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The Secretary,
Election Commission of Pakistan,
Islamabad.

24/03/2018
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Subject: **REPRESENTATION U/S 21(3) OF THE ELECTION ACT, 2017 AGAINST THE PRELIMINARY DELIMITATION OF THE CONTITUENCY IN RESPECT OF PK-28 AND 29 NOTIFIED ON 05.03.2018**

Respected Sir,

With reference to notification No. F.8(3)/2018-Elec-I dated 05.03.2018, regarding publication of preliminary report of delimitation of constituencies of National Assemblies and Provincial Assemblies, we hereby filed objections against the above said preliminary delimitation of provincial constituencies PK-28 & 29 as under:

- i. That the principles laid down in section 20 of the Election Act, 2017 and rule 12 of the Election Rules, 2017 have not been complied with in stricto-senso.
- ii. That geographically compact area means which naturally and politically division of the earth seems to be one unit. Unfortunately the preliminary delimitation in respect of PK-28 & 29 is not inconsonance with the geographical nature of the area. A cursory view of the map itself indicates that the proposed delimitation is more appropriate in the light of this principle rather than the preliminary notified delimitation. The patwar circle of Huttal Deeshan is situated from the west side of CPEC, whereas rest of the patwar circles of qanungo Halqa of Kooza Banda are situated on the north side of CPEC, which can be drawn as boundary line between these two constituencies. Besides, between Huttal Deeshan and remaining patwar circles of Kooza Banda, there is mountain which separate the village council/patwar circle Huttal Deeshan from the other patwar circles of Kooza Banda.
- iii. That the next principle of delimitation is physical feature which is also correlated with the first one. As stated above

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apparently floating on the surface that all the patwar circles of Kooza Banda are situated on the northern side of mountain whereas village council/patwar circle Huttal Deeshan is on the western side near to Battagram Tehsil and its attachment with PK-28 does not seem appropriate. Rule 10(2) of the Election Rules, 2017, specifically provides physical features such as rivers and mountains which attract in this case and the suggestion is according to this rule.

- iv. That patwar circle Huttal Deeshan is totally a separate unit geographically from PK No.28 & 29. Needless to say that Huttal Deeshan is a village council and when it came into the notice of Nazim, Naib Nazim and members of Huttal Deeshan village council that the same is being included in Tehsil Alai, a meeting was held on 09.01.2018 under the Chairmanship of Nazim to condemn the proposed arrangements which is neither geographically nor practically possible/convenient for the inhabitants of village council Huttal Deeshan.
- v. That most important fact which determines all other factors is facility of communication and public convenience. In the instant case road difference of village council Huttal Deeshan is 9 kilometers from Battagram which takes only 10 minutes to reach there, Whereas 36 kilometers distance of village council Huttal Deeshan to Tehsil Alai that too mountainian journey which takes 03:30 to 04:00 hours. Thus the accessibility and public convenience of village council Huttal Deeshan residents is naturally with the Battagram rather than Tehsil Alai. On this score alone, the demand of petitioners is prima facie and merits consideration.
- vi. So far as cognate factor is concerned, naturally the people have relations with the people where they feel convenient and have communication facilities. Accordingly residents of village council Huttal Deeshan have close relations with the residents of Battagram instead of Tehsil Alai, so this homogeneity demands that village council Huttal Deeshan may be included in PK-29 to facilitate the residents of that patwar circle.

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- vii. That the rule of northern end has also been violated just to enhance the population of PK-28 Tehsil Alai which is against the natural justice. All the laws are made for the welfare/facilitation of general public and not to bother the public.
- viii. Apart from above, it has also been laid down in section 20(4) of the Election Act, 2017 that if the limit of 10% is exceeded in any case, the commission can do so after recording the reasons. The condition is last one in the above section meaning thereby that the Authors of the law were much conscious about the priorities of the legislation, first they have given the basic principles which are primary conditions and then the later one was given place in the section. If the primary conditions are fulfilled, the later one can be relaxed by the Honourable Commission. Needless to say that relaxation in this subsection has been extended to an urban area of Punjab province whereas Battagram is a far flung hilly area of an undeveloped province and deserves such relaxation. All the pre-requisites of the concerned section read with relevant rule have been complied with in the proposed delimitation of PK-28 Battagram I and PK-29 Battagram II.
- ix. It is worthwhile to mention here that Chanjal Village Council falls within the patwar circle of Thakot, whereas it has been included in Huttal Deeshan, which is a typographical mistake, due to which the population of Huttal Deeshan has been mentioned as 14000, whereas after subtracting, the population of Huttal Deeshan left 9840. The preliminary and proposed delimitation is given hereunder in an annotated form:

Preliminary Delimitation			Proposed Delimitation		
Constituency No.	Description	Population	Constituency No.	Description	Population
PK-28 Battagram I	(a)Tehsil Alai; and (b)The following patwar circles of Kooza Banda Qanungo Halqa of Battagram Tehsil: i. Thakot	180,414	PK-28 Battagram I	(a)Tehsil Alai; and (b)The following patwar circles of Kooza Banda Qanungo Halqa of Battagram Tehsil: i. Thakot ii.Paimal Sharif	180,414

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	ii. Paimal Sharif iii. Barsar; & iv. Huttal of Battagram District	8331 16,915 9226 14000		iii. Barsar of Battagram	8331 16,915 9226
	Total	228,886		Total	214,886
PK-29 Battagram II	Battagram Tehsil excluding the following patwar circles of Kooza Banda Qanungo Halqa of Battagram: i. Thakot ii. Paimal Sharif iii. Barsar of Battagram	247,726	PK-29 Battagram II	Battagram Tehsil excluding the following patwar circles of Kooza Banda Qanungo Halqa of Battagram: i. Thakot ii. Paimal Sharif iii. Barsar of Battagram	261,726
	Total	247,726		Total	261,726

2. That in the light of above legal/factual position, the following amendments in the preliminary delimitation of PK-28 & 29 are suggested:

Sr. No.	Constituency No.	Description	Population
i.	PK-28 Battagram I	(a) Tehsil Alai; and (b) The following patwar circles of Kooza Banda Qanungo Halqa of Battagram Tehsil: i. Thakot ii. Paimal Sharif iii. Barsar of Battagram	180,414 8331 16,919 9226
		Total	214,886
ii.	PK-29 Battagram II	Battagram Tehsil excluding the following patwar circles of Kooza Banda Qanungo Halqa of Battagram: i. Thakot ii. Paimal Sharif iii. Barsar of Battagram	261,726

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			Total	261,726
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NOTE: Since there is only one constituency of National Assembly in Battagram District, there will be no change in National Assembly and proposal is only to the PK constituencies. Even the population of Chanjal (4160) which has erroneously been included in Huttal Deeshan has to be included in the patwar circle Thakot in PK-28 as a result the population of PK-28 will become 219,886 and after excluding the Chanjal population from PK-29 there will be 257,566 population. Thus while delimiting the constituency, the Election Commission of Pakistan has broken the patwar circle Thakot. (Copy of the notification of Govt of KPK is enclosed herewith)

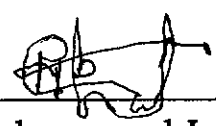
3. Keeping in view the position stated above, it is requested that proposed amendments in PK-28 and PK-29 which have been made purely in the public interest according to the act and rules may kindly be accepted and delimitation of above provincial constituencies may very kindly be amended accordingly. Copies of census data, extracts of voter lists and maps are enclosed for perusal, please.

Yours faithfully,




1. _____
Shafi Ahmed
S/o Naqeeb Khan
P.O Huttal Deeshan, Hottal, Tehsil & District Battagram
Vote No.123, Census Block Code: 020020301

2. Zi AUMAQ
Zia ul Haq
S/o Alqamood
P.O Huttal Deeshan, Hottal, Tehsil & District Battagram
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3. 
Muhammad Iqbal
S/o Fazal Wahab
P.O Huttal Deeshan, Hottal, Tehsil & District Battagram
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Through


Ghulam Muhammad Khan
Advocate High Court
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