ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P.No.1728-2018

Ansar Mahmood

Vs.

The Election Commission of Pakistan, Islamabad through its Secretary & Another

S. No. of order/ proceedings	Date of order/Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	28.05.2018	Ch. Fariq Fareed, Advocate for petitioner. Malik Mujtaba Ahmad, Additional D.G. Election Commission of Pakistan.

The instant petition is directed against order dated 11.04.2018 passed by the Election Commission of Pakistan, whereby objections filed by the petitioner with respect to Constituencies NA-66 & NA-67 of District Jehlum, were turned down.

2. Learned counsel for the petitioner, *inter alia,* contended that against the proposed delimitation, representations were filed. It is contended that after the population census, District Jehlum was divided into two National Constituencies i.e. NA-66 & NA-67 Jehlum-I & Jehlum-II respectively. In this regard, it was contended that NA-66 contains urban area of Jehlum and have population of 2,57,229. It was contended that due to filing of representations, changes have been made in the proposed delimitation, by virtue of which, population imbalance has been created and there is variation of more than 10% of the population. It was further contended that where population variation is more than 10%, reasons have to be recorded for the same.

3. Learned representative of Election Commission of Pakistan contended that on the

face of it, *prima facie*, population imbalance has been created however the same is permissible under the law.

4. On the representations filed before Election Commission of Pakistan, certain changes have been made in the proposed delimitation.

5. The grievance of the petitioner is that if after the changes, population imbalance has been created. The referred stance of the petitioner was not specifically refuted by the representation of Election Commission of Pakistan.

6. In view of foregoing, instant petition is allowed and the impugned order dated 11.04.2018 is set aside. Consequently, the Election Commission of Pakistan shall decide the representation keeping in view the requirements as provided in Sections 20(3) & 20 (4) of the Elections Act, 2017 and in case, there is no population variation of more than 10%, shall render the reasons for the same.

7. The petitioner shall appear before the Election Commission of Pakistan on 04.06.2018.

(AAMER FAROOQ)
JUDGE

Zawar

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