

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No. 3233 of 2021

M. Tariq Asad, ASC

Vs

Federation through Secretary, M/O Science and Technology, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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01)	<u>15-09-2021.</u>	Petitioner, in person.
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ATHAR MINALLAH, C.J.- Through this petition the petitioner, *Mr Muhammad Tariq Asad, ASC*, has sought multiple prayers. He has sought a direction to the Election Commission of Pakistan to apprise this Court regarding the objections raised against holding the next general elections through the electronic voting machines. He has also prayed that it may be suggested to the Federal Government to hold a referendum regarding holding of the general elections through the electronic voting machines.

2. The petitioner has appeared in person. He has raised concerns regarding the political turmoil relating to the proposal of the Federal Government to hold the next general elections through the electronic voting machines.

3. It is noted that the use of the electronic voting machines during elections is not an alien phenomenon because it has already been introduced in some other countries. However, the proposal is at its initial stage and that

it obviously requires legislation by the Majlis-e-Shoora (Parliament) for its enforcement. The concerns of the petitioner at this stage are, therefore, pre-mature and thus the grievance is based on mere apprehensions. Majlis-e-Shoora (Parliament) has yet to debate and legislate regarding holding of elections through the electronic voting machines. This Court has no reason to doubt that Majlis-e-Shoora(Parliament) would not consider all the relevant matters and thereafter decide the issue in the best interest of the people of Pakistan.

4. Moreover, the Election Commission of Pakistan enjoys the status of a constitutional body established under Article 218 of the Constitution of the Islamic Republic of Pakistan, 1973. Sub Article (3) of Article 218 exclusively provides that it shall be the duty of the Election Commission 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. It is, therefore, the constitutional duty of the Election Commission of Pakistan to ensure that the elections are conducted in a fair, honest and transparent manner. This Court also has no reason to doubt that the concerns and objections raised by the Election Commission would not be taken into consideration by the Majlis-e-Shoora (Parliament) whenever the latter considers the proposed legislation relating to conduct of elections through the electronic voting machines.

5. The petitioner who is a public spirited citizen and an enrolled Advocate of the apex Court, has laid great stress regarding his concerns relating to the political instability and turmoil created because of the proposal to hold elections through the electronic voting machines. Political debate is an integral part of the democratic process but simultaneously it is the duty of every citizen, particularly the political leadership to ensure that the constitutional forums are respected and political debates/discussions are held in conformity with the established democratic principles of tolerance, respect for dissent and fair play. A High Court is not the proper forum for raising concerns associated with political instability, turmoil or controversies. The petitioner surely reposes trust and confidence in the Majlis-e-Shoora (Parliament).

6. In case the petitioner wants to obtain copy of the objections raised by the Election Commission of Pakistan regarding the electronic voting machines, then he would be at liberty to invoke the provisions of the Freedom of Information Act, 2000.

7. The instant petition is, therefore, accordingly **disposed of in limine.**

(CHIEF JUSTICE)