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BEFORE THE HONOURABLE DELIMITATION AUTHORITY

(Appointed by Honourable Election Commission of Pakistan
under section 223(1) of The Elections Act, 2017)

Through : Worthy The Secretary,
Election Commission of Pakistan,
Islamabad.

REPRESENTATION

**UNDER SECTION 21(3) OF THE ELECTIONS ACT, 2017 READ WITH
RULE 12 OF THE ELECTION RULES AGAINST PRELIMINARY/DRAFT
DELIMITATION PREPARED AND PUBLISHED BY THE ELECTION
COMMISSION OF PAKISTAN IN RESPECT OF PROVINCIAL ASSEMBLY
CONSTITUENCY NO. PK-4, SWAT-III.**

Respectfully sheweth :-

The petitioner, namely Naveed Ali Khan son of Mohammad Kamal, Tehsil Nazim, Tehsil Char Bagh, District Swat and 5 others, are a registered voter of District Swat. (copies of CNIC and Voter Certificate attached)

2. The Honourable Election Commission of Pakistan has notified/published preliminary report and list constituencies of National Assembly and the Provincial Assemblies vide notification, dated 05-03-2018 and invited objections there-at.

3. The petitioner, being voter has felt agrieved by same report & preliminary list of Constituencies of Provincial Assembly of Khyber Pukhtunkhwa in respect of District Swat and hereby submit following objections and re-present my proposal to delimit the eight (08) Provincial Assembly Constituencies :-

LEGAL :-

4. The Elections Act, 2017 and rules made there-under empower the Honourable Election Commission of Pakistan to delimit the Constituencies of Local Government, National & Provincial Assembly Constituencies as per guidance provided in the Act and elobrated in The Elections Rules, 2017 respectively. Chapter-III of The Elections Act, 2017 provide detailed guidance in the matter. Section 20 of the Act, specifically provides detail whereof, namely :-

20. **Principles of delimitation.**----- (1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeniety in the creation of constituencies.

(2)

(3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.

(4) If the limit of ten percent under sub-section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.

5. Further, the Elections Rules, 2017, directs as under :-

8. **Determination of quota.**----- (1) The Commission after allocation seats referred to in rule 7, determine the average population (hereinafter referred to as "quota per seat") of a constituency for each province, the Tribal Areas and the Federal Capital by dividing total population thereof by general seats in the National Assembly allocated to a Province, the Tribal Areas or, as the case may be, the Federal Capital.

(2)
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 Proviso

(3) The Commission shall divide total population of a Province by the number of general seats in the Provincial Assembly to determine quota per seat in that Assembly.

(4) The Commission shall determine and notify the share of a district or districts, by dividing total population thereof with the quota per seat of the Provincial Assembly concerned as determined under this rule.

6. It is submitted that quota per seat in each Provincial Assembly was determined by Honourable Election Commission of Pakistan vide its Notification No.F.8(3)/2018-Elec-I, dated 5th March, 2018, (in its para-16) i.e.

Name of Assembly	Population	No. of Seats	Quota per seat
Provincial Assembly KP	30,523,371	99	$30,523,371 / 99 = 308,317$

7. Further, in para-17 of said Notification, district-wise quota of seats in National and provincial Assembly was also tabulated i.e.

Sr. No.	Area/ Agency/ District	Formula [Population of District (-) Quota]	Share of Seat	No. of Seat
24	Swat	$2,309,570 / 308,317$	7.49	8

8. The Elections Rules, 2018, directed the Delimitation Committees that :-

10. **Draft proposals for delimitation of constituencies.**----- (1) A Delimitation Committee constituted under Rule 9 shall, immediately after its constitution, proceed to obtain from Pakistan Bureau of Statistics, population data of last census official published along with relevant maps showing therein census charges, census circles and census blocks along with description, relating to a

province, a district, an agency, or any other administrative or revenue unit as it may require

Provided that the quota under this sub-rule shall be determined by dividing total population of the district or the agency with number of seats allocated to that district or agency.

(2) The Delimitation Committee shall also obtain district maps along with description, duly authenticated by Pakistan Bureau of Statistics, or, as the case may be, the district head of Revenue Department, prepared on a uniform scale as may be determined by the Commission indicating therein details of all administrative and revenue units in the district to the level of a Patwar Circle or, as the case may be, a Tapedar Circle, as well as prominent geographical and physical features, such as rivers and mountains and any other information as may be determined by the Commission or required by the Committee.

9. The petitioner, in order to prepare and submit the objections/representation against the draft/preliminary list of constituencies, obtained copies of the relevant maps from the provincial headquarters of Election Commission of Pakistan at Peshawar, which are being used in preparation of this representation.

10. And in view of proviso to Rule-10, the total population of district Swat i.e. . 2,309,570 was divided by total number of seats allocated to district, and thus:-

$$2,309,570 / 8 = 2,88,696 \text{ was the quota per seat in district Swat.}$$

GROUNDS FOR REPRESENTATION:-

(a) It was noticed that the maps of delimitation was not showing therein census charges, census circles and census blocks along with description, relating to a district, or administrative or revenue unit.-

(b) Detailed study of notification containing list of constituencies and the maps, further, showed that respective Delimitation Committee, also, either did not obtain district maps along with description, indicating therein details of all administrative and revenue units in the district to the level of a Patwar Circle, as well as prominent geographical and physical features, such as rivers and mountains and any other information or not required from the concerned quarters.

(c) Due to lack of this basic requirement, the Delimitation Committee was not aware of Administrative and Revenue units, compactness of different portions of district, Road infrastructure, Bridges, Nullahs, Rivers, Valleys, Series of Mountain, cultural relations, facilities/easements of voters, effects of rains fall, snow falls, floods, etc., and hence the Delimitation Committee only focused on equalizing the population of different areas of District Swat, which is evident from establishment of every Constituency of the District for Provincial Assembly.

ON FACTS :

- (i) District Swat is a hilly district, surrounded by Nullahs, Rivers, Rainy areas, Snow Fall areas, and different series of Mountains. Different cultural boundaries are spread over the whole district, which were not considered by Delimitation Committee..

- (ii) The Delimitation Committee, further did not take care the direction that Patwar Circle will not be broken in any case.
- (iii) The Delimitation Committee, broken Administrative as well as Revenue Units unnecessarily.
- (iv) The Delimitation Committee, did not consider mountain and hilly areas while delimiting the constituencies.
- (v) As per ECP Map Patwar Circle Taligram, was broken and three Mozajaat of said P.C. i.e. Sear, Shin Kat and Toha were made part of PK=3, whereas in the Notification this P.C. is shown in PK-4, which one ECP document is right and which one is wrong ?
- (vi) Further, in ECP map Patwar Circles namely Mangarkot and Kashora, being part of Tehsil Charbagh, whereas, by breaking the Administrative and Revenue Unit, these Patwar Circles, were included in PK-4. If these Patwar Circles are included in PK-3, the local voters will face difficulties in reaching other areas of the constituency i.e. Sear, Taligram, Jehanabad, Manglor, Charbagh, Gulibagh, Alamam Gangj, Karam Dera by traveling 55 KM, as between these Patwar Circles, and other areas of constituencies i.e. Ardum and Chamtalai, a big series of mountain is situated, which big hurdle of mountain was badly ignored by Delimitation Committee.
- (vii) Tehsil Charbagh is included in PK-4 and a part of Patwar Circle Qamber has been included in MC Mingora, whereas, remaining Qamber is rural area, having population of 25204. This area can easily mingle with areas of Patwar Circles Ghaligai, Maniar, MC Barikot, which are situated at one main road, hence including rural Qamber area in PK-6, is negating the public facility of the locals.
- (viii) Further, Circle No.24 of M.C. Mingora, is prime location of the M.C. and all district head office of Govt. offices/officers i.e. DC Office, District Courts, Police Headquarters, DOR office, etc. are situated in this Circle. ECP has, again by breaking a well established Administrative and Revenue Unit, without considering its importance in the City and the District, has wrongly included this urban Circle in PK-4 which is a rural constituency.
- (ix) As per ECP Map, two Patwar Circles i.e. Margzar, Islampur and Saidu Sharif have been shown part of PK-4, which areas have no direct and easy link with other part of the constituency and between these three Patwar Circles and Patwar Circles of Jambel and Dangram are other side of Mountain and the people of the areas have to cross the Constituency No.5 i.e. City of Mingora by traveling about 30/35 KMs. The public will be cut off with the mainstream of the constituency, which negating the facility of the general public.

**IN VIEW OF ABOVE OBJECTIONS/OBSERVATIONS,
THE FOLLOWING CHANGES IN THE DRAFT CONSTITUENCIES ARE
PROPOSED :↓**

- (a) PK-2:- Tehsil Bahrain, having a total population of 248,474, is proposed to an independent constituency. However, in order to enhance the population, two Patwar Circles of Tehsil Matta i.e. Rahat Kot and Darmai be included; i.e

Provincial Assembly Constituency No. PK-2 Swat-I

Published by ECP		Proposed by Petitioner	
Bahrain Tehsil	61787	Complete Tehsil Bahrain	248,474
Census Charge 3 (Bahrain City)	186687	PC Rahat Kot of Tehsil Matta	10382
Following PCs of Khwaza Khela QG Halqa of Khwaza Khela Tehsil :- Fatehpur	29376	PC Darmai of Tehsil Matta	15521
Jarupia	12593		
Total	290443	Total	274,374

Provincial Assembly Constituency No. PK-3 Swat-II

Published by ECP		Proposed by Petitioner	
Census Charge No.2 (Khwazakhela MC)	48027	Complete Tehsil Khawaza Khela	265,571
Khwaza Khela Tehsil, excluding the following PCs of Khwaza Khela QG Halqa : (a) Fatehpur and (b) Jarupia	175575		
Tehsil Charbagh, excluding following PCs of Charbagh QG Halqa : Charbagh and Teligram	65166	Total	265,571
Total	288768		

Provincial Assembly Constituency No. PK-4 Swat-III

Published by ECP		Proposed by Petitioner	
Census Circle No.24 (Gulkada) of Census Charge No.3 of	29394	Complete Tehsil Charbagh	126,115

Mingora MC			
Charbagh and Teligram PCs of Charbagh QG Halqa	39605 21344		PC Manglor of Tehsil Babuzai
Babuzai QG Halqa of Babuzai Tehsil, excluding PCs Odigram and Bllogram	201520		PC Sangota of Tehsil Babuzai
Total	291863		PC Bish Ban of Tehsil Babuzai
			PC Sar Sardare of Tehsil Babuzai
			PC Kokarai of Tehsil Babuzai
			PC Jambel of Tehsil Babuzai
			PC Gulkada No.3 of Tehsil Babuzai
			Circle No.6 i.e. Fizagat Rd of MC Mingora
			Total :

Provincial Assembly Constituency No. PK-5 Swat-IV

Published by ECP		Proposed by Petitioner	
Census Charge No.3 (Mingora MC) excluding Census Circle No.24 (Gulkada) of Babuzai Tehsil	301697	M.C. Mingora, including Circle No.24 (Gulkada No.1) and excluding Circle No.6 Fizagat Road.	311021
Total	301697	Total	311021

Provincial Assembly Constituency No. PK-6 Swat-V

Published by ECP		Proposed by Petitioner	
Barikot Tehsil	184000	Tehsil Barikot	184000
Following PCs of Babuzai QG Halqa of Babuzai Tehsil	44668	PC Saidu Sharif of Tehsil Babuzai	1924
Following PCs of Kabal QG Halqa of Kabal Tehsil : Gadi	126913	PC Islampur of Tehsil Babuzai	17183
Kotlai	20631	PC Qambar of Tehsil Babuzai	33967
		PC Orhigram of Tehsil Babuzai	57666

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Total	287973	PC Murgzar of Tehsil Babuzai	21766
		Total	316506

Provincial Assembly Constituency No. PK-7 Swat-VI

Published by ECP		Proposed by Petitioner	
Census Charge No.2 (Kabal MC) of Kabal Tehsil	118103	Circle 1,2,3, & 4 of Kabal MC	70460
Kabal QG Halqa of Kabal Tehsil :Gadi, Kotlai, Koza Bandi, Bara Bandi, Nigolai and Taghma	179116	PC Kotlai of Tehsil Kabal	20631
Total	297219	PC Garahi of Tehsil Kabal	16993
		PC Totano Bandey of Tehsil Kabal/	23808
		PC Qalage of Tehsil Kabal	25975
		PC Lowra Dewlai of Tehsil Kabal	30093
		PC Kala Kalai of Tehsil Kabal	24955
		PC Shalhand of Tehsil Kabal	16274
		PC Shah Derai of Tehsil Kabal	26222
		PC Bara Samai of Tehsil Kabal	28933
		PC Dar Diyal of Tehsil Kabal	19090
		Total	303,394

Provincial Assembly Constituency No. PK-8 Swat-VII

Published by ECP		Proposed by Petitioner	
Sabojnai QG Halqa of Matta Tehsi, excluding following PCs: Barthana and Aghal	191200	Qanungo Halqa Sabojni excluding PC Gwalera	157844
The following PCs of Kabal QG Halqa of Kabal Tehsil : Koza Banda	30450	Circle 5,6 & 7 of Kabal MC	47643
Bara Banda	38878	PC Bara Bandai of	38878

			Tehsil Kabal	
Ningolai; and Taghma	16274		PC Kooza Bandi of Tehsil Kabal	30459
Total	276811		Total	274,824

Provincial Assembly Constituency No. PK-9 Swat-VIII

Published by ECP		Proposed by Petitioner	
Census Charge No.3 of Matta MC	42647	Qanungo Halqa Shamezai excluding PCs Rahatkot and Darmai	180,478
Shamezai QG Halqa of Matta Tehsil	206381	PCs Gwalerai, Labat and Barthana of Sabojani Qanungo Halqa	59,194
Following PCs of Sebuji QG Haqa: Barthana; and	13679	MC Matta	42,647
Aghal	12089		
Total	274,796	Total	282,249

CERTIFICATE :-

Certified that while proposing the delimitation in respect of PK-2 Swat-I to PK-9 Swat-VIII, all of the requirements contained in the Elections Act, 2017, The Elections Rules, 2017, ECP guiding Notification, dated 5th March, 2018 have been considered. And that population of the proposed delimitations is within 10% fraction of population quota for a seat in the District.

Further clarification of objections/observations and the proposals will be submitted at the time of arguments.

Islamabad

Naveed Ali Khan :

Dated : 3rd March, 2018

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Through :- Ali Akhtar Khan, Advocate
39-Bait ul Raza Colony, Chowk Yateem Khana,
Lahore 0332, 5533789