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

Petition/ Case No. _____/2018

1. Mumtaz Hussain Son of Sardar Ahmad Khan Resident of Majian, PO Fateh Jang, Tehsil Fateh Jang, District Attock

.....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 Majian, Tehsil Fateh Jang, District Attock. The petitioner and his family indulge in Politics of the Area since forefathers. (Copy of the Id card and voter certificate is annexed herewith for the kind perusal of this Hon,able Court).
2. That the election commission under Section 21 (1) of the election act, 2017 have prepared and published a

preliminary delimitation report specifying proposed areas of PP-3 and PP-4 and have required representation against the said preliminary report.

- 3.** That the partwar circles Majian and Taja Bara having an approx. population of 12 thousands which is traditionally and administratively a part of Teshsil Fateh Jang. Previously the provincial assembly constituencies in issue were PP-17 and PP-18. The said partwar circles of Majian and Taja Bara were always part of PP-17 consisting of Fateh jang(new PP-3). That now while preparing the preliminary delimitation report, instead of making Majian and Taja Bara, a part of PP-3 (Fateh Jang), it has included it PP-4 which mainly consists of areas of Pindi Ghaib.it is pertinent to mention that interestingly, all the partwar circles of union council Gulyal, except of partwar circle Gagan, have been made part of PP-4 which has been included in PP-3.
- 4.** That while preparing the said preliminary report, the Hon,able Election Commission has refused to take into account the fact that the said areas are socially, economically, administratively and politically a part of Tehsil Fatah Jang. The partwar circles in issue are administratively governed by Town Committee Fateh

Jang. The people of the area have social and family bonding with the people of Fateh Jang since thousands of years. Their post office, colleges, hospitals are situated in Fateh Jang i.e PP-3. That one time, an electricity sub-division of the Majian and Taja Bara was placed in Dhurnal, area part of PP-18 (new PP-4), the people revolted against it and in the end, because of the sheer in convenience , the said move was withdrawn. The people were forced to travel hundred of miles just to correct their electricity bills.

5. That the Hon.able Commission while including Majian and Taja Bara in PP-4 has contravened the provisions of Election Act, 2017.
6. 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.
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

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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 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 partwar circle Majian and Taja Bara in PP-3 instead of PP-4.
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 90 percent of the area of PP-4 consists of Pindi Ghaib and a person from that area may easily win,

resultantly, the choice of the people of Majian and Taja 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 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 necessary alteration/ modification in the final list of constituency of PP-3 be made and the area of Majian and Taja Bara, Tehsil Fateh jang, District Attock may be included in it instead of PP-4 in the interest of justice and fairplay.

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

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PETITIONER

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AHMAD WAQAS CHAUDHRY
Advocate

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