

**ELECTION COMMISSION OF PAKISTAN**

**ORDER**  
**21-12-2023**

Subject: **DECISION UPON THE PETITIONS IN RESPECT OF DELIMITATION**  
**REMANDED BY THE DIFFERENT HIGH COURTS AFTER**  
**ANNOUNCEMENT OF SCHEDULE FOR GENERAL ELECTIONS 2024**  
**BY THE COMMISSION.**

**WHEREAS**, the Election Commission of Pakistan is a Constitutional body constituted under Article 218(2) of the Constitution of Pakistan, 1973(hereinafter referred as the "Constitution").

**AND WHEREAS**, that the Election Commission of Pakistan is mandated under Article 218(3) of the Constitution to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

**AND WHEREAS**, the Commission after hearing the objections/representations upon preliminary delimitation published Form-7 of the Constituencies on the website on 30.11.2023.

**AND WHEREAS**, the Hon'ble Supreme Court of Pakistan in the case of Supreme Court Bar Association Vs. Federation of Pakistan *vide* order dated 03.11.2023 announced 08.02.2024 held that "*the matter of holding General Elections on 08.02.2024 stands resolved. No one should now put forward any pretext to derail democracy*".

**AND WHEREAS**, in term of Section 57(2) of the Elections Act, 2017 the Commission has announced the Election Schedule for the General Elections 2024 for the National and Provincial Assemblies and the Returning Officers of the notified constituencies have given public notice on 19.12.2023.

**AND WHEREAS**, the final orders passed by the Commission in respect of Delimitation of Constituencies were challenged before the High Courts and the following cases have been remanded to the Commission with the directions to decide the matters afresh after hearing all the petitioners;

Sr. No.	Writ Petition No.	Titled	Date of Hearing	Date of Receiving of orders.
1	81605/2023	Shahid Munir Vs Fop	11.12.2023	19.12.2023
2	82260/2023	Munawar Hussain Saghar Vs Ecp	13.12.2023	19.12.2023
3	82770/2023	Asif Nawaz Vs Ecp	15.12.2023	19.12.2023
4	82413/2023	Muhammad Irfan Vs Ecp	14.12.2023	19.12.2023
5	80787/2023	Shehxad Latif Vs Ecp	08.12.2023	19.12.2023





6	4133/2023	Malik Azmat Mahmood Vs Ecp	14.12.2023	20.12.2023
7	4134/2023	Malik Sajid Mahmood Vs Ecp	14.12.2023	20.12.2023
8	4090/2023	Basheer Ahmad Vs Ecp	14.12.2023	20.12.2023
9	4120/2023	Bilal Faisla Vs Ecp	14.12.2023	20.12.2023
10	4089/2023	Raja Khalil Ur Rehman	14.12.2023	20.12.2023
11	1. 4026/2023 2. 4018/2023 3. 4019/2023 4. 4023/2023 5. 4026/2023 6. 4027/2023	1. Dildar khan and others vs ECP. 2. Nadeem Khan 3. Syed Latif Ahmed 4. Norr-Rehman Saghar 5. Dildar Khan. 6. Saeed Ahmed	15.12.2023 (Reserved for Orders)	Not yet officially received, however, applicants through an application provided the copy of order on 19.12.2023
12	82901/2023	Muhammad Ashraf vs. ECP	14.12.2023	20.12.2023
13	82323/2023	Iftikhar Ahmed Vs. ECP	15.12.2023	20.12.2023
14	1. 80784/2023 2. 81452/2023	1. Imran Zafar Vs. Delimitaion Committee. 2. Muhammad Azam Vs. ECP	12.12.2023	20.12.2023
15	81224/2023	Muhammad Rizwan Nuwaiz Gill vs. ECP	12.12.2023	20.12.2023

**AND WHEREAS**, in terms of Section 22 of the Election Act, 2017, no alteration/amendments can be made after the issuance of Election Program.

**AND WHEREAS**, the Hon'ble Supreme Court of Pakistan while hearing the matter in respect of delimitation of District Zhob, Sherani in Civil Petition No. 4305/2023 titled as Gul Khan and Others Vs. Saeed-ur-Rehman and Others held that:-

*"The conduct of General Elections is not a procedural necessity but a fundamental principle upholding the democratic ethos. On the other hand the delimitation of Constituency, although significant for ensuring fair and effective representation, does not hold the same immediacy or overriding importance as a conduct of General Elections. "postponing General Elections to addressed constituency delimitation could lead to a vacuum in governance and the potential crisis of legitimacy. Therefore, the principle of proportionality and the concept of larger good demand that General Elections be given primacy. Issue concerning the delimitation of Constituency, while important, should be addressed subsequent to elections"*


*Therefore, if we proceed to adjudicate upon the issue of delimitation of Constituencies before us thereby re-examining or altering the notified Constituencies by the ECP under challenged, we will in-variably upset the timeline of the Election Program and derail the electoral process already set a foot by the Election Program announce on 15.12.2023.*



06. Applying the scale of proportionality, to us the Constitution importance of holding of General Elections in a Constitutional democracy as per the Election Program far outweighs the need for re-examining the delimitation of the Constituency as this critical electoral juncture. Any intervention by us in re-visiting the condos of delimitation of a Constituency done by the ECP at this stage will open flood gates of similar litigation, resulting in choking the Election Process. Therefore, proceeding with this case at this stage when the electoral clock has started ticking, would undermine democracy and adversely affect the fundamental right to vote and found a political government of millions of voters and political workers country wide. The importance of Elections in a democracy and the fulfillment of the larger objective of holding a timely election should be given due consideration to ensure that the court remain within its democratic remit, which is the present case necessitates organizing and conducting of free, fair and timely elections by the ECP."

**AND WHEREAS**, the Hon'ble Supreme Court of Pakistan in the above mentioned Civil Petition has directed that the ECP shall organize and conduct the Elections as per the final delimitation notified on 30.11.2023 in accordance with the Election Program notified on 15.12.2023.

**NOW THEREFORE**, the Commission in terms of Article 218(3) of the Constitution read with Section 8 of the Elections Act, 2017 and the judgment passed by the Hon'ble Supreme Court of Pakistan in Civil Petition No. 4305/2023 decides that if at this stage the petitions are fixed for hearing it will adversely affect the Election Program and the last date for filing of Nomination Papers. Therefore, the hearing of the subject cases are deferred till the culmination of the General Elections 2024 and election will be held on the Constituencies as per Form-VII issued by the Commission dated 30.11.2023 subject to any correction, if occasioned.

  
**SIKANDAR SULTAN RAJA**  
Chairman

  
**NISAR AHMED DURRANI**  
Member

  
**SHAH MUHAMMAD JATOI**  
Member

  
**BABAR HASSAN BHARWANA**  
Member

  
**JUSTICE (R) IKRAMULLAH KHAN**  
Member

