

**BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD**

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

M.A. Khan  
3/4/18

In the matter of de-limitation of constituencies:

1. **Muhammad Sadiq Khan** s/o Muhammad Razaq  
(CNIC.15302-0989078-7)  
Nargay, Ouch, Tehsil Adenzai  
District Lower Dir
2. **Malik Azmat Khan** s/o Malik Muzafar Khan  
(CNIC.15302-0988857-5)  
Zargaro Kalay, Ouch, Tehsil Adenzai  
District Lower Dir
3. **Riaz Ahmed** s/o Ghulam Mehmood  
(CNIC.15307-1016171-3)  
Khoni Dhand, Bahdan, Tehsil Adenzai  
District Lower Dir
4. **Hamayun Khan** s/o Muhammad Nazir  
(CNIC.15302-0896625-1)  
Bilal Colony, Ouch, Tehsil Adenzai  
District Lower Dir
5. **Qamr-u-Zaman Khan** s/o Bakht Zamin Khan  
(CNIC.15302-0869520-7)  
Ouch Gharbi, Tehsil Adenzai  
District Lower Dir
6. **Shahid Khan** s/o Abdul Azeem Khan  
(CNIC.15307-7433551-7)  
Zargaro Kalay, Ouch, Tehsil Adenzai  
District Lower Dir
7. **Obaidullah Anwar** s/o Ghulam Rabbani  
(CNIC.15307-3044010-7)  
Sadiqabad, Ouch, Tehsil Adenzai  
District Lower Dir
8. **Attaullah Khan** s/o Azizullah Khan  
(CNIC.15307-5727433-1)  
Mohala Mulathar, Ouch, Tehsil Adenzai  
District Lower Dir
9. **Amjid Ali** s/o Hayat-ur-Rehman  
(CNIC.15302-0993556-7)  
Bangray, Ouch, Tehsil Adenzai  
District Lower Dir

—————Petitioners

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**Representation under § 21(3) of the Election Act, 2017 r/w the Provisions of Chapter-III, Part.A of Election Rules, 2017 on behalf of Petitioners for making appropriate amendments, alterations or modification in the Preliminary List of Proposed Constituencies of District Lower Dir, KPK, Proposed PK.14, (Lower Dir-II)**

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The Petitioners respectfully submit as follows:

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1. The Petitioners are registered voters of District Lower Dir, KPK and enjoy good reputation and are known for their dedication, integrity and public work. The relevant record of their being registered voters of the concerned constituencies are being appended herewith. It may be added that Petitioners belong to political parties namely Pakistan Peoples Party, Jamat-e-Islami, ANP, PTL, JUI(F), PRQ, PML(N) and PQWP respectively. Petitioner No.2 is also former member of the National Assembly and former State Minister. The titled presentation is being filed by them on their behalf and on behalf of all people of the area namely 'Ouch Union Council' of Adenzai Tehsil.
2. As far as relevant and material to the titled presentations, it is submitted that **Article 51** of the Constitution provides that there shall be **342** of the National Assembly, including seats reserved for women and non-Muslims. According to this **Art.51**, **39 General Seats** and **9 reserved seats for Women** have been allocated to the Province of Khyber Pakhtunkhwa ('KPK') for **National Assembly**. According to **Art.106** of the Constitution, **99 General Seats**, **22 Reserved Seats for Women** and **3 Seats Reserved for Minority** have been allocated to the **Province of KPK for Provincial Assembly**.
3. As far as District Lower Dir, KPK, is concerned, it had been allocated (basically) one National Assembly Constituency - **NA.34 (Lower Dir)** in 2002, 2008 and in the last General Elections 2013. While for the Province of KPK, District Lower Dir was having four (04) constituencies as **PF.94 (Lower Dir-I)** to **PF.97 (Lower Dir-IV)**.
4. Now in light of Census Report 2017, District Lower Dir has been allocated two constituencies for National Assembly, now **Proposed as NA.6 (Lower Dir-I)** and **NA.7 (Lower Dir-II)** with population of **1,435,917**. Provincial Constituencies have been proposed for District Lower Dir as **PK.13 (Lower Dir-I)** to **PK-17 (Lower Dir-V)**. There is therefore an increase of one National constituency and one constituency for Provincial Assembly.
5. Although there is an increase in population, in constituencies but in view of having compactness of the area and that it is settled principle of de-limitation that 'an area shall not fall in a constituency which is otherwise surrounded by another constituency'. The titled presentation is therefore being filed on behalf of the people of 'Ouch Union Council' as this area has been included in **PK.15**

(Lower Dir-III) while a union Council next to it called Kotigram has been included in PK.14. Thus, this area (Ouch) creates a kind of island between the two constituencies - PK.14 and PK.15.

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6. Therefore, the Petitioners on their behalf and on behalf of general public of (now Proposed constituencies as aforesaid, are filing the titled presentation as the 'proposed constituencies, if finalized with the proposed boundaries (i.e. including Ouch in PK.15) would adversely affect the rights and interests of the area for several reasons as, *inter alia*, summarized hereinafter. The concise submission is just that of exclusion of that area (*Ouch UC which is part of Tehsil Adenzai*) from one constituency (PK.15) and its inclusion in the other constituency (PK.14).
7. Accordingly, it is submitted 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 (in case of provincial assemblies as provided in Art.106), and (b) the delimitation of constituencies by the Election Commission of Pakistan. It is thus, constitutional obligation 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*'.
8. To delimit a constituency, the broader principles have been summarized in § 20 of the Election Act, 2017 that as far as practicable, be delimited 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*'.
9. Now according to the Preliminary Report on Proposed Constituencies issued by this Hon'ble Commission, Province of KPK has been divided into 99 territorial constituencies on the Census of 2017. The quota per seat in respect of each Provincial Assembly seat has been determined in relation to KPK as under:

Total Population of KPK: 30,523,371

Total PA Seats of KPK: 99

Quota Per Seat:  $30523371/99 = 308,317$

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10. Based on the aforesaid population and seat quota with a variation of about 10% as provided in § 20 of the Election Act, 2017, five seats, now proposed for District Lower Dir out of the 99 seats allocated to the entire Province of KPK, have been drawn up as under:

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|-------------------------|-------------------------|
| 1) PK.13, Lower Dir-I   | - (Population, 298,704) |
| 2) PK.14, Lower Dir-II  | - (Population, 270,988) |
| 3) PK.15, Lower Dir-III | - (Population, 302,116) |
| 4) PK.16, Lower Dir-IV  | - (Population, 265,273) |
| 5) PK.17, Lower Dir-V   | - (Population, 298,836) |


11. At the outset, it is submitted that 'Ouch UC' is part of Tehsil Adenzai and Adenzai Tehsil constitutes the entire 'PK.14 (Lower Dir-II)' EXCEPT the Union Council of OUCH. The ground reality is that to take the area from either side - one area (UC Kotigram) falls between the boundaries of PK.14 and PK.15 and thereby including Ouch in PK.15 creates an absurdity in the compactness of the area. A number of Maps would be presented before this Hon'ble Commission to demonstrate that 'Ouch Union Council' has to be included in PK.14 for compactness of the area and in order to avoid an island between the two constituencies.


12. 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' standard, 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. It is submitted that in fact 'people of the area' are being kept apart with the constituency as 'proposed' therefore 'suggestion' as made herein may kindly be considered favorably for the larger interest of the people of the area.


13. Hence, this presentation before the Hon'ble Commission of Pakistan for directions as suggested hereinabove. The Petitioners crave leave of the Hon'ble Commission to take additional grounds or make further suggestions during oral arguments of the titled presentations 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.

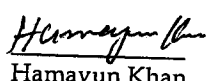
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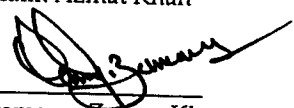
It is therefore most respectfully prayed that the Hon'ble Commission may kindly be pleased to consider and allow the titled presentation and finalize, *inter alia*, PK.14 (Lower Dir-II) and PK.15 (Lower Dir-III) as suggested hereinabove by the Petitioners. This Hon'ble Commission may further be pleased to make all appropriate adjustment, amendment, alteration and modification in the interest of justice.

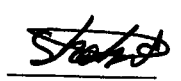
  
Muhammad Sadiq Khan


  
Malik Azmat Khan


  
Riaz Ahmed

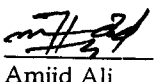
  
Hamayun Khan

  
Qamar-u-Zaman Khan

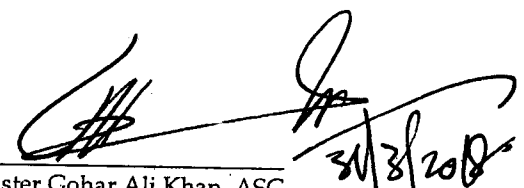
  
Shahid Khan

  
Baidullah Anwar

  
Aftaullah Khan

  
Amjid Ali

Through

  
Barrister Gohar Ali Khan, ASC  
31/3/2018

Dated: 31-03-2018