Form No: HCJD/C-121

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

JUDICIAL DEPARTMENT.

Writ Petition No. 2011 of 2018

Saif ur Rehman

VS

Election Commission of Pakistan, Islamabad through its Secretary.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	31.05.2018.	**Syed Javed Akbar, Advocate for the petitioner.** **Mr. Faisal Bin Khurshid, Advocate for the applicant.** **Malik Mujtaba Ahmed, Additional D.G. (Law), Election Commission of Pakistan.** The petitioner is aggrieved of the order dated 09.04.2018, whereby on the representations filed against the proposed delimitation with respect to the District Haripur were allowed and the same was altered. 2. Learned counsel for the petitioner, *inter-alia*, contended that the composition of Delimitation Committee was not duly notified; that no guidelines were issued to the Committee; that cognate factors were not taken into account; that homogeneity and compactness was not given due regard; that by virtue of the impugned order the variation in population is more than 10%. It was also contended that there is a river in between and

the factor regarding means of communication has not been taken into account.

3. During the course of proceedings, an application was filed by the objector to be impleaded as respondent i.e. C.M. No. 2658 of 2018. Due to paucity of time, no specific order was passed on the application regarding the impleadment of the applicant, however, he was heard.

4. Learned counsel for the applicant contended that the matter involves factual controversy; that relevant factors, as required under the law have been taken into account in the impugned order is well reasoned. Moreover, it was contended that there is no river cutting through the District.

5. Representative of Election Commission of Pakistan contended that the impugned order is in line with the provisions of the Elections Act, 2017 and the rules made under it.

6. The arguments advanced by the learned counsels for the parties have been heard and record perused with their able assistance.

7. Election Commission of Pakistan, while passing the impugned order, has taken into account factors under Section 20 of the Elections Act, 2017 i.e. geographical compactness, cognate factors, homogeneity, means of communication and public convenience. The referred fact is borne out from the bare perusal of the order impugned in the petition.

8. In so far as the arguments by the petitioner with respect to variation of more than 10% in the constituencies is concerned, there is nothing on record to establish the same. Under Section 20 (3) and 20 (4) of the Elections Act, 2017, the Commission shall ensure that the variation in population between the constituencies is not more than 10 %, however, where it is then the reasons are to be given for that.

9. In view of the aforementioned, the instant petition is disposed off with the direction to place the matter before the Election Commission of Pakistan to examine, if there is a variation of more than 10% in population and render reasons for the same.

(AAMER FAROOQ)
JUDGE

M. Zaheer Janjua

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