
Representation under section 21 of the Elections Act, 2017 read with rule 12 of the Election Rules, 2017 in respect of the delimitation of constituencies of Provincial Assembly of District Shangla (KPK) i.e. PK – 23 and PK – 24

Respectfully *Sheweth*:-

1. That the Petitioner is a permanent resident and voter of Chakisar, Tehsil Alpuri, District Shangla. He is a veteran politician and participated in the last General Elections for the seat of Provincial Assembly, KPK from District Shangla. Welfare and betterment of people of his local area are paramount considerations for the Petitioner and he has been struggling for the same for a long time.
2. That the Preliminary Delimitation Report, 2018 proposes the delimitation of two (02) constituencies of Provincial Assembly of KPK in District Shangla and the same has been published by this Honourable Commission. That the Preliminary Delimitation Report, 2018 proposes the delimitation of two (02) constituencies of Provincial Assembly of KPK from District Shangla in the following manner:

| Sr. No. | No. and name of Constituency | Extent of Constituency | Total Population |
|---------|------------------------------|---|------------------|
| 1. | PK – 23 Shangla – I | (a) Besham Tehsil; and (b) Alpuri Tehsil, excluding the following Patwar Circles of Alpuri Qanungo Halqa: (i) Amnay; and (ii) Malak Khel Kotkay; Of Shangla District | 387028 |
| 2. | PK – 24 Shangla – II | (a) Puran Tehsil; (b) Chakesar Tehsil; and (c) The following Patwar Circles of Alpuri Qanungo Halqa of Alpuri Tehsil (i) Amnay; and (ii) Malak Khel Kotkay Of Shangla District | 370782 |

3. That through the instant representation, the petitioner craves the gracious indulgence of this Honourable Commission to delimit the above constituencies in the following manner:

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| Sr. No. | No. and name of constituency | Proposed amendments, alterations or modifications | Extent of constituency after including the proposal | Total population after acceptance of the proposal |
|---------|------------------------------|---|--|---|
| 1. | PK - 23 Shangla - I | Exclude <ul style="list-style-type: none">The following Patwar Circle of Alpuri Qanungo Halqa of Alpuri Tehsil:<ul style="list-style-type: none">(i) Ranial PC (Population 21878) Include <ul style="list-style-type: none">The following Patwar Circles of Alpuri Qanungo Halqa of Alpuri Tehsil:<ul style="list-style-type: none">(i) Amnay PC (Population 12696)(ii) Malak Khel Kotkay (Population 13548) | (a) Besham Tehsil; and (b) Alpuri Tehsil, excluding the following Patwar Circles of Alpuri Qanungo Halqa: <ul style="list-style-type: none">(i) Ranial Of Shangla District | 391394 |
| 2. | PK - 24 Shangla - II | Exclude <ul style="list-style-type: none">The following Patwar Circles of Alpuri Qanungo Halqa of Alpuri Tehsil:<ul style="list-style-type: none">(i) Amnay PC (Population 12696)(ii) Malak Khel Kotkay (Population 13548) Include <ul style="list-style-type: none">The following Patwar Circle of Alpuri Qanungo Halqa of Alpuri Tehsil:<ul style="list-style-type: none">(i) Ranial PC (Population 21878) | (a) Puran Tehsil; (b) Chakesar Tehsil; and (c) The following Patwar Circles of Alpuri Qanungo Halqa of Alpuri Tehsil: <ul style="list-style-type: none">(i) Ranial Of Shangla District | 366416 |

4. If this Honourable Commission does not agree with the above suggestion given in paragraph 3 above, the Petitioner alternatively purposes to delimit these constituencies in the following manner:

| Sr. No. | No. and name of constituency | Proposed amendments, alterations or modifications | Extent of constituency after including the proposal | Total population after acceptance of the proposal |
|---------|------------------------------|--|---|---|
| 1. | PK - 23 Shangla - I | Exclude <ul style="list-style-type: none">The following Patwar Circles of Bisham Qanungo Halqa of Bisham Tehsil:<ul style="list-style-type: none">(i) Takhta PC | (a) Besham Tehsil, excluding the following Patwar Circles of Bisham Qanungo Halqa: <ul style="list-style-type: none">(i) Takhta(b) Alpuri Tehsil | 393328 |

| | | | | |
|----|-------------------------|--|---|--------|
| | | (Population 19944) Include <ul style="list-style-type: none"> • The following Patwar Circles of Alpuri Qanungo Halqa of Alpuri Tehsil: (i) Amnay PC (Population 12696) (ii) Malak Khel Kotkay (Population 13548) | Of Shangla District | |
| 2. | PK – 24 Shangla – II | Exclude <ul style="list-style-type: none"> • The following Patwar Circles of Alpuri Qanungo Halqa of Alpuri Tehsil: (i) Amnay PC (Population 12696) (ii) Malak Khel Kotkay (Population 13548) Include <ul style="list-style-type: none"> • The following Patwar Circles of Bisham Qanungo Halqa of Bisham Tehsil: (i) Takhta PC (Population 19944) | (a) Puran Tehsil; (b) Chakesar Tehsil; and (c) The following Patwar Circles of Bisham Qanungo Halqa of Bisham Tehsil (i) Takhta Of Shangla District | 364482 |


5. That being aggrieved by and dissatisfied with the part of list of constituencies, published in the Preliminary Delimitation Report, 2018, particularly specifying the areas proposed to be included in / excluded from proposed KPK Provincial Assembly constituencies PK – 23 and PK – 24 of District Shangla and in the best interest of the population of the district as a whole, the Petitioner craves the kind indulgence of this Honourable Commission for making amendments, alterations or modifications as suggested / proposed by the Petitioner in paragraph 3 and/or 4 above, *inter alia*, on the following

Grounds

- (a) That a combined reading of section 20 of the Elections 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

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- (vi) Other cognate factors to ensure homogeneity
 - (vii) The delimitation of constituencies of an Assembly shall start from the Northern end of the district; and
 - (viii) Then it will proceed clock-wise 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 fresh delimitation of constituencies for KPK Provincial Assembly in Shangla District i.e. proposed PK – 23 and PK – 24, 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 delimitation report for proposed constituency PK – 24, the Delimitation Committee included the Patwar Circles of Alpuri Qanungo Halqa of Alpuri Tehsil namely Amnay PC and Malak Khel Kotkay PC. It is to be noted here that the said areas excluded from PK – 23 and included in PK – 24 had throughout remained a part of such constituencies of the KPK Provincial Assembly forming major parts of areas allocated for proposed PK – 23 because of the guiding factors such as geographical compactness, facilities of communication and public convenience.
- (i) These Patwar Circles do not form a geographically compact part of proposed PK – 24 i.e. disconnected by mountain range and such inclusion has created an isolated pocket in the proposed constituency, hence violation of principle of distribution of population in geographically compact areas.
 - (ii) These Patwar Circles are on the other side of mountain range of PK – 24 and there is hardly any facility of direct communication from these Patwar Circles to main PK – 24 whereas these Patwar Circles are well connected through roads to main PK – 23 and the Tehsil Headquarters is only 15 – 20 minutes away. Furthermore, these Patwar Circles share the same Police Station namely Alpuri Police Station. By excluding these Patwar Circles from PK – 23 and

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including the same in Pk – 24, the Delimitation Committee has violated the principle of facilities of communication and public convenience.

- (iii) Since these Patwar Circles do not form a geographically compact area of the proposed PK – 24 and badly suffer from lack of facilities of communication, the population of these Patwar Circles would have to travel all the way around / through parts of proposed constituency PK - 23 in order to reach to main PK – 24, hence violation of principle of public convenience.
- (d) Similarly, Patwar Circle of Alpuri Qanungo Halqa of Alpuri Tehsil namely Rania PC has wrongly been included in proposed PK – 23 and as a result of, it is respectfully submitted, non-application of mind by the relevant Delimitation Committee because the inclusion of this Patwar Circles in proposed PK – 23 is a blatant violation of principles of delimitation as mandated by section 20 of the Elections Act, 2017 especially principle of public convenience because this Patwar Circle shares the Police Station and Patwari of areas falling in proposed PK – 24.
- (e) That even the alternate suggestion given by the Petitioner is based on cogent reasons keeping in mind the cognate factors for the benefit of public at large. The Patwar Circle of Bisham Qanungo Halqa of Bisham Tehsil namely Takhta has been part of PK – 24 historically and makes a geographically compact part of PK – 24 due to availability of better communication facilities.
- (f) That if the proposal for delimitation of PK – 23 and PK – 24 made by the Delimitation Committee in its Preliminary Delimitation Report, 2018 is finalised without incorporating amendments, alterations or modifications proposed / suggested by the Petitioner in paragraph 3 and/or 4 above, the entire population of above detailed Patwar Circles would suffer irreparable loss and hardships and their miseries would increase manifold.
- (g) That the amendments, alterations or modifications proposed / suggested by the Petitioner in paragraph 3 and/or 4 above are for the sole purpose of providing facilities and ease to the inhabitants of the said areas.

In view of the foregoing, it is most respectfully prayed that the instant representation may kindly be accepted and the amendments, alterations or modifications proposed / suggested by the Petitioner in paragraph 3 and/or 4 of this representation may graciously be incorporated in the final report and list of constituencies showing the areas included in each constituency.



The Petitioner also prays for the grant of any other relief to which he is found entitled by this Honourable Commission in law, justice and equity keeping in view facts and circumstances of the case.



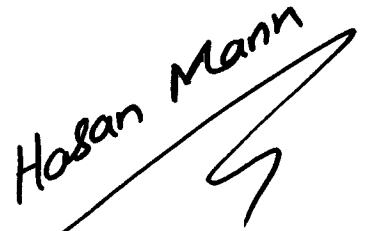
Petitioner

Sher Alam Khan s/o Sardar Alam Khan
R/o Chakisar, Tehsil Alpuri, District Shangla
Phone: 0343 9383822

Through counsels



Sajeel Sheryar Swati
LLM (Bristol)
Barrister (Lincoln's Inn)
& Advocate High Court



Ch. Hasan Murtaza Mann
LLM (King's College London)
Advocate High Court

2-B, Street 54, F-7/4, Islamabad
Phone: 051 2656127-8

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Before the Worthy Secretary to the Honourable Election Commission of Pakistan

(Representation under section 21 of the Elections Act, 2017, read with rule 12 of the Elections Rules, 2017 in respect of the delimitation of constituencies of Provincial Assembly of District Shangla)

Affidavit

I, Sher Alam Khan s/o Sardar Alam Khan, r/o Chakisar, Tehsil Alpuri, District Shangla, do hereby solemnly affirm and declare that the contents of the accompanying Representation are true and correct to the best of my knowledge and belief, and nothing has been concealed or withheld therein.

Sher Alam Khan
Deponent

Verification

Verified on oath at Islamabad on this _____ day of _____ 2018 that the contents of the application are true and correct to the best of my knowledge, information and belief and nothing has been concealed therein.

Sher Alam Khan
Deponent



02-24-18

This affidavit has been sworn before me on this 02 day of 04 2018 by the Deponent who is personally known / identified by *Sher Alam Khan*. 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. _____
