

ORDER SHEET**IN THE HIGH COURT OF SINDH, KARACHI**

Const. P. 4407/2015 Const. P. 4433/2015 Const. P. 4546/2015
 Const. P. 4699/2015 Const. P. 4700/2015 Const. P. 4701/2015
 Const. P. 4702/2015 Const. P. 4811/2015 Const. P. 4849/2015
 Const. P. 4959/2015 Const. P. 4960/2015 Const. P. 4961/2015
 Const. P. 4962/2015 Const. P. 4963/2015 Const. P. 5049/2015
 Const. P. 5052/2015 Const. P. 5053/2015 Const. P. 5056/2015
 Const. P. 5057/2015 Const. P. 5058/2015 Const. P. 5059/2015
 Const. P. 5060/2015 Const. P. 5083/2015 Const. P. 5084/2015
 Const. P. 5085/2015 Const. P. 5098/2015 Const. P. 5106/2015
 Const. P. 5111/2015 Const. P. 5112/2015 Const. P. 5113/2015
 Const. P. 5114/2015 Const. P. 5140/2015 Const. P. 5164/2015
 Const. P. 4407/2015 Const. P. 4433/2015 Const. P. 4546/2015
 Const. P. 4699/2015 Const. P. 4700/2015 Const. P. 4701/2015
 Const. P. 4702/2015 Const. P. 4811/2015 Const. P. 4849/2015
 Const. P. 4959/2015 Const. P. 4960/2015 Const. P. 4961/2015
 Const. P. 4962/2015 Const. P. 4963/2015 Const. P. 5048/2015
 Const. P. 5165/2015 Const. P. 5176/2015 Const. P. 5209/2015
 Const. P. 5226/2015 Const. P. 5318/2015 Const. P. 5319/2015
 Const. P. 5320/2015 Const. P. 5321/2015 Const. P. 5322/2015
 Const. P. 5408/2015 Const. P. 5422/2015 Const. P. 5491/2015
 Const. P. 5503/2015 Const. P. 4698/2015 Const. P. 5341/2015
 Const. P. 3081/2014 Const. P. 3491/2015 Const. P. 4264/2015
 Const. P. 5055/2015 Const. P. 5434/2015 Const. P. 5541/2015
 Const. P. 5543/2015 Const. P. 5544/2015 Const. P. 5545/2015
 Const. P. 5546/2015 Const. P. 5547/2015 Const. P. 5548/2015
 Const. P. 5550/2015 Const. P. 5552/2015 Const. P. 5553/2015
 Const. P. 5555/2015 Const. P. 5558/2015 Const. P. 5559/2015
 Const. P. 5560/2015 Const. P. 5561/2015 Const. P. 5562/2015
 Const. P. 5563/2015 Const. P. 5564/2015 Const. P. 5565/2015
 Const. P. 5566/2015 Const. P. 5567/2015 Const. P. 5569/2015
 Const. P. 5570/2015 Const. P. 5571/2015 Const. P. 5572/2015
 Const. P. 5573/2015 Const. P. 5574/2015 Const. P. 5575/2015
 Const. P. 5576/2015 Const. P. 5577/2015 Const. P. 5578/2015
 Const. P. 5579/2015 Const. P. 5580/2015 Const. P. 5581/2015
 Const. P. 5582/2015 Const. P. 5584/2015 Const. P. 5585/2015
 Const. P. 5587/2015 Const. P. 5588/2015 Const. P. 5589/2015
 Const. P. 5590/2015 Const. P. 5591/2015 Const. P. 5592/2015
 Const. P. 5593/2015 Const. P. 5594/2015 Const. P. 5595/2015
 Const. P. 5596/2015 Const. P. 5597/2015 Const. P. 5598/2015
 Const. P. 5599/2015 Const. P. 5600/2015 Const. P. 5601/2015
 Const. P. 5602/2015 Const. P. 5603/2015 Const. P. 5604/2015
 Const. P. 5605/2015 Const. P. 5606/2015 Const. P. 5607/2015
 Const. P. 5608/2015 Const. P. 5609/2015 Const. P. 5610/2015
 Const. P. 5611/2015 Const. P. 5612/2015 Const. P. 5618/2015,
 Const. P. 5721/2015, Const. P. 5716/2015 Const.P. 5719/2015,
 Const.P. No.5619/2015, Const.P. No.5604/15, Const.P No.
 5622/15, Const.P NO.D-5774/15 to Const.P.D-5793/2015.
 Const.P Nos. D-5702 to 5706/2015 Const.P D-5779/15,
 Const.P.D-5781/15, Const.P D-5782/15, Const.P D-5774/15.
 Const.P.NO.D-5723/2015.

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

For katcha peshi
For hearing of applications

===

18.09.2015

Mr. Haq Nawaz Talpur, Advocate.
Mr. Inayatullah Morio, advocate
Mr. Abdul Rasheed Kalwar
Mr. Muhammad Farogh Naseem, advocate
Mr. Abrar Hasan, advocate
Mr. Manzoor Hussain Samor, advocate
Mr. Zulfiqar Ali Domki, advocate,
Syed Mureed Ali Shah, Advocate.
Mr. Abdul Basit, advocate
Mr. Irshad Jatoi, advocate.
Mr. Naeem Iqbal, advocate
Mr. Shujja Abbas, Advocate.
Mr. Khalid Nawaz Marwat, advocate.
Mr. Ashraf Ali, advocate
Mr. Jaffer Raza, Advocate
Mr. Asadullah, Advocate
Mr. Muhammad Aqil, advocate
Mr. Azhar Ahmed Shah, advocate
Mr. Shiraz Shaukat Rajpar, advocate
Mr. Ghulamullah Chang, Advocate.
Mr. Mohsin Kadir Shahwani, advocate
Mr. Muhammad Nishat Warsi, advocate
Mr. Shafique Ahmed, advocate
Mr. Khalida Parveen advocate
Mr. Shaikh, Muhammad Aslam, advocate
Mr. Muhammad Hashim Leghari, advocate
Mr. Ghulamullah, advocate
Mr. Muhammad Aslam Bhutta, advocate.
Mr. Zamir Hussain Ghumro, advocate
Mr. Naeem Iqbal, advocate
Mr. Parkash Kumar advocate
Mr. Fayaz Ahmed, advocate
Mr. Sundar Das, advocate
Mr. Ghulam Sarwar, advocate
Mr. Wahid Bakhsh, advocate
Mr. Imtiaz Ali, advocate
Mr. Sartar Iqbal, advocate
Mr. Muhammad Arshad S. Pathan, advocate
Mr. Muhammad Nawaz, advocate
Mr. Muhammad Jaffer Raza, advocate
Ch. Aftab Ahmed Warraich advocate,
Mr. Wali Muhammad Jamari, advocate
Mr. Muhammad Hassan, advocate
Mr. Ahsan Gul, advocate
Mr. Ishrat Ali Lohar advocate

Mr. Mir Zamin Hussain Khan, advocate
 Mr.Zahid Mallah, advocate
 Mr. Mohsin Raza, advocate
 Mr.Munwar Ali, advocate
 Mr. Aayatullah, advocate
 Mr. Muzafar Ali Leghari, advocate
 Mr.Wali Muhammad Khoso advocate
 Mr. Ayaz Hussain Tunio, advocate
 Mr. Mir Naeem Talpur advocate
 Mr.Hameedullah Dahri, advocate
 Meer Ahmed Mangrio, advocate
 Mr. Dildar Ali, advocate
 Mr. Shakeel Ahmed Zai, advocate
 Mr.Muhammad Hayat, advocate
 Mr.Muhammad Arshad S Pathan advocate
 Mr. Abdul Waheed Bijarani, Advocate
 Mr.Muhammad Saleem, advocate,
 Mr. Ali Nawaz Ghanghro, Advocate,
 Mr.Farhan Khaliq, Advocate,
 Mr. Ghulam Dastagir Shahani, advocate,
 Mr.Bakhshan Khan Mahar, Advocate,
 Mr.Habibullah Ghori, advocate,
 Mr.Nisar Ahmed, advocate,
 Mr. Abdul Rehman Bhutto, Advocate,
 Mr.Asif Ali Soomro, advocate,
 Mr. Rashid Mustafa Solangi, advocate
 Mr. S. Khizar Askar Zaidi

Mr. Abdul Fatah Malik, Advocate General alongwith Mukesh Kumar Karara, Addl. A.G.
 Mr. Farooq H. Naek, Advocate, Mr. Awais Ahmed Abro,
 Mr. Sheeraz Shaukat Rajper, Advocate.
 Mr. Abdullah Hanjrah Law Officer Election Commission
 Mr. Amir Ahmed Kehar, Focal Person on behalf of Law Secretary, Government of Sindh.

===

For the reasons to be recorded later on, these petitions are disposed of in the following terms:-

1. The initiation of the process of delimitation of the constituencies for Local Government Elections through Notifications issued by the Provincial Government under Section 10(1) of Sindh Local Government Act, 2013 (2) and 10(3) was within the confines of the Sindh Local Government Act, 2013.

However, while carrying out delimitation, under Sections 10(2) and 10(3) the functionaries of the Election Commission did not adhere to the guidelines with regard to the territorial unity, distinction between urban and rural areas in several constituencies and apparently it looked to have been done in an arbitrary manner and to facilitate gerrymandering. As the election schedule has been announced, in order to correct only patent irregularities, without disturbing the polling schedule, we deem it appropriate that at this stage only such alterations and modifications be allowed in those constituencies which the Election Commission can carry out expeditiously in exercise of its powers conferred under Section 10A of the Delimitation of Constituencies Act, 1974 by only looking at the existing boundaries of a disputed constituency. While conducting such exercise, it shall take into consideration only the following:-

- (i) By looking at the impugned delimitation of a Council, if it appears that the territorial unity was not maintained then the limits of such Council shall be so adjusted in order to bring it in consonance with the established criteria of delimitation as provided in Section 10(3) of the Sindh Local Government Act, 2013.
- (ii) The areas of a Council which were rural at the time when the Hon'ble Supreme Court passed short order dated 20.03.2014 in the case of Province of Sindh vs. MQM but were subsequently annexed with any Council of an urban area or vice versa, through the process of impugned

delimitation the same shall be undone and fresh delimitation shall be carried out.

- (iii) Fresh delimitation of the Councils shall be carried out only in the two situations that are narrated in sub-paragraphs (i) and (ii) above within a period of five days from today i.e. upto 23.09.2015.
- (iv) Only such petitioners shall seek fresh delimitation within three days from today whose grievance falls within the ambit of sub-paragraphs (i) and (ii) only. As to any other kind of grievances to the delimitation of the constituencies, the aggrieved persons may seek remedy after the elections, in accordance with law.
- (v) No fresh nominations to stand in elections can be allowed in any Council, boundaries of which are revised by the Election Commission pursuant to this order.

2. As the process of the elections of the Local Government is to be completed on the schedules already announced in terms of the judgment of the Supreme Court rendered in the case of Province of Sindh vs. MQM, the election schedules in no circumstances shall be disturbed on the basis of this order.

CHIEF JUSTICE

JUDGE