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**BEFORE THE AUGUST SECRETARY, ELECTION  
COMMISSION OF PAKISTAN, ISLAMABAD**

Petition/ Case No. \_\_\_\_\_/2018

Sitara Ayaz wife of Imran Ali Afridi Resident of Phase 1  
Hayatabad, House No 465, Street No 14, Sector E-3,  
Peshawar

.....PETITIONER

**PETITION/REPRESENTATION UNDER SECTION 21  
(2) OF THE ELECTION ACT 2017 READ WITH THE  
INHERENT JURISDICTION OF ELECTION  
COMMISSION WHO IS UNDER OBLIGATION TO  
HOLD FREE AND FAIR ELECTION AND PREPARE  
PRELIMINARY DELIMITATION REPORT IN  
ACCORDANCE OF LAW**

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 Khwar Cham Jhanda, Tehsil and District Swabi. The petitioner indulge in Politics of the Area and have successfully contested numerous elections. (Copy of the Id card and voter certificate is annexed herewith for the kind perusal of this Hon,able Commission).
2. That the election commission under Section 21 (1) of the election act, 2017 have prepared and published a

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preliminary delimitation report specifying proposed areas of PK-43 and PK-44 and have required representation against the said preliminary report.

3. That the UC Jhanda has been included in PK-44 which is traditionally and administratively a part of the area falling in PK-43. The new constituency of PK-44 is geographically one and a half hour away from the UC Jhanda, which make the whole situation a question mark on the practicality of the whole process.
4. That while preparing the said preliminary report, the Hon,able Election Commission has refused to take into account the fact that the said UC is socially, economically, administratively and politically a part of the area falling in PK-43. In preparation of the delimitation report, the area of the UC is changed and joined it with the areas of PK-44, which is creating multifarious problems for the inhabitants of the area. The people of the area have social and family bonding with the people of PK-43.
5. That the Hon.able Commission while including UC JHANDA in Pk-44 has contravened the provisions of



Election Act, 2017. To further worsen the situation, the names of the UCs have also been changed.

6. That because of such move, the election commission has transgressed its mandate and resultantly disturbing the entire constituencies which may result in the failure of 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.
  
7. 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 appripes " 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 above said provisions and has acted in cursory manner.



- 8.** 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 include UC JHANDA and PABIANI in PK-43 instead of Pk-44.
- 9.** That the said act if not rectified, will make the whole situation just a farce. There is no denying to the fact that the person, like the petitioner, wishing to contest election of the said area, cannot dream of winning. The choice of the people of UC Jhanda and Pabiani for having their own representation will be scuffled.
- 10.** That the impugned act is unlawful and amounts to the arbitrary exercise of power.
- 11.** That the Act is not sustainable in the eyes of law.
- 12.** That if the impugned act is not set aside, the Petitioner as well as the whole residents of the area shall suffer an irreparable loss.



**PRAYER:**

In the abovementioned circumstances, it is therefore, respectfully prayed that this Petition may kindly be accepted and necessary alteration/ modification in the final list of constituency of PK-43 be made and the area of UC Jhanda and Pabaini may be included in it instead of PK-44 in the interest of justice and fairplay.

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

  
**PETITIONER**

Through

**BARRISTER MUHAMMAD ALI SAIF**  
**Advocate**  
**SUPREME COURT OF PAKISTAN**

**ARIF KHAN GIGYANI**  
Advocate

**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**

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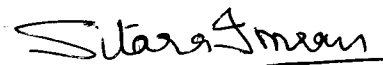
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**AFFIDAVIT**

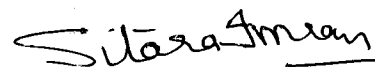
Sitara Ayaz wife of Imran Ali Afridi Resident of Phase 1  
Hayatabad, House No 465, Street No 14, Sector E-3,  
Peshawar do hereby solemnly affirm and declare as under:

That the contents of the above accompanied application are true  
and correct to the best of my knowledge and belief and nothing  
has been concealed or withheld.



**DEPONENT**

It is verified on oath on \_\_\_\_ day of April, 2018 that the  
contents of the above affidavit are true and correct to the best  
of my knowledge and belief.



**DEPONENT**