ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 1579 of 2018

Hazrat Munir Kamal, etc.

VS

Election Commission of Pakistan and another.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	29.05.2018.	**Syed Iftikhar Gillani & M. Saad Buttar Advocates for the petitioners.** **Malik Mujtaba Ahmed, Additional D.G, Election Commission of Pakistan.**

This petition assails order dated 07.04.2018 passed by Election Commission of Pakistan.

2. The respondents No. 2 to 13 filed objections to the proposed delimitation with respect to PK-14 & PK-15 Lower Dir 1 & 2 respectively. The Election Commission of Pakistan vide the impugned order have settled the objections excluding UC Ouch from PK 15 and including the same in PK-14, while UC Kotigram, which was part of PK-14 was excluded from there and included in PK-15.

3. Learned counsel for the petitioner, *inter alia,* contended that section 20 of the Elections Act, 2017 lays down mandatory conditions/principles for delimitation, which, *inter alia,* include geographical compactness, physical features boundaries of administrative

units and facilities of communication, which have not been taken into account by Election Commission of Pakistan. It was further contended that Patwar Circle Ouch has been included in PK-14, however, it is not geographically compact. Likewise, physical features have not been taken into account. It was further contended that cognate factors also have not been duly given weight and after the changes 10% variation has been exceeded but no reasons have been provided.

4. Notices were issued to the respondents, however, no one is in attendance. The representative of Election Commission of Pakistan contends that due weight has been given to the objections raised and arguments addressed.

5. The examination of impugned order dated 07.04.2018 shows that considerable changes have been made in PK-14 & PK-15 by exclusion and inclusion of various Union Councils. Learned Commission has not rendered reasons for making the changes, hence, the impugned order is in violation of principles provided in section 24-A of General Clauses Act, 1897. Moreover, as contended by learned counsel for the petitioner that population imbalance has been created of more than 10%. The representative of

Election Commission of Pakistan did not controvert referred stance specifically.

6. In view of foregoing, instant petition is allowed and the impugned order dated 07.04.2018 is set aside. Consequently, the representation filed by the respondents shall be deemed to be pending and shall be decided in accordance with law. In case if, after changes made there is variation of more than 10% due reasons for the same shall be rendered.

(AAMER FAROOQ)
JUDGE

Shakeel Afzal

Uploaded By: Zulqarnain Shah