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

1. Farooq Iqbal Badshah Son Of Khaista Muhammad Resident of post office Timergara Tehsil Timergara , District Lower Dir, Khyber Pukhtoonkhwa bearing CNIC No. 15302-9350093-9
2. Shahab Ahmad son Muhammad Zahir, Resident of Shah Gulabd, Timergara , Tehsil Timergara , District Lower Dir, Khyber Pukhtoonkhwa. Beraing CNIC No. 15302-3061556-3 Voter No. 29/09.

Representation/ Objection under section 21(3) of Election Act, 2017

For inclusion of Kotigram Union Council in PK15 and exclusion of Ouch Union Council from Pk15 on the ground of geographical attachment and others considerable factors.

Respectfully Sheweth:-

1. That the brief facts of the case are that the petitioners are law-abiding citizens of Pakistan and belong to Union Council Timergara, District Dir Lower, Khyber PukhtunKhwa. Copies of the voter extract Certificate are attached as Annexure "A"
2. That petitioner No.01 contested General election in the Year 2013 from the old provisional assembly constituency PK-94 (Lower Dir-I) and petitioner No. 02 is currently the Village councilor.
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"

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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 proposed 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

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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.

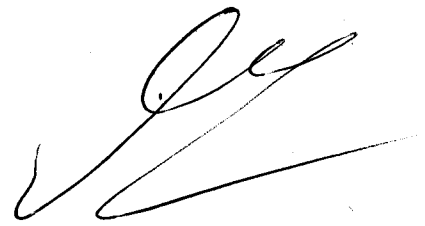
8. That under the new draft list of proposals for the delimitation of constituencies, the previously NA-34. Dir Lower has been bifurcated in two constituencies NA-6 and NA-7. For the provisional assembly of Khyber Pukhtunkhwa, the constituencies of Dir Lower have been divided in to 5 constituencies increasing 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.
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.

Copy of the Draft list of constituencies under Rule 10 (7) is attached as Annexure "C"

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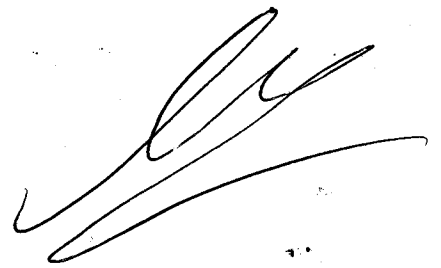


10. That under the new draft issued by this Honorable Election Commission of Pakistan vide notification No. F.8 (3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules, 2017. The petitioner's old provincial assembly constituency, PK-94 (Lower Dir-IV) is now re-numbered with PK-15 Lower Dir-III
11. That one of the union councils of the Tehsil Adenzai, "Union Council Ouch" is merged into the PK-15 Lower Dir^{III}, with 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 adjacent Union Council of the Tehsil Adenzai with PK-15 namely kotigram has been ignored by the delimitation officer and is merged in to the Constituency Of Pk-14 while the geographically disconnected union council namely OUCH is merged in to PK-15. It transpires that during the process of de-limitation of PK-14 Lower Dir II 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 to the voters and residents of Union Council Kotigram, Dir Lower.

Grounds

The Petitioner is aggrieved with the delimitation preliminary draft of the provincial assembly constituencies of Dir Lower and seek review of the proposals regarding Provincial Assembly's constituencies NO. 14 & 15 on the following grounds amongst others:-

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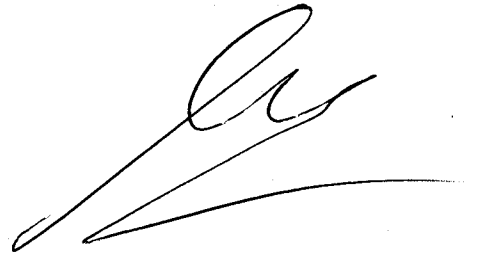


- I. That the Ouch union council is geographically disconnected area from PK -15 and geographically adjacent and connected with PK 14 therefor ouch union council should be excluded from PK-15.
- II. That the kotigram union council is naturally attached and linke with the PK-15 therefore needs to be part of the pk 15.
- III. That the authorities overlooked the mandatory legal requirements of geographically connected areas while delimiting. Ouch union council situated at mid of the PK 14 constituency, It has been included in PK 15 which has no geographical connection with it. While physically attached union council namely Kotigram with PK15 has been ignored to be made part of PK15. 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 Ouch. Hence should be revisited. Copy of the Map along with the Census Blocks are attached as **Annexure "D" and "E"**

ALTERNATIVE PROPOSAL

That the Kotigram Union Council is geographically attached with PK-15 having population of 39119 by inclusion of this union council in Pk-15 the total population of the said constituency will meet the prescribed requirement of the population for the provincial constituency with the total population of 294719 . On the other hand by the inclusion of Ouch Union Council (having population 46516) in PK 14 Will come up to the total population of 278385 and thus will meet the prescribed requirement of making of a constituency. copy of the attested marked map IS attached as **Annexure "F"**

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PRAYER:

In view of the above circumstances, it is most respectfully prayed that the delimitation officer be directed to carve out the constituencies at PK 14 and PK 15 afresh to 'correct' the error in delimitation by inclusion of Kotigrm Union Council at PK15 and by exclusion of Ouch Union Council at PK-14

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




Farooq Iqbal Badshah FAROOQ

Timergara Tehsil Timergara ,
Lower Dir CNIC No. 15302-9350093-9

Shahab Ahmad
Shah Gulabd, Timergara ,

Tehsil Timergara , District Lower Dir

Through:



TUFAIL SHAHZAD

Advocate High Court

SABIR AHMAD

Advocate High Court