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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-7, SWAT-VI.

The petitioner, namely Mumtaz Wajeed son of Wajeed, R/o Nusrat, P.O. Deolai, Tehsil Kabal, District Swat, and 5 others, are registered voter of District Swat. (copies of CNIC and voter certificates are attached).

2. The Honourable 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 Kabal, has felt agrieved by preliminary list of Constituencies of Provincial Assembly of Khyber Pukhtunkhwa in respect of Tehsil Kabal, District Swat and hereby submit following observations and present my proposals to delimit the eight (08) Provincial Assembly Constituencies of the District.

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 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.

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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 Honourable 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, Hon'able 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	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

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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:-
 $2,309,570 / 8 = 2,88,696$ was the quota per seat in district Swat.

GROUND OF REPRESENTATION/MEMORANDUM :-

(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 obtained 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 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 portion of district, Road infrastructure, Bridges, Nullas, 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 equilizing 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 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) The Kabal Tehsil of District Swat is also surrounded by a series of mountain and nullas and some of its parts, have least road structure, enabling the inhabitants of that areas of Tehsil with each other.
- (iv) Tehsil Kabal had a total population of 420,474 and as per per seat quot, this Tehsil is entitled to get one complete Provincial Assembly Seat, whereas, the remaining population can be merged with Sabojni Qanungo Haqa of Tehsil Matta and another Provincial Assembly Constituency can be created, by using major portion of a new Constituency. Whereas, the Delimitation Committee, broken a big administrative unit of Tehsil Kabal, and for the reasons best known to it, divided the said tehsil in three portions/parts. Due to such un-just distribution/division, the remaining major portion of population was transformed as three different minorities. The inhabitants of Tehsil, on the other hand, also lost position of a big administrative unit.

- (4)
- (v) The Delimitation Committee, did not considered mountain and hilly areas while delimiting the constituencies, which is lacking traditional facility of traveling, etc.
 - (vi) 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 ?
 - (vii) Further, in ECP map, Patwar Circles namely Mangarkot and Kashora, being part of Tehsil Charbagh, were included in PK-4, by breaking the Admnistrative and Revenue Unit, thes Parwar Circles. 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.
 - (viii) 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 be mingled 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 locality.
 - (ix) Further, Circle No.24 of M.C. Mingora, is prime location of the M.C. and all distirct 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 Admnistrative 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.
 - (x) 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 these three Patwar Circles and Patwar Circles of Jambel and Dangram are situated on other side of Mountain and the people of the said 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 will curtail the facility of the general public.

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

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

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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 Landi Garhi of Shamezai of Tehsil Matta	17405
Following PCs of Khwaza Khela QG Halqa of Khwaza Khela Tehsil :- Fatehpur	29376	Total	265879
Jarupia	12593		
Total	290443		

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 Mingora MC	29394	Complete Tehsil Charbagh	126,115
Charbagh and Teligram PCs of Charbagh QG Halqa	39605 21344	PC Manglor of Tehsil Babuzai	37147
Babuzai QG Halqa of Babuzai Tehsil, excluding PCs Odigram and Bllogram	201520	PC Sangota of Tehsil Babuzai	24471
		PC Bish Ban of Tehsil Babuzai	12146
		PC Sar Sardare of Tehsil	14359

See (6)

Total	291863	Babuzai	
		PC Kokarai of Tehsil Babuzai	24568
		PC Jambel of Tehsil Babuzai	16128
		PC Gulkada No.3 of Tehsil Babuzai	6624
		Circle No.6 i.e. Fizagat Rd of MC Mingora	20070
Total :			281,628

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, 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
Total	287973	PC Orhigram of Tehsil Babuzai	57666
		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	Kabal MC excluding Circle 5, 6 & 7	70460
Kabal QG Halqa of Kabal Tehsil :Gadi, Kotlai, Koza Bandi, Bara Bandi, Nigolai and Taghma	179116	PC Kotlai of Tehsil Kabal	20631
		PC Garahi of Tehsil Kabal	16993
		PC Totano Bandey of	23808

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Total	297219	Tehsil Kabal/	
		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	Circle 5,6 & 7 of Kabal MC	47643
The following PCs of Kabal QG Halqa of Kabal Tehsil : Koza Banda	30450	PCs Nangolai and Nangolai of Kabal QG Halqa of Tehsil Kabal	38878
Bara Banda	38878	PC Kooza Bandi of Kabal QG Halqa of Tehsil Kabal	30459
Ningolai; and Taghma	16274	PC Sherpalam of Sabojni QG Halqa of Tehsil Matta	24304
Total	276811	PC Jora of Sabojni QG Halqa of Tehsil Matta	13141
		PC Shangowsti of Sabojni QG Halqa of Tehsil Matta	18232
		PC Shore of Sabojni QG Halqa of Tehsil Matta	35783
		PC Sajban of Sabojni QG Halqa of Tehsil Matta	19826
		PC Changlaili of Sabojni QG Halqa of Tehsil Matta	15546
		PC Beha of Sabojni QG Halqa of Tehsil Matta	30012
		Total	274824

Provincial Assembly Constituency No. PK-9 Swat-VIII

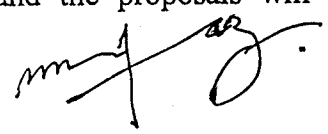
Published by ECP		Proposed by Petitioner	
Census Charge No.3 of Matta MC	42647	Matta MC	42647

Shamezai QG Halqa of Matta Tehsil	206381	PC Asharay of Shamezai QG Halqa of Tehsil Matta	26502
Following PCs of Sebujni QG Haqa: Barthana; and	13679	PC Chuprial of Shamezai QG Halqa of Tehsil Matta	21280
Aghal	12089	PC Drush Khela of Shamezai QG Halqa of Tehsil Matta	31732
Total	274,796	PC Shokhdara of Shamezai QG Halqa of Tehsil Matta	19175
		PC Baidara of Shamezai QG Halqa of Tehsil Matta	24142
		PC Matta Khararai of Shamezai QG Halqa of Tehsil Matta	15193
		PC Sakhra of Shamezai QG Halqa of Tehsil Matta	25049
		PCs Darmai & Rahat kot of Shamezai QG Halqa of Tehsil Matta	25903
		PC Roringa/Gwalrai of Shamezai QG Halqa of Tehsil Matta	23248
		PCs Barthana & Agal of Sabojni QG Halqa of Tehsil Matta	22890
		PC Labat of Sabojni QG Halqa of Tehsil Matta	12986
		Total	290747

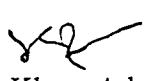
CERTIFICATE :-

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.

Mumtaz Wajeed : 

Dated : 3rd March, 2018

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