

BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN, ISLAMABAD

Representation No. _____/2018

In the matter of de-limitation of constituencies:

Abdul Malik s/o Malik Shah Noor-u-Din
(CNIC.42301-8465107-7)
Matta Mansoor, Tehsil Lakki Marwat
District Lakki Marwat

-----Petitioner

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 Petitioner for making appropriate amendments, alterations or modification in the Preliminary List of Proposed Constituencies of District Lakki Marwat, KPK, *inter alia*, proposed PK.92, (Lakki-II)

INDEX

No.	Detail	Date	Page
1.	Representation on behalf of Petitioner - Distt Lakki	31-03-2018	1-4
2.	Voter List Form & CNIC	----	5-5F
3.	Relevant provisions of the Constitution	1973	6-14
4.	Relevant provisions of Election Act, 2017	02-10-2017	15-30
5.	Relevant Provisions of Election Rules, 2017	09-11-2017	31-40
6.	Preliminary Report - Notification No: F.8(3)/2018-elec-I	05-03-2018	41-61
7.	Form-5: NA.27 and PK.91, PK.92 and PK.93 Distt Lakki	05-03-2018	62-63
8.	Summary of Population of District Lakki- Census Div	2017	64
9.	Block-wise Population of Distt Lakki	2017	55-81
10.	Power of Attorney (Wakalatnama)	31-03-2018	82
11.	ECP Marked MAP of Distt Lakki	2018	83

Dated: 31-03-2018

Barrister Gohar Ali Khan, ASC



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The Petitioner respectfully submits as follows:

1. The Petitioner is registered voter of District Lakki Marwat, KPK and enjoy good reputation and is known for his dedication, integrity and public work. The relevant record of his being registered voter now in the constituency in question is being appended herewith.
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 Lakki, KPK, is concerned, it had been allocated one National Assembly Constituency (NA.27) in 2002, 2008 and in the last election 2013. While for the Province of KPK, District Lakki was having three constituencies as **PK.74 (Lakki-I)**, **PK.75 (Lakki-II)** and **PK.76 (Lakki-III)**.
4. Now in light of Census Report 2017, District Lakki has been allocated one constituency for National Assembly, now **Proposed as NA.36** with a population of **876,182**. Provincial Constituencies have been proposed for District Lakki as **PK.91 (Lakki-I)**, **PK.92 (Lakki-II)** and **PK-93 (Lakki-III)**. Accordingly, as far as constituencies are concerned there is no change in the number of constituencies whether National or Provincials.

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5. The titled presentation is basically about the Provincial Constituency, proposed PK.92 (Lakki-II) of which the Petitioner is a registered voter. Despite the fact that there is no change in the number of constituencies, the already limited and marked constituencies have been changed to the detriment of the people in as much as most of those areas that were earlier part of one constituency have now been included in another constituencies without taking into account the ground realities and compactness of the area in question.
6. Therefore, the Petitioner on his behalf and on behalf of general public of (now Proposed PK.91 to PK.93, District Lakki) is filing 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.
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 Lakki out of the 99 seats allocated to the entire Province of KPK, have been drawn up as under:

- | | |
|---------------------|-------------------------|
| 1) PK.91, Lakki-I | - (Population, 293,912) |
| 2) PK.92, Lakki-II | - (Population, 285,362) |
| 3) PK.93, Lakki-III | - (Population, 296,908) |

11. As far as relevant here, it is submitted on behalf of the Petitioner that PK.91 to PK.93 of District Lakki Marwat be finalized by the Hon'ble Commission as suggested by the Petitioner herein. The 'suggested' constituencies are better than the 'proposed' constituencies. In the suggested constituencies, the Petitioner is suggesting as under:

(a) **Plan-A:** at the outset it is submitted that there is no change in the National and Provincial Constituencies for District Lakki Marwat. The people never complained about the existing boundaries of the constituencies on the basis whereof elections were contested in 2002, 2008 and 2013 (with a little bit of variation). So far the people are very happy about the existing boundaries i.e. those that existed in the last general election. Therefore, those boundaries shall not be disturbed especially when there is no change in the number of constituencies themselves.

(b) Without prejudice to the foregoing, if change is inevitable, then the Petitioner would suggest that 'area closed to each other' be put in one constituency keeping in view the compactness of the area and convenience of the people and areas already included in constituency shall not be excluded from that area unnecessarily. It is therefore submitted as under:

(1) **PK.91, Lakki-I** shall include (i) the MC of Lakki Marwat; (ii) Saddar HQ of Lakki Marwat Tehsil and (iii) PC Manjiwala of Baisat Khel HQ of Tehsil Nourang, and (iv) Essak Khel HQ excluding the PC of Lakki Tehsils namely, (a) Badni Khel, (b) Chuhar Khel, (c) Dara Pezu, (d) Jhang Khel, (e) Mandra Khel, (f) Nawar Khel and Abdul Khel. It is submitted that PC Manjiwala is just next to PK.91. The population will come upto 298,987.

(2) **PK.92, Lakki-II** shall include Tattar Khel Guli Jan HQ of Tehsil Lakki; Tajori HQ excluding PC Darraka of Lakki tehsil; and PCs of Essak Khel HQ of Lakki Tehsil namely, (a) Badni Khel, (b) Chuhar Khel, (c) Dara Pezu, (d) Jhang Khel, (e) Mandra Khel, (f)

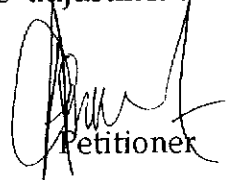
Nawar Khel and Abdul Khel. It is because these PC have been part of, now proposed as PK.92 (earlier part of PK.75). The population will comprise of 282,495.

(3) PK.93, Lakki-III, shall include Tehsil Nourang excluding PC Manjiwala and shall include PC of Darraka of Tajori HQ of Tehsil Lakki. The population will come upto 294700.

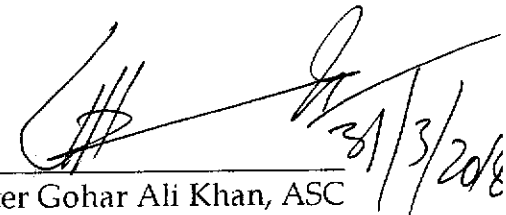
12. It is submitted that it is settled law and international practice in delimitation of the constituencies that 'totality of circumstances' to be taken into account also known or called as 'redistricting standard'. Accordingly, in view of the 'totality of circumstances' standard, the best presentation 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 Lakki - therefore the old limitations of the constituencies should be kept intact. It is submitted that in fact 'people of the area' are being kept apart as the people.

13. Hence, this presentation before the Hon'ble Commission of Pakistan for directions as suggested hereinabove. The Petitioner craves leave of the Hon'ble Commission to take additional grounds or make further suggestions during oral arguments of the titled presentations.

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.91 to PK.93 of District Lakki-Marwat on the basis of the old/existing boundaries with no proposed changes and/or this Hon'ble Commission may be pleased to finalized the boundaries of those constituencies as suggested hereinabove by the Petitioner. This Hon'ble Commission may further be pleased to make all appropriate adjustment, amendment, alteration and modification in the interest of justice.


Petitioner

Through


Barrister Gohar Ali Khan, ASC

Dated: 31-03-2018