

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-3922 of 2018

Date	Order with signature of Judge
-------------	--------------------------------------

Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Omar Sial.

Manoj KumarPetitioner

Versus

Election Commission of Pakistan & another.....Respondents

Date of hearing 21.06.2018

Mr. Asad Iftikhar advocate for the petitioner.

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

Mr. Shaikh Liaqat Hussain, DAG.

Ms. Rukhsana Mehnaz Durrani, State Counsel.

Zaheer Ahmed Sehto, District Election Commissioner, Kashmore/Member Delimitation Committee.

Muhammad Ali Mazhar, J: This petition has been brought to challenge the order dated 25.04.2018 passed by Election Commission of Pakistan with regard to the representations submitted with the proposals for delimitation of constituencies-2018, district Tharparkar. The order reflects that Election Commission of Pakistan decided twelve representations through a consolidated order. The name of petitioner is appearing at Sr. No. 12.

2. Learned counsel for the petitioner referred to the proposal made by the petitioner which is also incorporated in the memo of petition. In fact the petitioner proposed to the

E.C.P that Municipal Committee Mithi and Tapedar Circle Mithi may be excluded from PS-57 and be included in PS-56. He further proposed that area of Kantio may be excluded from PS-56 and be included in PS-57 to avoid public inconvenience. During course of arguments, learned counsel for the petitioner argued that from Kantio STC there is no direct road or access to the Taluka Islamkot so this should be excluded from PS-56 and included in PS-57. Whereas, the Officer of the ECP demonstrated the actual position from the map and argued that ECP has maintained the ratio of population and while including Kantio STC in PS-56 there is no violation of Section 20 of the Elections Act, 2017 and the Rule 10(5) of the Elections Rules, 2017.

3. Heard the arguments. We have ourselves minutely examined the map. According to the principles laid down for delimitation under Section 20 of the Elections Act, 2017 the basic features need to be considered at the time of delimitation are distribution of population in geographical compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity. Whereas, under Rule 10(5) of the Election Rules, 2017 it is clearly provided that as far as possible, the delimitation of constituencies of an Assembly shall start from the Northern end of the district and then proceed clock-wise in zigzag manner so that population among

the constituencies shall remain as close as may be practicable to the quota. It is also provided that a Patwar Circle or as the case may be a Tapedar Circle shall be the basic unit for delimitation which shall not be broken under any circumstances. According to the learned counsel for the petitioner and the representative of the ECP the population of Kantio STC is 53,539, whereas, the population of Chelhar STC is 30,318. If the argument of learned counsel for the petitioner is accepted that there is no road from Kantio STC to the Islamkot then it is also a same situation with Chelhar STC but there is a clear road from Kantio to Chelhar STC then Mithi and through a diversion from Mithi there is a road leading to Islamkot. In fact the petitioner wants to disturb more than 83000 population. If for this reason the Kantio STC is removed from PS 56 then Chelhar STC is also at par which will also require to be removed from PS-56 and if it is done the population of all PSs-54, 55, 56 & 57 shall be disturbed and the exercise of entire delimitation required to be carried out afresh. At present, in our mind there is no issue of any violation of geographical compact areas, physical feature and or existing boundaries of administrative units nor contiguity. So we are not convinced or inclined to disturb the entire delimitation exercise. The ECP has already given final shape after

deciding twelve representations through a consolidated order.

4. We dismissed the petition vide our short order dated 21.06.2018. Above are the reasons for our short order.

Karachi.

Dated: 26.06.2018

JUDGE

JUDGE

Aadil Arab