils of Balambut union Council of Tehsil Balambut in proper manner which lead this honorable commission to misreading of the said map and particularly While delimiting the PK 15 Lowe Dir III. The ground reality is that Balambut Union Council is not physically and naturally attached rather connected with PK-15 Lower Dir iii.

Administrative Arrangements

- III. That the Balambut union Council of Tehsil Balambut is the only union council which falls in the constituency of PK 15 Lower Dir III as the rest of the whole of Tehsil Balambut falls in the constituency of PK 13 Lower Dir I. it is worthy to mentioned here that the constituency is recognized/ known as Balambut officially PK-13 Lower Dir I. the voter of the whole of the Tehsil Balambut needs to be intact in the one constituency which is more convenient and geographically connected. Hence if the voters of the Balambut Union council are not keep intact with Pk 13 Lowe Dir I it will cause great difficulty for the administration to govern the public affairs.

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Moreover the adjacent Union council namely KOTO falls in Pk 13 in the circumstances the union council Balambut needs to be part of the Pk-13.

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ALTERNATIVE PROPOSAL

That the Rabat Union Council of Tehsil Balambut is geographically attached and naturally connected with PK-15 Lowerr Dir-III having population of 40,009 by inclusion of this union council in Pk-15 the total population of the said constituency will meet the prescribed requirement of the delimitation for the provincial constituency with the population 301974 . On the other hand by inclusion of Balambut Union Council of the same Tehsil (having population 40, 146) in PK 13 Lower Dir I will meet the prescribed requirement of making of a constituency. Copy of the proposed Map is attached as **Annexure "E"**.

PRAYER:

In view of the above circumstances, it is most respectfully prayed that to correct the error in delimitation of the provincial constituency PK-15 Lower Dir III by inclusion of Union Council Rabat of tehsil Balambut into PK-15 Lower Dir III and by the inclusion of union council Balambut Of tehsil Balambut in to the constituency PK-13 Lower Dir I .

Further, it is requested that the delimitation officer be directed to carve out the constituencies afresh as per the ALTERNATIVE PROPOSAL mentioned above.

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Any other relief, which this Hon'ble Commission may deem proper in favor of the petitioner, may also be granted.

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Mahmood Zaib Khan Son of Mubarak Zeb Khan

CNIC No. 15302-2157187-9.

PK-15, Lower Dir III

Resident of Timar Dherai, Timargara
District Dir Lower, Khyber
Pukhtoonkhwa.

Through:

TUFAIL SHAHZAD
Advocate High Court

SABIR AHMAD
Advocate High Court