

BEFORE THE HONOURABLE DELIMITATION AUTHORITY

(Appointed by Honorable 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-68, PESHAWAR.

The petitioner, namely Haroon Khan son of Mumtaz Khan, R/o Mohallah Sydan, Chamkani, Tehsil and District Peshawar is registered voter of District Peshawar. (copies of CNIC and voter certificates ^{will be} ~~are~~ attached).

2. The Honorable Election Commission of Pakistan has notified preliminary list of constituencies of Provincial Assemblies KPK vide notification, dated 05-03-2018 and invited objections there-at.

3. The petitioner, being voter, registered in Tehsil Peshawar, has felt aggrieved by preliminary list of Constituencies of Provincial Assembly of Khyber Pukhtunkhwa in respect of Tehsil and District Peshawar and hereby submit following observations and present my proposals to delimit the fourteen (14) Provincial Assembly Constituencies of the District.

LEGAL :-

4. The Elections Act, 2017 and rules made there-under empower the Honorable Election Commission of Pakistan to delimit the Constituencies of Local Government, National & Provincial Assembly Constituencies as per guidance provided in the Act and elaborated 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 homogeneity 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)

(3)

(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. The Honorable Election Commission of Pakistan vide its Notification No.F.8(3)/2018-Elec-I, dated 5th March, 2018 has worked out quota per seat in each Provincial Assembly (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, Honorable Commission has, further, tabulated district-wise quota of seats in National and provincial Assembly i.e.

Sr. No.	Area/ Agency/ District	Formula [Population of District (-) Quota]	Share of Seat	No. of Seat
24	Peshawar	$42,69,079 / 14$	3,04,934	14

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 Peshawar i.e. 42,69,079 was divided by total number of seats allocated to district, and thus:-
 $4269079 / 14 = 3,04,934$ was the quota per seat in district Peshawar.

GROUND OF REPRESENTATION/MEMORANDUM :-

a) Detailed study of notification containing list of constituencies and the maps, further, showed that respective Delimitation Committee, did not took care of indications on the map pointing out limits of Patwar Circles, Roads, Rivers, etc. which are dividing the areas of the district nor they kept in mind the public facility. Further, the Delimitation Committee also could not take care of compactness of a proposed constituency in this district.

(b) Due to lack of this such basic requisite knowledge of the important information, the Delimitation Committee was not in position to take into consideration the importance of Administrative and Revenue units, compactness of different portions of district, Road infrastructure, Bridges, Nullas, Rivers, cultural links, facilities/easements of voters, floods, etc., and hence the Delimitation Committee only focused on equalizing the population of different areas of District Peshawar, which is evident from establishment of some of the Constituencies of the District for Provincial Assembly.

ON FACTS :

- (i) District Peshawar is a district, surrounded by Nullahs, Rivers, Rainy areas and different cultural boundaries are spread over the whole district, which were not considered by Delimitation Committee..
- (ii) The Delimitation Committee, further did not took care the direction that Patwar Circle will not be broken in any case and hence, broken Administrative as well as Revenue Units un-necessarily.
- (iii) Two PCs namely Wad Paga has been notified as part of PK-68, but as is showing in ECP map, which is creating over-laping in PK-69, which over-laping is required to be removed.
- (iv) Major portion of PC namely Pakha Ghulam is included in PK-68, whereas, by breaking the said PC, a portion thereof namely Chughalpura is detached from the PC and is included in PK-69, the said anomaly is required to be removed as proposed by the petitioner.
- (v) Specifically, the petitioner is resident of, a city-based residential area and making itself a part of PK-68. In this area, majority of the voters belong to rural areas and are Pushto speaking. Patwar Circle Laram is presently devided in three parts. One/central part of the said PC is included as part of Municipal Corporation, Peshawar, where one/second side of said PC is included in PK-67 and the other/third part is included in PK-68. which anomaly is required to be removed, as proposed by the petitioner.

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

Provincial Assembly Constituency No. PK-66 Peshawar-I

Published by ECP		Proposed by Petitioner	
PC Palusi Attu Zai of Qasba QH	1202	Barbar	11061
PC Palusi Maqadar of Qasba QH and	1801	Chaghar Matti	19336
PC Palusi Talar Zai of Qasba QH	4019	Garhi Tajak	12959
Mathra QH, excluding following PCs i.e. Ali Zai, Barbar, Daag, Haryana Bala, Kaniza, Mamun Khatki, Niami, Pajaggi, Isa Khel Topchain, Sarkhana, Sigi Bala, Takhtabad Awal and Regi Lalama	289571	Garhi Chandan	22921
Total	296593	Gharhi Sher Dad	18138
		Kafoor Dheri	39831
		Lakra Kaniza	15086
		Mathra	25518
		Mula Zai	24008
		Panam Dheri	18423
		Qila Shah Beg	23546
		Regi Ufti Zai	19413
		Sarkhana	5833
		Shagali Bala	11211
		Shahi Bala	39181
		Palusi Muqadamzai	1801
		Palusi Attuzai	1202
		Total	309468

Provincial Assembly Constituency No. PK-67 Peshawar-II

Published by ECP		Proposed by Petitioner	
The following PCs of Mathra QH of Peshawar Tehsil		Ali zai	16,091
Ali Zai	16091	Dag	32,146
Barbar	11061	Haryana bala	25,449
Dag	25449	Kaniza	24,437
Haryana Bala	32146	Mamun/khatki	11,464
Kaniza	24437	Näimi	7,870
Mamun Khatki	11464	Pajaggi/isa khel topchian	71,770
Niami	7870	Shiggi bala	10,546
Pajaggi	71770	Takhat abad awal	19,124
Isa Khel Topchain	5833	Larma	54,959
Surkhana		Circle no.17	30,772
Sigi Bala and	10546		
Takhabad Awal	19124		
Mahal Salu PC of Qasba QH of Peshawar Tehsil	18672		
Laram PC of Khalsa QH of Peshawar Tehsil, and	54959		
Total	309422	Total	304628

Provincial Assembly Constituency No. PK-68 Peshawar-III

Published by ECP		Proposed by Petitioner	
The Khalsa QH of Peshawar Tehsil, EXCLUDING following PCs		Babu zai	32,410
Bhudani		Bunyadi	10,614
Chamkani		Daman afghani	7,615