

**BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD**

Representation No. \_\_\_\_\_/2018

In the matter of de-limitation of constituencies:

1. **Bashir Ahmed** s/o Zahoor-u-Din  
(CNIC.15101-6532574-5)  
Village Krapa, P.O & Tehsil Daggar  
District Bunir
2. **Muhammad Zada** s/o Anwar Parist  
(CNIC.1501-0399983-9)  
Village Krapa, P.O & Tehsil Daggar  
District Bunir
3. **Abdul Aziz** s/o Abu Baker  
(CNIC.1501-0379894-1)  
Village Krapa, P.O & Tehsil Daggar  
District Bunir
4. **Khan Sardar Alam** s/o Khan Bahader  
(CNIC.15101-5525223-1)  
Village Krapa, P.O & Tehsil Daggar  
District Bunir
5. **Abdul Manan** s/o Muhammad Rasan  
(CNIC.15101-0999806-1)  
Village Krapa, P.O & Tehsil Daggar  
District Bunir
6. **Zar Bahesht** S/o Faizullah Khan  
(CNIC.15101-3832059-1)  
Village Krapa, P.O & Tehsil Daggar  
District Bunir
7. **Shaukat Khan** s/o Amir Akbar Khan  
(CNIC.15101-6927022-1)  
Village Krapa, P.O & Tehsil Daggar  
District Bunir



-----Petitioners

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**Representation under § 21(3) of the Election Act, 2017 r/w the Provisions of Chapter-III, Part.A of Election Rules, 2017 on behalf of Petitioners for making appropriate amendments, alterations or modification in the Preliminary List of Proposed Constituencies of District Bunir, KPK, *inter alia*, proposed PK.21, (Bunir-I)**

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The Petitioners respectfully submit as follows:

1. The Petitioners are registered voters of District Bunir, KPK and enjoy good reputation and are known for their dedication, integrity and public work. The relevant record of their being registered voters now in Proposed PK-21 (Bunir-II) is being appended herewith.

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2. As far as relevant and material to the titled presentations, it is submitted that **Article 51** of the Constitution provides that there shall be **342** of the National Assembly, including seats reserved for women and non-Muslims. According to this Art.51, **39 General Seats** and 9 reserved seats for Women have been allocated to the Province of Khyber Pakhtunkhwa (KPK) for **National Assembly**. According to Art.106 of the Constitution, **99 General Seats**, 22 Reserved Seats for Women and 3 Seats Reserved for Minority have been allocated to the **Province of KPK for Provincial Assembly**.
3. As far as District Bunir, KPK, is concerned, it had been allocated one National Assembly Constituency (NA.28) in 2002, 2008 and in the last election 2013. While for the Province of KPK, District Bunir was having three constituencies as PK.77 (Bunir-I), PK.78 (Bunir-II) and PK.79 (Bunir-III).
4. Now in light of Census Report 2017, District Bunir is one constituency for National Assembly, now **Proposed as NA.9** with a **population of 897,310**. Provincial Constituencies have been proposed for District Bunir as **PK.20 (Bunir-I)**, PK.21 (Bunir-II) and PK-22 (Bunir-III). There is a change in the sequence of constituencies - PK.79 (Bunir-III) is now **Proposed PK.20(Bunir-I)**.
5. The titled presentation is basically about the Provincial Constituency, proposed PK.21 (Bunir-II) of which the Petitioners are all registered voters. To be very precise, it may be added that the Petitioners are residents of Village Krapa which has been included in Proposed PK.21 (Bunir-II) while they have always been part of Tehsil Daggar and in fact their address does refer to 'Daggar' as even their 'Post Office'. Now Krapa Union Council has been detached from Tehsil Daggar and included in Tehsil Gagra for the purpose of this constituency (i.e. Proposed PK.21 (Bunir-II). The Petitioners submit that the 'Proposed PK-21' should be altered and modified whereby Krapa Union Council should be reallocated and included in PK.20 (Bunir-I) [*which was earlier PK.79, Bunir-III*]. In fact, the Petitioners' Union Council has always been part of that constituency i.e. now **proposed as PK.20 (Bunir-I)**.
6. They on their behalf and behalf of general public of (now Proposed PK.21 and Proposed PK-20) file the titled presentation as the 'proposed constituencies; would adversely affect the rights and interests of the area for several reasons as, *inter alia*, summarized hereinafter.

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7. It is submitted that Art.222 of the Constitution provides that 'Parliament may by law provide for, (a) the allocation of seats in the National Assembly as required under Art.51 (3) and (4) of the Constitution (in case of provincial assemblies as provided in Art.106), and (b) the delimitation of constituencies by the Election Commission of Pakistan. It is thus, constitutional obligation of this Hon'ble Commission to delimit the constituencies in accordance with law. Now, Section 17 of the Election Act, 2017 provides that '*Election Commission shall delimit the constituencies after every census officially published*'.

8. To delimit a constituency, the broader principles have been summarized in § 20 of the Election Act, 2017 that as far as practicable, be delimited having regard to the (i) distribution of population in geographically compact areas, (ii) physical features, (iii) existing boundaries of administrative units, (iv) facilities of communication and public convenience and (v) other cognate factors to ensure homogeneity in the creation of constituencies. It has also been provided that '*as far as possible, variation in population of constituencies of Assembly shall not ordinarily exceed ten percent*'.

9. Now according to the Preliminary Report on Proposed Constituencies issued by this Hon'ble Commission, Province of KPK has been divided into 99 territorial constituencies on the Census of 2017. The quota per seat in respect of each Provincial Assembly seat has been determined in relation to KPK as under:

Total Population of KPK: 30,523,371  
Total PA Seats of KPK: 99  
Quota Per Seat:  $30523371/99 = 308,317$

10. Based on the aforesaid population and seat quota with a variation of about 10% as provided in § 20 of the Election Act, 2017, three seats, now proposed for District Bunir out of the 99 seats allocated to the entire Province of KPK, have been drawn up as under:

- |                     |                         |
|---------------------|-------------------------|
| 1) PK.20, Bunir-I   | - (Population, 326,003) |
| 2) PK.21, Bunir-II  | - (Population, 300,156) |
| 3) PK.22, Bunir-III | - (Population, 271,160) |


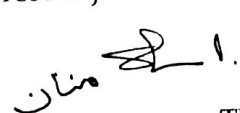
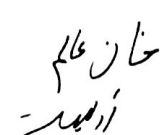


11. As far as relevant here, in the proposed 'constituencies' for District Bunir, in the three constituencies, PK.20, Bunir-I (Population, 326,003), would include, Daggar Tehsil excluding the 'Patwar Circle of Daggar Qanungo Halqa - (i) *Krapa*, and (ii) *Nawey Kalay Pachpaw*. And in the Proposed PK.21 (Bunir-II), the aforesaid two Patwar Circles of Tehsil Daggar have been included in Tehsil Gagra and thereby PK.21 (Bunir-II) has been proposed.

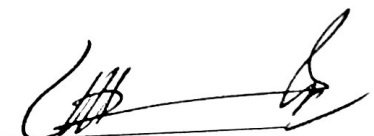
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12. It is submitted on behalf of the Petitioners that PK.20 (Bunir-I) and PK.21 (Bunir-II) as suggested by the Petitioners and MAP whereof attached herein shall be finalized by the Hon'ble Commission as this 'suggested' constituency is better than the 'proposed' constituencies. In the suggested constituencies, the Petitioners are suggesting the "inclusion of Patwar Circles of Krapa and Nawey Kalay in PK.20 (Bunir-I) and thus the exclusion of these circles from PK.21 (Bunir-II). In fact, as stated earlier, they have always been part of (what is now proposed as) PK.20 (Bunir-I) and never been part of PK.21 (Bunir-II).

13. It is submitted that it is settled law and international practice in delimitation of the constituencies that 'totality of circumstances' to be taken into account also known or called as 'redistricting standard'. Accordingly, in view of the 'totality of circumstances' standard, the best presentation is what has been suggested hereinabove. It may be added that, *inter alia*, it is the constitutional right of the general public of the area under Article.17 to have "real representatives". In case, the 'proposed constituencies' are not reviewed, altered and modified as suggested, the rights and interests of the people of the area would be adversely affected and prejudiced. After all, no constituencies have been increased or decreased in District Bunir - therefore the old limitations of the constituencies should be kept intact as this time only PK.21 (Bunir-II) is de-limited with this 'change' i.e. inclusion of PC Krapa and Nawey Kalay Panchpaw after their exclusion from PK.20 (Bunir-I). It is submitted that in fact 'people of the area' are being kept apart as the people of this area are having all their links and relations with PK.20 instead of PK.21. Therefore, the aforesaid two PC (Krapa and Nawey Kalay Panchpaw) be included in PK.20 instead of PK.21. Hence, this presentation before the Hon'ble Commission of Pakistan for directions as suggested hereinabove.

It is therefore most respectfully prayed that the Hon'ble Commission may kindly be pleased to consider and allow the titled presentation and finalized, *inter alia*, PK.20 (Bunir-I) and PK.21 (Bunir-II) as suggested hereinabove by the Petitioners and may further be pleased to make all appropriate adjustment, amendment, alteration and modification in the interest of justice.

      
Through

  
Barrister Gohar Ali Khan, ASC