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20/04/2018

**BEFORE THE HONOURABLE ELECTION COMMISSION OF  
PAKISTAN, ISLAMABAD**

Javaid Iqbal Son of Muhammad Waris Khan, Resident of Zaib abad, P.O. Chakdara, Tehsil Adenzai, District Dir Lower, Khyber Pukhtoonkhwa.

Holding CNIC No. 15307-9018366-1. And Voter Number: 50/175

**Representation/Objections Under Section 21(3) of Election Act, 2017 For  
Inclusion Of Ouch Union Council in PK14 Instead of Pk15 On The Ground  
Of Geographical Attachment And Others Considerable Factors.**

Respectfully Sheweth:-

1. That this honorable Commission issued a draft list of proposals for the delimitation of constituencies, vide notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules, 2017 for information of public and invited the public to file objections, if any, within 30 days, under section 21 (3) of Elections Act, 2017 hence the instant petition. Copy of the Notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018 is attached as **Annexure "A"**.
2. That the brief facts of the case are that the petitioner is a law-abiding citizens of Pakistan and belong to Union Council Chakdara, District Dir Lower, Khyber PukhtunKhwa bearing CNIC No. 15307-9018366-1. Copy of the voter extract Certificate is attached as **Annexure "B"**.
3. That before the creation of Pakistan and later until 1969, Dir State was merged and then declared a district in the Province of NWFP (Now Khyber Pukhtunkhwa). In 1996, it was further split in two separate Districts as Dir Lower and Dir Upper; for administrative reasons. District Dir Lower borders with Swat District on its East, Afghanistan on its West, Upper Dir and Chitral on its North & Bajaur Agency North West and Malakand on its South.

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4. That the district Dir lower is administratively subdivided into seven(7) Tehsils, Adenzai, Timergara, Balambat, Khall, Munda, Samar Bagh and Lal Qila Maidan, which contain a total of 41 Union Councils As follow

S.No.	Name of Tehsil	Union Councils
i.	Adenzai	Asbanr, Badwan, Chakdara, Khadagzai, Tazagram, Khanpur, Kotigram, Ouch
ii.	Balambat	Balambat, Hayaserai, Lajbook, Munjai, Koto, Rabat
iii.	Khall	
iv.	Lal Qilla	Bishgram, Lal Qilla, Gall Maidan, Kotkai (Maidan), Zaimdara,
v.	Munda	Khazana, Mia Kalai, Munda,
vi.	Samar Bagh	Darangai, Kambat, Mayar, Maskini, Sadbar Kali, Samar Bagh
vii.	Timergara	Bagh Dush Khel, Bandagai, Khungai, Malak Abad Ghara, Noora Khel, Shahi Khel Ziarat Talash, Timergara (Urban)

5. That currently District Dir lower is represented by one elected MNA (Member of National Assembly) elected from NA constituency NA-34 and four elected MPAs in the provincial assembly of Khyber Pukhtunkhwa who represent the following constituencies,

- I. PK-94 (Lower Dir-I)
- II. PK-95 (Lower Dir-II)
- III. PK-96 (Lower Dir-III)
- IV. PK-97 (Lower Dir-IV)

6. That under the new draft list of proposals for the delimitation of constituencies issued by this Honorable Election Commission of Pakistan vide notification No. F.8(3)/2018-Elec-1 on dated 05-03-2018, the

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number of seats for District Dir Lower in the national assembly and provincial assembly were increased from 1 to 2 seats and from 4 to 5 respectively.

7. That under the new draft list of proposals for the delimitation of constituencies, the previously NA-34. Dir Lower has been bifurcated in two constituencies NA-6 and NA-7. For the provisional assembly of Khyber Pukhtunkhwa, the constituencies of Dir Lower have been divided in to 5 constituencies increasing one seat for the provisional assembly.
8. That under the preliminary draft of delimitation of constituencies, the proposed provincial assembly constituencies for Dir Lower are as under:-

S.No	CONSTITUENCIES	AREA
01.	PK-13 Lower Dir-I	a) Khall Tehsil and b) Balambut Tehsil, excluding the union council of Balambat. Of Lower Dir District.
02.	PK-14 Lower Dir-II	a) Tehsil Adenzai, excluding the union council of Ouch of Lower Dir District
03.	PK-15 Lower Dir-III	a) Census Charge No.14 of Timergara Municipal Committee. b) Timergara Tehsil c) The Balambat union council of the Balambat tehsil and d) The Ouch union council of the Adenzai Tehsil of Lower Dir District.
04.	PK-16 Lower Dir-IV	(a) Munda Tehsil (b) The Following Union council of Samarbagh Tehsil. (i) Samarbagh. (ii) Mayar and (iii) Sadbar Kalay Of Lower Dir District.
05	PK-17 Lower Dir-V	(a) Lal Qila Tehsil (b) The Following union councils of the Samarbagh Tehsil (i)Kambat (ii)Maskini (iii)Drangal Of Lower Dir District.

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Copy of the Draft list of constituencies under Rule 10 (7) is attached as Annexure "C"

9. That under the new draft issued by this Honorable Election Commission of Pakistan vide notification No. F.8 (3)/2018-Elec-1 on dated 05-03-2018 under section 21 of Elections Act, 2017 read with Rule 11 Election Rules, 2017. The petitioner's old provincial assembly constituency, PK-97 (Lower Dir-IV) is now re-numbered with PK-14 Lower Dir-II
10. That one of the union councils of the Tehsil Adenzai, "Union Council Ouch" is merged into the PK-15 Lower Dir III, dis-regard to geographical position of the area, physical features, existing boundaries of administrative units, facilities of communication, convenience of the public at large, social and cultural affiliations voters female voters in particular, and other cognate factors.
11. That the union council Ouch despite being at the center of Tehsil Adenzai is made part of PK-15 Lower Dir-III without any logic. Surprisingly; the adjacent parts of the Tehsil Adenzai with PK-15 Lower Dir III are left with PK-14 Lower Dir II. It transpires that during the process of de-limitation of PK-14 Lower Dir II constituency, uniformity in population as well as the geographical cogency was ignored.
12. That the basic principles for delimitation are to pay consideration to the distribution of the population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience but the authorities ignored these prime factors and made delimitation in vacuum, causing inconvenience to the voters and residents of Union Council Ouch, Dir Lower.

### **Grounds**

The Petitioner is aggrieved with the delimitation preliminary draft of the provincial assembly constituencies of Dir Lower and seek review of the proposals regarding Provincial Assembly's constituencies NO. 14 & 15 on the following grounds amongst others:-

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**Geography.**

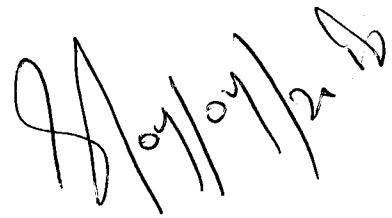
- I. That the authorities overlooked the mandatory legal requirements of geographically connected areas while delimiting. Ouch union council situated at mid of the PK 14 constituency, it has been included in PK 15, which has no geographical connection with it. While physically attached union council namely Kotigram with PK15 has been ignored to be made part of PK15. Which is the gross violation of the principles of delimitation section 20 of the Election Act 2017. These arrangements amounts to jeopardizing the rights of the people of Union council Ouch. Hence should be revisited.

Copy of the Map along with the Census Blocks are attached as **Annexure "D", "E"**

- II. It is relevant to mentioned that, the map provided from the Deputy Commissioner Dir Lower office to this honorable commission is outdated and have no detail to show boundaries of the union councils of tehsil Adenzai in proper manner which lead this honourable commission to misreading of the said map and particularly of Ouch Union Council and Kotigram Union Council i.e for example some of the census block of Kotigram Union Council has been shown in PK15 while some of its census block has been shown in PK14. The ground reality is that Kotigram Union Council is physically attached with PK-15 not the Ouch Union council. Copy of the census block of union Councils Kotigram and Ouch shown on the Map already attached as **Annexure "D" and "E"**.

**Administrative Arrangements**

- III. That the offices of various administrative bodies are divided between Chakdara Union Council and Ouch Union Council for Adenzai Tehsil administration. The Circle Deputy Superintendent of Police office for Adenzai Tehsil is situated at Ouch Union Council. While the Assistant Commissioner and Civil Court are situated at Chakdara for adenzai Tehsil. This prove that if the voters of the Ouch Union councils are not keep intact it will cause great difficulty for the administration to govern the public affairs.



#### **Social Bonding / and Property**

- IV. That the inclusion of Ouch Union council will negatively impact the social bonding of the voters and land revenue arrangements for the administration. Yousafzai Tribe Settled in Malakand Division in 1525 and the sub tribe of Yousafzai which was named Adenzai Tribe, became the land holder of this piece of land which is currently called Tehsil Adenzai. The majority population of Ouch is from Adenzai tribe of Yousafzai. In legal documents they are called Afghans of Ouch. As per customary law their properties are situated in many union councils of PK-14 and have no connection with PK-15. If the decision is not been taken back it will cause difficulty for the population of 46516 to manage their revenue affairs in their own administrative sub division. It will also effects their social ties and political connections, which evolved in centuries with rest of the population situated in Adenzai Tehsil.

#### **Political History**

- V. Ouch Union council is also considered as hub of political activates in PK-14: Currently Tehsil Nazim under Local government Act is from Ouch Union Council, three time provincial assembly members and two time Members national assembly have been elected from this union council. Disintegration of the union council will destroy the political career of the local politicians, which they had built after decades of political struggle.

#### **ALTERNATIVE PROPOSAL**

That the Kotigram Union Council is geographically attached with PK-15 having population of 39119 by inclusion of this union council in Pk-15 the total population of the said constituency will meet the prescribed requirement of the delimitation for the provincial constituency with the population 294719 . On the other hand by inclusion of Ouch Union Council (having population 46516) in PK 14 will come up to the total population of 278385 and thus will

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meet the prescribed requirement of making of a constituency. Copy of the proposed Map is attached as Annexure "F".

**PRAYER:**

In view of the above circumstances, it is most respectfully prayed that to correct the error in delimitation of the provincial constituency PK-14 by inclusion of Union Council Ouch of tehsil Adenzai into PK-14 Lower Dir II.

Further, it is requested that the delimitation officer be directed to carve out the constituencies afresh as per the ALTERNATIVE PROPOSAL mentioned above.

Any other relief, which this Hon'ble Commission may deem proper in favor of the petitioner, may also be granted.

**JAVOID IQBAL S/OMUHAMMAD WARIS KHAN**  
CNIC No. 15307-9018366-1.  
Voter Number: 50/175  
PK-14, Lower Dir II

Through:



**TUFAIL SHAHZAD**  
Advocate High Court



**SABIR AHMAD**  
Advocate High Court