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The Secretary,  
Election Commission of Pakistan,  
Islamabad

**REPRESENTATION UNDER SECTION 21(3) OF ELECTION ACT  
2017 READ WITH ELECTION RULES 2017 IN RESPECT OF  
PROPOSED PROVINCIAL CONSTITUENCY PK-97 DERA ISMAIL  
KHAN - III**

Respectfully Sheweth:

1. That the Petitioner is a permanent resident and registered voter in the proposed constituency of PK 97 Dera Ismail Khan-III and presently registered in PK 64 Dera Ismail Khan-I. He is registered at Silsila Number 453, Block Code 056051108 at Gillani Town, Tehsil and District Dera Ismail Khan.
2. That the Honourable Election Commission of Pakistan ("Commission") has been pleased to notify vide the Official Gazette dated 05.03.2018 proposing, *inter alia*, the delimitation of constituencies PK 97 Dera Ismail Khan - III. A major part of the said proposed constituency falls under the present PK-64. At present, District Dera Ismail Khan is divided into five (05) constituencies. After the 2017 Census of Pakistan as per the formula [Population of District ÷ Quota of Khyber Pakhtunkhwa], District Dera Ismail Khan has still been allocated five (05) constituencies/seats of Provincial Assembly in the Preliminary Delimitation Report, 2018 published by this Honourable Commission. The purpose of redefining the constituency boundaries was to bring all the constituencies at par in terms of population. However, such was done ignoring the principles of delimitation as enshrined in the Election Act 2017 and Election Rules 2017.
3. That the Preliminary Delimitation Report, 2018 proposes the delimitation of constituency PK 96 & PK 97 of Provincial Assembly of District Dera Ismail Khan in the following manner:

Sr. No.	Number and Name of Constituency	Extent of Constituency	Population
1	PK-96 Dera Ismail Khan-II	(a) The following Qanungo Halqas of Dera Ismail Khan	

		<p>Tehsil:            (i) Shorkot; and            (ii) Yarak</p> <p>(b) The following Patwar Circles of D.I.Khan Qanungo Halqa:            (i) Ratta Kolachi; and            (ii) Kotla Saidan</p> <p>(c) The following Patwar Circles of Band Korai Qanungo Halqa of Paharpur Tehsil:            (i) Nourang Luk            (ii) Thathal;            (iii) Shah Kot; and            (iv) Dhap Shumali            of Dera Ismail Khan</p>	<b>333260</b>
2.	PK-97 Dera Ismail Khan - III	<p>(a) Census Charge No. 05 (Dera Ismail Khan Municipal Committee);            (b) Census Charge No. 01 (Dera Ismail Khan Cantonment);            (c) Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan Tehsil, excluding the following Patwar Circles:            (i) Ratta Kolachi            (ii) Kotla Saidan            (d) The following Patwar Circles of Muryali Qanungo Halqa of Tehsil Dera Ismail Khan:            (i) Muryali; and            (ii) Nawab            Of D. I. Khan District</p>	<b>307264</b>

4. That through the instant representation, the Petitioner seeks the indulgence of this Honourable Commission to delimit the above constituencies in the following manner:

Sr. No.	Name and No. of Constituency	Proposed amendments, alterations or modifications	Extent of Constituency after including the proposal
1	PK-96 Dera Ismail Khan- II	<p><b>Exclude</b></p> <p>(a) The following Patwar Circles of D.I.Khan Qanungo Halqa:</p> <p>(i) Ratta Kolachi</p> <p><b>Include</b></p> <p>(a) The following Patwar Circles of Muryali Qanungo Halqa of Tehsil Dera Ismail Khan:</p> <p>(i) Nawab Of D. I. Khan District</p> <p><b>POPULATION AFTER NEW PROPOSAL:</b></p> <p><b>327,446</b></p>	<p>(a) The following Qanungo Halqas of Dera Ismail Khan Tehsil:</p> <p>(i) Shorkot; and (ii) Yarak</p> <p>(b) The following Patwar Circles of D.I.Khan Qanungo Halqa</p> <p>(i) Kotla Saidan</p> <p>(c) The following Patwar Circles of Band Korai Qanungo Halqa of Paharpur Tehsil:</p> <p>(i) Nourang Luk (ii) Thathal; (iii) Shah Kot; and (iv) Dhap Shumali of Dera Ismail Khan</p> <p>(d) The following Patwar Circles of Muryali Qanungo Halqa of Tehsil Dera Ismail Khan:</p> <p>(i) Nawab</p>
2.	PK - 97 Dera Ismail Khan - III	<p><b>Exclude</b></p> <p>(a) The following Patwar Circles of Muryali Qanungo Halqa of Tehsil Dera Ismail Khan:</p> <p>(i) Nawab Of D. I. Khan District</p> <p><b>Include</b></p> <p>(a) The following Patwar Circles of D.I.Khan</p>	<p>(a) Census Charge No. 05 (Dera Ismail Khan Municipal Committee);</p> <p>(b) Census Charge No. 01 (Dera Ismail Khan Cantonment);</p> <p>(c) Dera Ismail Khan Qanungo Halqa of Dera Ismail Khan Tehsil, excluding the</p>

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		Qanungo Halqa: (ii) Ratta Kolachi  <b>POPULATION AFTER NEW PROPOSAL:</b>  <b>313,078</b>	following Patwar Circles: (iii) Kotla Saidan (d) The following Patwar Circles of Muryali Qanungo Halqa of Tehsil Dera Ismail Khan: (iii) Muryali Of D. I. Khan District
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5. That being aggrieved by and dissatisfied with the part list of constituencies, published in the Preliminary Delimitation Report 2018, particularly specifying the areas proposed to be included in/excluded from proposed Provincial Assembly constituencies PK – 96 and PK – 97 of District Dera Ismail Khan and in the best interest of the population of the district as a whole, the Petitioner seeks the gracious interference of this Honourable Commission for making amendments, alterations or modifications as suggested/ proposed by the Petitioner in Paragraph 4 above, inter alia, on the following grounds

**GROUND**

A. That a combined reading of Section 20 of the Election Act 2017 and Rule 10 of the Election Rules 2017 reveals that the following principles and procedures are to be kept in mind at the time of making the delimitation of the constituencies:

- (i) Distribution of population in geographically compact areas,
- (ii) Physical features,
- (iii) Existing boundaries of administrative units,
- (iv) Facilities of communication
- (v) Public convenience
- (vi) Other cognate factors to ensure homogeneity in the creation of constituencies
- (vii) The delimitation of constituencies of an Assembly shall start from the Northern end of the district; and

- (viii) Then it will proceed clockwise in zigzag manner keeping in view that population among the constituencies of an Assembly shall remain as close as may be practicable
  - (ix) The variation in population between two or more constituencies shall not ordinarily exceed ten percent.
- B. That while preparing the Preliminary Delimitation Report, 2018 comprising of proposals for delimitation of constituencies for Provincial Assembly in Dera Ismail Khan constituencies PK - 96 and PK-97, it is respectfully submitted, the relevant Delimitation Committee failed to adhere to the above stated mandatory principles and procedures in letter and spirit therefore there is a need to revisit the said delimitation proposal by this Honourable Commission.
- C. That while preparing the delimitation report for proposed constituency PK - 97, the Delimitation Committee included the patwar circle of Nawab of Muryali Qanungo Halqa without giving regard to the geographical compactness, physical features, facilities of communication and public convenience. Patwar circle Kotla Saidan consists of Union Council Lachra and two wards of Union Council Kotla Saidan (Kotla Saidan Ward 1 and 2) and they fall in PK - 96. The other two wards of Union Council Kotla Saidan i.e. Ward Arra and Ward Noon Nawab are part of Patwar Circle Nawab which fall in PK -97. It will be impossible for two MPA's to execute public sector development schemes in one Union Council where all amenities like roads, parks and electricity are inter connected. Thus, the physical features and existing boundaries of administrative units have been ignored while the delimitation committee prepared the preliminary delimitation report.
- D. Further, the only road that connects PK - 97 to Patwar Circle Nawab goes through PK -98 and the voters will have to travel a long distance to reach other parts of PK - 97 and the lack of public transport facilities will further add to their miseries. Therefore, the Delimitation Committee ignored facilities of communication and public convenience.
- E. That patwar circle Ratta Kolachi is located in D. I Khan Qanungo Halqa which form internal part of Dera Ismail Khan city and the constituencies of PK-96 and PK -97 have been demarcated in a manner where adjoining houses fall in different constituencies making it very difficult for the public

to seek redressal of their grievances from their public representatives and also development work will be affected as the construction of streets, electricity, sanitation schemes and other amenities will be divided in a manner where half of the street will be developed and the other will not be as the priorities of the representatives are varied as per the requirements of the constituency. All functional public health schemes like drinking water are connected to PK – 97. This is a thickly populated area and all cognate factors to ensure homogeneity in the creation of constituencies have been ignored by the Delimitation Committee.

- F. That four major roads connect Patwar Circle Ratta Kulachi to the other areas of PK -97. On the other hand, there is only one ward of Ratta Kulachi that is connected to PK – 96 and the rest of the three wards have no connection through roads to PK – 96. The Delimitation Committee while making the preliminary report on delimitation has ignored factors such as public convenience and facilities of communication.
- G. That the population of PK – 96 is 333,260 and the population of PK – 97 is 307,264 as per the Preliminary Delimitation Report 2018. If the proposals for delimitation as suggested in this representation are accepted the population of PK -96 will be approximately 327,446 and PK – 97 will be 313,078. Thus the variation in the distribution of population between the two constituencies will be lesser.
- H. That if the proposal for delimitation of PK – 96 and PK - 97 made by the Delimitation Committee in its Preliminary Delimitation Report, 2018 is finalized without incorporating amendments, alterations or modifications proposed/suggested by the Petitioner in paragraph 4 above, the entire population of above detailed Halqa Qanungo and Patwar circles would suffer irreparable loss and hardships and their miseries will increase manifold.
- I. That the amendments, alterations or modifications proposed/suggested by the Petitioner in paragraph 4 above are for the sole purpose of providing facilities and ease to the inhabitants of the said areas.

**PRAYER**

In view of the foregoing, it is most respectfully prayed that the instant representation may kindly be accepted and the amendments, alterations or

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modification proposed/suggested by the Petitioner in paragraph 4 of this representation may graciously be incorporated in the final report and list of constituencies showing the areas included in each constituency. Any other relief, which this Honourable Commission may deem just and appropriate, may also be granted in the interest of justice and equity.

**Petitioner**

Dated: 3<sup>rd</sup> April 2018

*Ehtasham*

**Ehtasham Shah s/o Syed Sajjad Hussain Shah**  
R/o Gillani Town, Tehsil & District D. I. Khan

**Through**

*Salman Hamid Afridi*

**Barrister Salman Hamid Afridi**  
Advocate High Courts  
Partner,  
**H & M Advocates and Corporate Consultants**  
House 1-A, Main Service Road, next to Street 32,  
Sector F-8/1, Islamabad

**AFFIDAVIT**

I, Ehtasham Shah S/O Syed Sajjad Hussain Shah r/o Gillani Town, Tehsil and District Dera Ismail Khan, solemnly declare and affirm on oath that the contents of the above representation are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed in any manner whatsoever.

*Ehtasham*

DEPONENT

IDENTIFIED BY:

*Salman Hamid Afridi*

**BARRISTER SALMAN HAMID AFRIDI**  
**ADVOCATE HIGH COURTS**

Dated: 3<sup>rd</sup> April 2018

This affidavit has been sworn before me on this 03 day of 04 2018 by the deponent who is personally known / identified by Ehtasham Shah. Certified further that the deponent of this affidavit have been read over and explained to deponent who has understood and attested the same.  
Serial No 2

**Iqbal-ul-Haq**  
Advocate High Court  
Qazim Khan  
Islamabad