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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-69, PESHAWAR.

The petitioner, namely Malik Shahab Hussain son of Jan Hussain Khan, R/o Mohallah Kohatian, Chamkani, Tehsil and District Peshawar is registered voter of District Peshawar. (copies of CNIC ~~and voter certificates~~ 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.

[Handwritten Signature]

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.
- (v) Similarly, as per ECP map, major portion of PC Larma has been made part of PK-67, whereas a portion of said PC namely Garhi Balochan has been included in PK-69.
- (vi) Again, as per ECP map, major portion of Barbar PC has been included in PK-67, whereas another portion of said PC namely Haji Zai has been included in PK-66.
- (vii) Specifically, the petitioner is resident of Chamkani, a city-based residential area and making itself a part of PK-69. In this area, the voters belong to multi-cultural families and are Hindko speaking. Where as ECP has included two villages namely Maira Kachori and Urmer Payan, residents of that two village arc much different in the sense of language and culture. These two areas, would adjustable with the voters of constituency No.PK-70, which is based on pure pushtoon areas. They can easily mingle with pashtoon culture and language, whereas they will be considered as minority in this constituency.

- (viii) At the cost of repetition, the Delimitation Committee, has badly ignored the clear direction of compactness of the constituencies and while delimiting constituency PK-69 have created over-laping in the shape, when they included PC Wadh Paga in PK-68, as this Patwar Circle physically and geographically and generally requires to included in PK-69.

**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	Naimi	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	18672		

Peshawar Tehsil				
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	317337	Bunyadi	10,614	
Chamkani		Daman afghani	7,615	
Daman Hindki		Gul bela	17,231	
Dalazak		Haryana payan	38,851	
Maira Khachori		Isa khel hamid	17,665	
Mian Gujjar		Kankola	20,831	
Phandu		Khazana	65,525	
Rashida		Landi daud zai	4,948	
Sardar Garhi		Nahaqqi	22,125	
Tarnab		Pakha ghulam	58,917	
Urmur Payeen		Mian gujar	10,015	
Total		317337	Total	306747

Provincial Assembly Constituency No. PK-69 Peshawar-IV

Published by ECP		Proposed by Petitioner	
Following PCs of Khalsa QH of Peshawar Tehsil		Daman hindki	37,034
Bhudani	11769	Budhni	11769
Chamkani	45247	Chamkani	45247
Daman Hindki	21299	Dalazak	21,299
Dalazak	37034	Wad pagga	20,605
Maira Khachori	30799	Phandu	29,859
Mian Gujjar	10015	Rashida	30,046
Phandu	29859	Sardar garhi	35,122
Rashida	30046	Tarnab	34,496
Sardar Garhi	35122	Circle no.10 of charge no. 09	47,931
Tarnab	34496	Total	313408
Urmur Payeen	29548		
Total	315234		

Provincial Assembly Constituency No. PK-70 Peshawar-V

Published by ECP		Proposed by Petitioner	
Following PCs of Khalsa QH of Peshawar Tehsil		The following pcs of khalsa qh	
Urmur Bala	36460	Urmur bala	36,460
Urmur Miana	33848	Urmur miana	33,848
Following PCs of Badhber QH of Peshawar Tehsil		The following pcs of badhbair qh	
Badhber Hurri Zai	35953	Garhi chandan	25,908
Badhber Maryam Zai	26912	Sori zai bala	35,757
Maryam Zai	16593	Sori zai payan	107,079
Garhi Chandan	25908	Urmer payan	29,548
Suri Zai Bala	36757	Maira kachori	30,799
Suri Zai Payan	107079	Total	299399
Total	318510		

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Provincial Assembly Constituency No. PK-71 Peshawar-VI

Published by ECP		Proposed by Petitioner	
Badhbher QH of Peshawar Tehsil, EXCLUDING following PCs	317912	Ade zai sher kera	22,681
Badhbher Hurri Zai		Aza khel	33,847
Badhber Maryam Zai		Bagh mian khel	15,920
Maryam Zai		Khuli zai	20,448
Garhi Chandan		Mashu gaggar	75,069
Suri Zai Bala		Mattani	49,672
Suri Zai Payan		Uli zai	13,987
Sheikhan		Badh ber huri zai	35,953
Ahmed Khel		Badh ber maryam zai	26,912
Bazid Khel		Maryam zai	16,593
Deh Bahadur			
Muza Zai and		Total	311082
Utman Zai			
Total	317912		

Provincial Assembly Constituency No. PK-72 Peshawar-VII

Published by ECP		Proposed by Petitioner	
Sheikhan PC of Badhbher QH of Peshawar Tehsil	29096	Sheikhan pc of badhbair qh	29,096
Qasba QH EXCLUDING following PCs		Achni bala	29872
Palosi Attozai		Achni payan	76532
Palosi Maqdar		Peshawar cantt. Pc	10,108
Palosi Talarzai and	277336	Pishtar khara bala	23613
Mahal Salu		Pishtar khara payan	27254
		Sangu	28,186
		Sarband	32,101
		Sufaid dheri	27873
		Mashukhel	24,693
Total	306432	Total	309328

Provincial Assembly Constituency No. PK-73 Peshawar-VIII

Published by ECP		Proposed by Petitioner	
Reggi Lalama PC of Mathra QH and	22507	Regi lalma pc of mathra qh	22,507
Following Census Circles of Charge No.16 of Peshawar Municipal Corporation		The following census circles of charges no.16 of peshawar mc.	
Census Circle No. 12 (Danishabad)	8554	Circle no.12	8,554
Census Circle No. 13 (Hayatabad)	29949	Circle no.13	29,949
Census Circle No. 14 (Hayatabad)	18181	Circle no.14	18,181
Census Circle No. 15 (Hayatabad)	9103	Circle no.15	9,103
Census Circle No. 16 (Hayatabad)	15659	Circle no.16	15,659
Census Circle No. 17 (Hayatabad)	22375	Circle no.17	22,375
Census Circle No. 18 (Hayatabad)	16236	Circle no.18	16,236
Census Circle No. 19 (Hayatabad)	18647	Circle no.19	18,647
Census Circle No. 20 (Hayatabad)	8089	Circle no.20	8,089
Census Circle No. 21 (Hayatabad)	23081	Circle no.21	23,081

Census Circle No. 22 (Hayatabad)	29993	Circle no.22	29,993
Census Circle No. 23 (Malikandhir)	35498	Circle no.23	35,498
Census Circle No. 24 (Hayatabad)	6811	Circle no.24	6,811
Census Circle No. 25 (Lalazar Colony)	24313	Circle no.25	24,313
		Circle no.12 of ch-17	18965
Total	288996	Total	307961

Provincial Assembly Constituency No. PK-74 Peshawar-IX

Published by ECP		Proposed by Petitioner	
Peshawar University TC	5,940	Peshawar University TC	5,940
Census Circles of Charges No.17 of Peshawar MC.	224,952	Census Charges No.17 Of Peshawar MC. EX CIR 12 (224952-18965=205987)	205,987
The following Census circles of Charges No.16 of Peshawar MC.		The Following Census Circles Of Charges No.16 Of Peshawar Mc	
(i) Circle No.09(Aabdara & Pawka)	23,357	(I) CIRCLE NO.09(AABDARA & PAWKA)	23,357
(ii) Circle No.10(Danishabad)	15,578	(II) CIRCLE NO.10(DANISHABAD)	15,578
(ii) Circle No.11(Shaheen Town)	16,900	(II) CIRCLE NO.11(SHAHEEN TOWN)	16,900
The following Census Circles of Charge No.1 of Peshawar Cantt.		The following census circles of charge no.1 of Peshawar Cantt.	
(i) Circle No.4 and	4,400	I) CIRCLE NO.1	10,279
(ii) Circle No.6	8,238	II) CIRCLE NO.4 AND	4,400
		III) CIRCLE NO.6	8,238
Total	299365	PALUSI TALARZAI	4019
		Total	294698

Provincial Assembly Constituency No. PK-75 Peshawar-X

Published by ECP		Proposed by Petitioner	
Peshawar Cantonment excluding Circle No.4 & 6 of Charge No.1 (70,741-12,638=58,103)	58103	Peshawar Cantonment excluding Circle No.1, 4 & 6 of Charge No.1 (70,741-22917=47824)	47824
Census Circle No.6 of Charge No.13 of Peshawar MC	20,256	Peshawar cantt. Pc	10,108
Charge No.15 of Peshawar MC	105,283	Landi akhun ahmed	21,797
The following Census circles of Charges No.16 of Peshawar MC.		Charge no. 07	
Circle No.1	16,430	Circle No.15	10,062
Circle No.2	11,623	Circle No.16	11,843
Circle No.3	8,760	Cir-01 of Ch-12	4,309
Circle No.4	8,607	Charge No.15 ex. CIR-1 (105283-15980=89303)	89,303
Circle No.5	19,514	The following Census circles of Charges No.16 of Peshawar MC.	
Circle No.6	13,807	Circle No.1	16,430
Circle No.7	17,913	Circle No.2	11,623
Circle No.8	14,750	Circle No.3	8,760

			Circle No.4	8,607
			Circle No.5	19,514
			Circle No.6	13,807
			Circle No.7	17,913
			Circle No.8	14,750
			Total	306650
Total	295046			

Provincial Assembly Constituency No. PK-76 Peshawar-XI

Published by ECP		Proposed by Petitioner	
Census Charges No.07 of Peshawar MC. excluding the following Census Circles;		Census Charges No.07 of Peshawar MC.	
		(383985-.....=.....)	
		Circle No.3	20,525
		Circle No.4	20,412
		Circle No.6	15,132
		Circle No.7	11,845
		Circle No.8	18,143
		Circle No.9	9,055
		Circle No.10	15,688
		Circle No.11	25,606
		Circle No.12	18,839
		Circle No.13	32,360
		Circle No.14	18,070
		Circle No.20	9,308
		Circle No.21	17,140
		Circle No.22	9,698
		Charge No.08	40,113
		Mahal Salo Shaqi Hinokian	18,672
		Total	300606
Census Circle No.01,02,05,18 & 19	294498		

Provincial Assembly Constituency No. PK-77 Peshawar-XII

Published by ECP		Proposed by Petitioner	
Census Charge No.8 of Peshawar MC	40,113	The following Census Circles of Charges No.07 of Peshawar MC.	
Census Charge No.9 of Peshawar MC	169,257	Circle No.1	9,716
The following Census Circles of Charges No.07 of Peshawar MC.		Circle No.2	15,012
Circle No.01	9,716	Circle No.5	22,240
Circle No.02	15,012	Circle No.18	24,947
Circle No.05	22,240	Circle No.19	17,572
Circle No.18	24,947	Census Charge No.9 (ex. Cir-10)	121326
Circle No.19	17,572	(169257-47931=121326)	
		Census Charge No.10	37550
		Cir-2 of Charge No.14	11,518
		Cir-3 of Charge No.14	11,419
		Cir-6 of Charge No.14	20,382
Total	298857	Total	291686

Provincial Assembly Constituency No. PK-78 Peshawar-XIII

Published by ECP		Proposed by Petitioner	
Census Charge No.10	37,550	Census Charge No.11	28,112
Census Charge No.11	28,112	Census Charge No.12 ex. Cir-01 45469-4309=41160	41160
Census Charge No.12	45,469	Census Charge No.13	206592
Census Charge No.13 excluding Circle No.6 of Peshawar MC (206592-20,256=182336)	182336	Circle No.1 of Charge No.14	14,691
Total	297467	CIR.01 of Charge No.15	15980
		Total	306535

Provincial Assembly Constituency No. PK-79 Peshawar-XIV

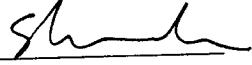
Published by ECP		Proposed by Petitioner	
Census charge No.14 of Peshawar MC;	218320	Census Charge No.14 ex. circles.1, 2, 3 & 6 (218320-59624=158696)	158696
The following PCs of BadhbherQH		The following PCs of Badhbair QH	
Ahmad khel	23402	Ahmad khel	23402
Bazid khel	18,525	Bazid khel	18,525
Deh bahadur	12,135	Deh bahadur	12,135
Musa zai	19,152	Musa zai	19,152
Utman zai	21,876	Utman zai	21,876
Total	313410	Sheikh mohammadi	28,073
		Suleman khel	33,522
		Total	315381

CERTIFICATE :-

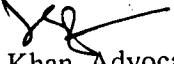
Certified that while proposing the delimitation in respect of PK-66 Peshawar-I to PK-79 Peshawar-XIV, all of the requirements contained in section 20 of the Elections Act, 2017, The Elections Rules, 2017, ECP guiding Notification, dated 5th March, 2018 have been considered. And that population of the proposed delimitations is within 10% fraction of population quota for a seat in the District.

For the facility, the proposed changes in the delimitation, colour map of proposal is also being submitted.

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

Malik Shahab Hussain : 

Dated : 3rd March, 2018

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