

1



BEFORE THE AUGUST ELECTION
COMMISSION OF PAKISTAN, ISLAMABAD

Petition/ Case No. _____/2018

1. Senator Ilyas Bilour Son of Bilour Din khan Resident of Chinar Road, Post Office University Town, House No 19-A, Peshawar

.....PETITIONER

PETITION/REPRESENTATION UNDER THE
INHERENT JURISDICTION OF ELECTION
COMMISSION WHO IS UNDER OBLIGATION TO
HOLD FREE AND FAIR ELECTION

Respectfully Sheweth,

1. That brief facts culminating in the institution of the instant petition are that the Petitioner belongs to traditional and respectable political family of Peshawar city and presently is serving as senator in the upper house of Parliament I.e Senate.
2. That the election commission vide its delimitation of constituencies, without any rhyme and reason changed the name " NA-1" for the constituency of Peshawar city and substituted it. The said NA-1 title has been given to a constituency in Chitral.
3. That the said move has condemned the Peshawar and take away its one of the honor as some of the most



important persons in Pakistan history i.e Sardar Abdur Rab nishtar, Khan Abdul Qayyum Khan and Mohtarma Benazir Bhutto. That Peshawar is a historic city having history of thousands of years and rich culture. The title NA-1 was bestowed on it because of its importance as national city as well as provincial capital.

4. That because of such move, the election commission has transgressed its mandate and resultantly disturbing the entire constituencies which may result in the holding of free and fair election. That there was no need to do the said act nor does it come in the ambit of rightful exercise of discretionary executive authority.
5. That under Section 17 of the Election Act 2017, the Commission has power to delimit constituencies. The principles of delimiting are mention in section 20 of the said act and apprises " All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and **public convenience and other cognate factors** to ensure homogeneity in the creation of constituencies. It is sad that the commission has not taken note of the

3



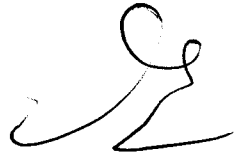
above said provisions and has acted in cursory manner.

6. That the petitioner under section 21 (2) of the Election Act 2017 has the right to approach this Commission and make representation to annul such move which is not as per the spirit of Law. That the Commission under Section 22 of the above act has ample powers to rename the constituency of Peshawar city as NA-1.
7. That the impugned act is unlawful and amounts to the arbitrary exercise of power.
8. That the Act is not sustainable in the eyes of law.
9. That if the impugned act of renaming is not set aside, the Petitioner as well as the whole resident of Peshawar shall suffer an irreparable loss.

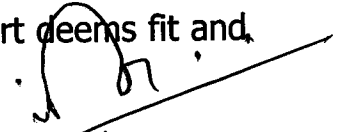
PRAYER:

In the abovementioned circumstances, it is therefore, respectfully prayed that this Petition may kindly be accepted and the impugned act of renaming the Constituency of Peshawar be annulled and the previous title " NA-1" shall be restored.

4



Any other relief, which this Honorable Court deems fit and proper, may also be awarded.



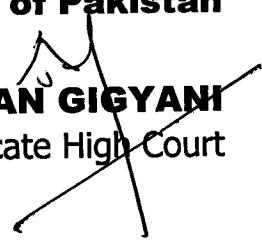
PETITIONER

Through



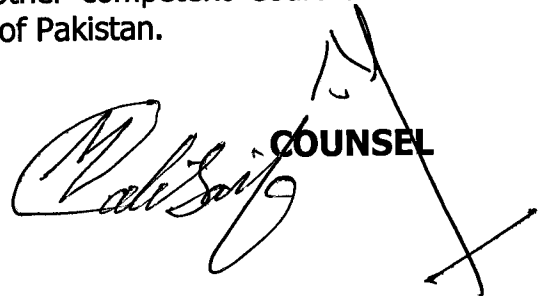
BARRISTER MUHAMMAD ALI SAIF
Advocate
Supreme Court of Pakistan

ARIF KHAN GIGYANI
Advocate High Court



CERTIFICATE:

It is certified as per information received that this is the first petition of being moved before this Honorable Commission. It is further certified that there is no other petition with the same subject matter above is pending or decided by any other competent Court of law including High Courts & Supreme Court of Pakistan.



COUNSEL