

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-3878 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Omar Siyal.

For hearing of main case.

12.06.2018

Mr. Nisar Ahmed Bhambhro advocate for the petitioner.

Ms. Mamoona Nasreen advocate for the Election Commission of Pakistan.

Mr. Shaikh Liaquat Hussain, DAG.

Ms. Rukhsana Mehnaz Durrani, State Counsel.

Mr. Abdullah Hanjra, Law Officer, Election Commission a/w. Nadeem Haider, Regional Election Commissioner, Shaheed Benazirabad, Imtiaz Ahmed Kalhoro, District Election Commissioner, Hyderabad, Zaheer Ahmed Sehto, District Election Commissioner, Kashmore/Member Delimitation Committee and Muhammad Yousuf, District Election Commissioner, Karachi Central.

Muhammad Ali Mazhar.J:- Learned counsel for the petitioner argued that the petitioner had submitted a proposal to ECP and vide order dated 28.04.2018, representation was decided through a consolidated order. The name of the petitioner is at Sr. No. 5 in the order passed by the learned Election Commission of Pakistan for delimitation of constituencies 2018 (Dadu district). Learned counsel referred to the concluding paragraph of the order passed by the learned Election Commission which is reproduced as under:-

“Keeping in view the above principles and after having discussed the matter thoroughly we reached to the conclusion that arguments advanced by learned counsel for inclusion and exclusion of some

T.Cs and S.T.C in certain constituencies are reasonable, appropriate and required modification. Hence, T.C. Khuda Abad, Additional Khuda Abad and Additional Bakhrani of Badani S.T.C. are excluded from PS-86 and included in PS-85. Moreover, T.C. Baghban, Additional Baghban and Makhdoom Sahib of Dadu S.T.C. are excluded from PS-85 and included in PS-86. Prayer sought by petitioners No.5 and 6 for re-drafting of PS-85 and PS 86 also came under discussion but it is observed that if the petitions are accepted then the variation of population will increase more than 50% which will be against the basic principle of equality of population.”

He argued that though in the above order the Election Commission of Pakistan excluded T.C. Khuda Abad, Additional Khuda Abad and Additional Bakhrani of Badani S.T.C from PS-86 and included in PS-85 but in the final list of constituencies Form-VII the Badani T.C. has not been included in PS-85. Since the Election Commission of Pakistan has itself passed an order for the exclusion of some area from PS-86 and inclusion in PS-85, therefore, this petition is disposed of with the directions to the learned Election Commission of Pakistan to look into and take necessary steps accordingly.

JUDGE

JUDGE

Aadil Arab

