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13/03/2018

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BEFORE THE HON'BLE ELECTION COMMISSION OF PAKISTAN,
ISLAMABAD

REPRESENTATION/OBJECTION PETITION

U/S 21(3) OF ELECTION ACT, 2017 R/W RULE 12 OF ELECTION RULES, 2017 AGAINST THE PRELIMINARY DELIMITATION REPORT REGARDING DELIMITATION OF PROVINCIAL CONSTITUENCIES OF DISTRICT DIR LOWER (PK-13, PK-14, PK-15, PK-16 AND PK-17) KHYBERPAKHTUNKHWA.

Prayer:

On acceptance of instant Representation/Objection petition this Hon'ble Commission (Election Commission of Pakistan) may be pleased to amend, alter or modify the Preliminary Delimitation Report/Preliminary List of Constituencies of District Dir Lower, Khyber Pakhtunkhwa according to the proposed Delimitation plan duly annexed and Final Delimitation Report and List of Constituencies of Dir Lower Khyber Pakhtunkhwa be issued accordingly under Section 21(4) of Election Act, 2017 r/w/ Rule 14 of Election Rules, 2017.

Respectfully Sheweth:-

1. **That** the objector is a domiciliary and permanent resident of District Dir Lower. **Copy of CNIC of Objector is "A"**.
2. **That** objector is a registered voter having his name/candidature duly enrolled in the Electoral List of District Dir Lower. As per the Maps obtained from the Office of this Hon'ble Commission (ECP) the recorded vote of the objector falls within **PK-15** Dir Lower, Khyber Pakhtunkhwa.
3. That as per the latest Census Report 2017, the total number of registered voters in District Dir Lower are 14,35,917 and as per the Preliminary Report published on 13.03.2018 District Dir Lower has been delineated in 5 PK constituencies including PK-13 to PK-17, Khyber Pakhtunkhwa. As per the Preliminary Report the proposed quota of votes PK-13 has been fixed / allocated as 2,98,704 votes, PK-14 has been allocated 2,70,988 votes, PK-15 has been allocated 3,02,116 votes, PK-16 has been allocated 2,65,273 votes and PK-17 has been allocated 2,98,836 votes respectively.
4. **That** objector along with many/all residents of his constituency are aggrieved of the Preliminary Delimitation Report issued and published by this Hon'ble Commission (ECP) on 13.03.2018 in the print media having been prepared in absolute disregard to the mandate of the principles of delimitation provided under Section 20 of Election Act, 2017 and therefore, the instant representation/objection petition on the following amongst other

GROUNDS:

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- A. That the impugned Preliminary Delimitation Report published on 13.03.2018 viz- a-viz delineating District Dir Lower into Five (5) Provincial Assembly Constituencies numbering PK-13 to PK-17 respectively, impugned herein, is bad in law and facts both, violative of the mandate of statutory principles of delimitation provided under Section 20 of Election Act, 2017 besides.
- B. That neither the impugned Preliminary Delimitation Report is/was published in the Official Gazette as per Rule 11(4) of the Election Rule, 2017 nor the impugned Preliminary Report/ all prior proceedings conducted by ECP as well as Delimitation Officer/Committee are as per the statutory mandate of Election Act, 2017 as well as Election Rules, 2017.
- C. That the impugned Preliminary report smacks of gross malice and proclaims grave malafide. It manifests a classic example that Gerrymandering of all degrees besides.
- D. That while preparing the Preliminary Report delineating District Dir Lower into PK. 13 to PK 17 neither any fair distribution of geographical areas (natural boundaries) into territorial constituencies was kept into consideration nor the natural territorial boundaries created due to mountain range / extreme hilly tracks and running rivers were kept into consideration. Moreover, the far most consideration of public convenience nor physical features (Mountainery range / track delineating two distinct areas/Tehsils now put jointly in PK-17) has not been considered by ECP while preparing the Preliminary Report what to say of other geographical considerations (area situated on/abutting Afghan border) has been kept in to consideration thus resulting into erroneous Preliminary Report which merits to be altered.
- E. That while delineating/delimiting the Constituency of PK-17, the delimitation Officer/Committee as well as this Hon'ble Commission, with respect, failed to appreciate muchless consider that in the middle of said constituency there is mountain range practically dividing the said constituency into two separate geographical areas having no direct means of Communication interse. This fact is duly confirmed from the MAP issued by ECP that there is no diagonal/vertical road between the areas of PK-17. Rather to reach from one extreme of PK-17 to its other, a voter has to pass through three other constituencies of PK-15, PK-16 and PK-17 and thus face grave inconvenience by entailing a journey of almost 70 kilometer consuming more than two hours. Hence while issuing Preliminary Delimitation Report and listing of PK-17 as one constituency this Hon'ble Commission has ignored/not considered the said physical features/distinct natural boundaries coupled with the guiding principles of public convenience and facilities of communication as held to be the paramount principles of delimitation provided under Section 20 of Election Act, 2017. However, the proposed MAP submitted by Objector duly caters for the above said errors/anomalies and merits to be approved and finally notified.

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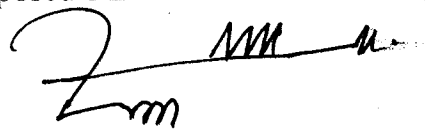
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F. That while delineating/delimiting the Constituencies of PK-14 and PK-15, the delimitation Officer/Committee as well as this Hon'ble Commission, with respect failed to appreciate muchless consider that the Union Council of Ouch now proposed to be a part of PK-15 in encircled by and all around it falls the territories/constituency specified/delimited as PK 14. As a matter of record the Union Council Ouch proposed in PK-15 is holding 7% of total votes of PK-15. This U/C proposed to be in Pk 15 is like an island surrounded by PK-14 and in order to reach the main voting area of PK-15 (93% vote), the voter/s would have to go through area of PK-14 thus causing grave public inconvenience and communication difficulties. Hence the Voter of PK-15 has to pass by limits of PK-14 in order to reach Union Council Ouch proposed to be in the constituency of PK-15. Hence the proposed delimitation and listing PK-14 and PK-15 as PK constituencies, this Hon'ble Commission has ignored/not considered the said physical features coupled with the guiding principles of public convenience and facilities of communication as held to be the paramount principles of delimitation provided under Section 20 of Election Act, 2017. However, the proposed MAP of Objector duly caters for the above said errors/anomalies and merits to be approved and finally notified.

G. That the population of District Dir as per latest census is 14,35,917 votes and having proposed 5 PK constituencies (PK-13 to PK-17) the ECP has not observed the prescribed quota of votes based on the principle of equality. Even the mandatory permissible variance of said quota of votes has not been adhered to. The objector has no objection against the creation of 5 PK constituencies but the non equality of voters in the Preliminary Marked MAP/List of constituencies of ECP violates the settled principles of one man and one vote let-alone the power of the vote. The proposed MAP and list of quota of votes submitted by the undersigned duly complies with the letter and spirit of law provided under Section 20(3) of Election Act, 2017.

H. That the impugned Preliminary Delimitation Report is against the fundamental right to vote which cannot be taken in isolation as well as against the mandate of due process provided under Article 4 and 10-A of Constitution of Islamic Republic of Pakistan, 1973 which includes election process as well. The electoral areas therefore are not delineated vigilantly and judicially.

It is therefore most respectfully prayed that on acceptance of instant Representation/Objection this Hon'ble Commission may be pleased to amend, alter or modify the Preliminary Delimitation Report/Preliminary List of Constituencies of District Dir Lower, Khyber Pakhtunkhwa according to the proposed Delimitation plan duly annexed and accordingly Final Delimitation Report and List of Constituencies of Dir Lower Khyber Pakhtunkhwa be issued in terms of the proposed MAP under Section 21(4) of Election Act, 2017 r/w/ Rule 14 of Election Rules, 2017



Mohammad Akram Khan s/o Abdullah Khan
r/o Gul Abad, Tmargara
Voter PK-15, District Dir Lower, Khyber
Pakhtunkhwa CNIC No 15302-9615036-1