

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM :

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P.(MD).No.18733 of 2020

and

W.M.P.No.15646 of 2020

M.Chandramohan (M/48/2020),
S/o.Muthaiah,
2/43, Melatheru,
Mullikulam,
Kadayanallur Taluk,
Tirunelveli District.

... Petitioner

Vs

1.The Secretary,
Ministry of Parliamentary Affairs,
Room No.92,
Parliament House,
New Delhi 110 001.

2.The Secretary,
Ministry of Social Justice and Empowerment,
Department of Social Justice and Empowerment,
Room No.622, A-Wing, Shastri Bhawan,
New Delhi 100 001.

3.The Election Commission of India,
Represented through its Election Commissioner,
Nirvachan Sadan,
Asoka Road,
New Delhi 110 001.

4. Tamil Nadu State Election Commission,
Represented through Tamil Nadu
State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai 600 106.

5. The District Collector,
Collectorate,
Tirunelveli District,
Tirunelveli.

...Respondents

PRAYER: Petition under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to consider the Petitioner's representation dated 13.07.2020 and further direct the respondents to convert Vasudevanallur Assembly Constituency in Tamil Nadu as General Constituency by enabling all the communities of the Society to be candidate in the upcoming election to uphold the spirit of the Constitution of India.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mrs.Victoria Gouri, (for R1 & R2)

Mr.Niranjan Rajagopal, (for R3)

Mr.Muthu Geetheiyan, (for R4)
Special Government Pleader

Mr.Chella Pandian, (for R5)
Additional Advocate General

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ORDER

N.KIRUBAKARAN, J.

“ உங்கள் வீட்டுக்கே வந்து சமையல் செய்து வைப்போம்” – கட்சி
“நாங்கள் சமைத்து மட்டுமல்ல, தட்டில் போட்டு ஊட்டி விடுவோம்” – எதிர்கட்சி

["We will cook food for you in your residence" – Party

"We will not only cook, but also feed you" – Opposite party]

Time is not too far away to hear the aforesaid promises from competing political parties. It is raining freebies for Tamil Nadu Assembly elections. Each party tries to undo each other in terms of populist promises. If one party promises monthly assistance of Rs.1,000/- to women households heads, there is a counter freebies of Rs.1,500/-. It goes on. The result is people started having a mind set that they could make a living out of freebies. A trend has been created that whoever avails loan from banks, does not repay the loan, expecting waiver of loans during election. In this way, people themselves get corrupted by political parties. The way in which the political parties throw their promises, which are unreasonable and unworkable are really unwanted. Unfortunately, freebies are not connected with job creation, development, or agriculture. Voters are lured to cast votes in their favour by these magical promises. Once in 5 years, this tamasha is being continued for decades together.

Promises have always remained as promises. Most of them except freebies are not implemented.

2. Every political party is bound to make promises to voters giving their social policies and plans for improving the standard of living of the people by providing clean governance, infrastructure, especially, providing basic amenities like, water, transportation and health, which are expected in every democracy. However, the election promises made by the political parties are aimed at clinching power.

3. If the basic amenities are promised and provided, there cannot be any objection and in fact, it has to be welcomed and appreciated. In the name of social security all the basic needs of the people have been provided by giving colour televisions, laptops, mixers, fans and grinders etc. Moreover, in Tamil Nadu every family card holder is given free rice of 20 kilograms every month. That apart, during festival seasons, like, Pongal and Diwali, public money is drained by way of providing expenses for celebrations of festivals. In fact, the celebrations are being taken care by the Government by providing free dhoties, sarees and items necessary for cooking and making pongal and expenses for celebrations. These kinds of freebies and money given during festivals, though

it would be justified that the Government is taking care of the peoples' needs, in fact are making the people lazy and dampens the working culture of the people. In the process, the honest tax payer is made a mute spectator of these expenditure by the Government. Consequently, even for any normal work no force is available in Tamil Nadu and Tamil Nadu has to depend on the migrant workers from northeast and northern states, like, Manipur, Meghalaya, Assam, Bihar, Ultra Pradesh and West Bengal and Odisha. Most of the North Indian workers are doing agriculture work and working in hotels, industries, shops, saloons, etc. in Tamil Nadu.

4.It is not as if everyone in Tamil Nadu have become an entrepreneur or persons with resources and if we go into details, most of the persons including wealthy are expecting freebies. Engineering Graduates, M.Phil, M.B.A. Degreeholders are applying for sweeper posts and O.A. posts. Nobody wants to do manual job. It is reported in media that people who go for 100 days work, (MNREGA), which has been brought by the Government to give work for people, simply chit chatting under trees without doing the work. **The way in which things are happening today, one would not be surprised to see that migrant workers would be owners of the properties in due course and the sons of the soil will become workers working under them and it may be**

the only achievement, probably, the political parties have attained through election promises by providing freebies for the past 20 years.

5.This Court is aware that the judgment of the Hon'ble Supreme Court of India in the case of of *S.Subramaniam Balaji v. State of Tamil Nadu and Others* reported in (2013) 9 SCC 659 held that promises in the election manifesto cannot be construed as "corrupt practice" and these measures relate to implementation of Directive Principles of State Policy. However, the Hon'ble Supreme Court directed the Election Commission to verify election manifestos of all political parties. If there is an external agency, which examines all manifestos to weed out the unreasonable and unexecutable ones. Definitely, that will go a long way to curtail the political parties from making promises of moon or star. Unless some mechanism is put into place, the political party would try to buy out the voters by hook or crook as their aim is only to ascend to power. Normally, the political parties are expected to make election promises providing basic amenities, like, education, health care facilities, transportation and generation of employment and not necessarily Government employment.

6.Though political parties cry for rights, they never bother educating about the corresponding duties and it is also one of the dangerous trends to be addressed. All the political parties, are expected to behave reasonably or offer political promises, which are helpful for overall development of the society instead of having an adverse effect on the people.

7.The aforesaid observations became necessary in view of the state of affairs in Tamil Nadu. In that scenario only, the present Writ Petition has come up before this Court, seeking writ of mandamus directing the first and second respondent to consider the Petitioner's representation dated 13.07.2020 and further direct the Respondents to convert “Vasudevanallur Assembly Constituency” in Tamil Nadu as general Constituency by enabling all the communities of the society to be candidate in the upcoming election to uphold the spirit of the Constitution of India.

8.The Petitioner has stated that he filed this Public Interest Litigation to convert “Vasudevanallur Legislative Assembly constituency”, which is a reserved constituency, as a general constituency to enable all the sections of people to contest the election. Vasudevanallur Legislative Assembly constituency remains as reserved constituency, since 1976, for the past 44 years

and because of that, the representation is restricted to the Scheduled Castes and Scheduled Tribes people only and other sections of people are deprived of their right to contest and get elected as Member of Legislative Assembly.

9.It is contended by Mr. V.Raju Rufus, Learned Counsel for the Petitioner that keeping one particular constituency as a reserved constituency for a long period violates the rights of voters from the other sections. The constitution makers/framers made provisions for the reserved constituency only in rotation so that one particular constituency does not remain as reserved constituency for a longtime. To convert Vasudevanallur Assembly constituency as general constituency, the Petitioners gave representation on 13.07.2020 and it was not considered and therefore, the Writ Petition has been filed.

10.Mr. Raju Rufus, Learned Counsel for the Petitioner submits that Article 330 and 332 of the Constitution of India give powers for reserving constituencies for Scheduled Castes and Scheduled Tribes. Articles 330 and 332 of the Constitution of India have been included in the Constitution of India to enable all the people to get equal representation for making an egalitarian society. Though Vasudevanallur constituency is a reserved constituency for the stipulated period, viz., 10 years as stated in the Articles 330 of the Constitution

of India, it is not known as to whether it would be made as general constituency or not. Hence, a direction should be given.

11.The reservation of constituencies for Scheduled Castes and Scheduled Tribes is governed by Article 330 and 332 of the Constitution of India. Article 332 deals with reservation of constituencies for Schedule Castes and Scheduled Tribes in State Assemblies which is extracted as follows:-

*332. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, 3 [except the Scheduled Tribes in the autonomous districts of Assam], in the Legislative Assembly of every State 4 ***. (2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.*

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State. 5 [(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the readjustment, on the basis of the first census after the year 6 [2026], of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,— (a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the

Scheduled Tribes, all the seats except one; (b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.] 1 [(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2 [2026], of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.]

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State. (5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district 3.

*(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district 1 ***: 2 [Provided that for elections to the Legislative Assembly of the State of Assam, the representation of the Scheduled Tribes and non-Scheduled Tribes in the constituencies included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitution of Bodoland Territorial Areas District, shall be maintained.]”*

Based on the population only, the nature of constituency is determined. It is evident from the reply dated 07.09.2018 given by the Election Commission of

India/Third Respondent to the Petitioner that under the provision read with sections 9 (1) (c) and 9 (1) (d) of the Delimitation Act, 2002, the seats in the assembly constituencies are determined. It is useful to extract the above provisions:-

"9. Delimitation of constituencies.—(1) The Commission shall, in the manner herein provided, then, distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State as readjusted on the basis of 1971 census to single-member territorial constituencies and delimit them on the basis of the census figures as ascertained, at the census held in the year 1 [2001], having regard to the provisions of the Constitution, the provisions of the Act specified in section 8 and the following provisions, namely:—

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; (b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency; (c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and 1. Subs. by Act 3 of 2004, s. 4, for "1991"(w.e.f. 31-10-2003). 5 (d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest. (2) The Commission shall— (a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India and in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit; (b) specify a date on or after which the proposals shall be further considered by

it; (c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places in each State as it thinks fit; and (d) thereafter by one or more orders determine— (i) the delimitation of parliamentary constituencies; and (ii) the delimitation of assembly constituencies, of each State.

The seats in the Legislative Assemblies of all States and Union Territories and the Parliament are accordingly reserved for scheduled castes and scheduled tribes by the then Delimitation Commission on the basis of Scheduled Caste population in the state as per the last census figures. As per Article 170, readjustment of constituencies would be done. However, the allocation of seats in the state assembly would remain frozen on the basis of 1971 census as per third Proviso (i) to Article 170 (3). Though the last census was made in 2001, the seats remain the same from 1971.

12. In *Meghraj Kothari v. Delimitation Commission and Others* reported in *AIR 1967 SC 669*, a resident of Daulatganj constituency, voter in Ujjain, Madhya Pradesh, challenged the notification dated 24.07.1964 which declared the Ujjain constituency as reserved for Scheduled Caste. The said Writ Petition was dismissed by the Madhya Pradesh High Court and the matter was carried over to the Hon'ble Supreme Court. The Hon'ble Supreme Court went

into the details of reserved constituency, Articles 330, 332 and the provisions of Delimitation Act, 1962 and held that power of delimitation of the constituencies are governed by Article 327 and once orders of the Delimitation Commission is published, it would have effect as if they were the law made by the Parliament itself under Article 327 and the said law can no longer be agitated or challenged in the Court of law. Paragraphs 16, 19, 20, 30 and 31 are usefully extracted hereunder:

*"16. In this case we are not, faced with that difficulty because the Constitution itself provides under Article 329(a) that any law relating to the delimitation of constituencies etc. made or purporting to be made under Article 327 shall not be called in question in any court. Therefore an order under Section 8 or 9 and published under Section 10(1) would not be saved merely because of the use of the expression "shall not be called in question in any court". **But if by the publication of the order in the Gazette of India it is to be treated as law made under Article 327, Article 329 would prevent any investigation by any court of law.***

...

19. An examination of Sections 8 and 9 of the Act shows that the matters therein dealt with were not to be subject to the scrutiny of any court of law. Section 8, which deals with the readjustment of the number of seats, shows that the Commission must proceed on the basis of the latest census figures and by order determine having regard to the provisions of Articles 81, 170, 330 and 332, the number of seats in the House of the People to be allocated to each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State. Similarly, it was the duty of the Commission under Section 9 to distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative

Assembly of each State to single member territorial constituencies and delimit them on the basis of the latest census figures having regard to the provisions of the Constitution and to the factors enumerated in clauses (a) to (d) of sub-section (1). Sub-section (2) of Section 9 shows that the work done under sub-section (1) was not to be final, but that the Commission (a) had to publish its proposals under sub-section (1) together with the dissenting proposals, if any, of an associate member, (b) to specify a date after which the proposals could be further considered by it, (c) to consider all objections and suggestions which may have been received before the date so specified, and for the purpose of such consideration, to hold public sittings at such place or places as it thought fit. It is only then that the Commission could by one or more order, determine the delimitation of Parliamentary constituencies as also of Assembly constituencies of each State.

...

20. In our view, therefore, the objection to the delimitation of constituencies could only be entertained by the Commission before the date specified. Once the orders made by the Commission under Sections 8 and 9 were published in the Gazette of India and in the Official Gazettes of the States concerned, these matters could no longer be reagitated in a court of law. There seems to be very good reason behind such a provision. If the orders made under Sections 8 and 9 were not to be treated as final, the effect would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court. Section 10(2) of the Act clearly demonstrates the intention of the Legislature that the orders under Sections 8 and 9 published under Section 10(1) were to be treated as law which was not to be questioned in any court.

...

30. Reference was also made by the majority Judges to the case of Edward Mills Co. Ltd. v. State of Ajmer [(1955) 1 SCR 735] where it was held that an order made under Section 94(3) of the Government of India Act, 1935, was, notwithstanding the repeal of the Government of India Act, 1935, by Article

395 of the Constitution, law in force. Finally, it was held by the majority of Judges (p. 315):

“We see no distinction in principle between the notification which was issued by the Governor-General in Edward Mills case, and the notification with which we are dealing in this case. This is not to say that every order issued by an executive authority has the force of law. If the order is purely administrative, or is not issued in exercise of any statutory authority it may not have the force of law. But where a general order is issued even by an executive authority which confers power exercisable under a statute, and which thereby in substance modifies or adds to the statute, such conferment of powers must be regarded as having the force of law.”

31. In this case it must be held that the order under Sections 8 and 9 published under Section 10(1) of the Delimitation Commission Act were to make a complete set of rules which would govern the readjustment of number of seats and the delimitation of constituencies.”

From the above, it is very clear that the objections regarding the delimitation can be entertained only within the time limit prescribed by the Delimitation Commission and once the Delimitation notification has been published in the Gazette, it cannot be challenged before the Court of law.

13.The present Delimitation of Assembly and Parliamentary constituencies has been carried out as per the provisions of the Delimitation Act, 2008. With regard to the allocation of parliamentary and assembly

constituencies are concerned, it has been done as per Section 8 of the Delimitation Act, 2002 which is usefully extracted hereunder:

"8. Readjustment of number of seats.—The Commission shall, having regard to the provisions of articles 81, 170, 330 and 332, and also, in relation to the Union territories, except National Capital Territory of Delhi, sections 3 and 39 of the Government of Union Territories Act, 1963 (20 of 1963) and in relation to the National Capital Territory of Delhi sub-clause (b) of clause (2) of article 239AA, by order, determine,

(a) on the basis of the census figures as ascertained at the census held in the year 1971 and subject to the provisions of section 4, the number of seats in the House of the People to be allocated to each State and determine on the basis of the census figures as ascertained at the [census held in the year 2001] the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State; and

(b) on the basis of the census figures as ascertained at the census held in the year 1971 and subject to the provisions of section 4, the total number of seats to be assigned to the Legislative Assembly of each State and determine on the basis of the census figures as ascertained at the [census held in the year 2001] the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State: Provided that the total number of seats assigned to the Legislative Assembly of any State under clause (b) shall be an integral multiple of the number of seats in the House of the People allocated to that State under clause (a)."

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14. The Delimitation of the constituencies has been done as per Section 9 of the Delimitation Act, 2002 which reads as follows:

"Delimitation of constituencies.—

(1) The Commission shall, in the manner herein provided, then, distribute the

seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State as readjusted on the basis of 1971 census to single-member territorial constituencies and delimit them on the basis of the census figures as ascertained, at the census held in the year [2001], having regard to the provisions of the Constitution, the provisions of the Act specified in section 8 and the following provisions, namely:—

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;

(c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and

(d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest.

(2) The Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India and in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals shall be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places in each State as it thinks fit; and

(d) thereafter by one or more orders determine—

- (i) *the delimitation of parliamentary constituencies; and*
(ii) *the delimitation of assembly constituencies, of each State."*

Pursuant to the Delimitation, the Delimitation Commission had to publish the order under Section 10 of the Delimitation Act, 2002 which is usefully extracted hereunder:

"10. Publication of orders and their date of operation.—

(1) The Commission shall cause each of its orders made under section 8 or section 9 to be published in the Gazette of India and in the Official Gazettes of the States concerned and simultaneously cause such orders to be published at least in two vernacular newspapers and publicize on radio, television and other possible media available to the public and after such publication in the Official Gazettes of the States concerned, every District Election Officer shall cause to be affixed, the Gazette version of such orders relating to the area under his jurisdiction, on a conspicuous part of his office for public notice.

(2) Upon publication in the Gazette of India, every such order shall have the force of law and shall not be called in question in any court.

(3) As soon as may be after such publication, every such order shall be laid before the House of the People and the Legislative Assemblies of the States concerned.

(4) Subject to the provisions of sub-section (5), the readjustment of representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House or to the Assembly, as the case may be, held after the publication in the Gazette of India of that order and shall so apply in supersession of the provisions relating to such representation and delimitation contained in any other law for the time being in force or any order or notification issued under such law in so far as such representation and delimitation are inconsistent with the provisions of this Act: [Provided that nothing in this sub-section shall apply to the delimitation orders published in relation to the state of Jharkhand.]

(5) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the final order or orders of the Commission relating to the delimitation of parliamentary constituencies or, as the case may be, of the assembly constituencies of that State and any bye-election to fill any vacancy in such House or in any such Assembly shall be held on the basis of the provisions of the laws and orders superseded by sub-section (4) as if the said provisions had not been superseded.

(6) The Commission shall endeavour to complete and publish each of its orders referred to in sub-section (1) in the manner provided in that sub-section, [within a period not later than 31st day of July, 2008] under section 3."

15. The Delimitation Commission on the basis of census figures 2001, invited objections under Sec.9 (2) and thereafter, published order under Section 10 of Delimitation Act 2002 and determined delimitation of Constituencies including reservation of Constituencies for Scheduled Castes and Scheduled Tribes to ensure reservation of the requisite number of reserved seats in each district in proportion to their population. Once orders were made by the Commission under Sections 8 and 9 of the Act and published in the gazette of India under section 10 of the Act, the same has to be treated as law made under Article 327 which cannot be questioned in any Court of law in view of Article 329 as decided by the Hon'ble Apex Court in the case of **Meghraj Kothari v. Delimitation Commission and Others** reported in **AIR 1967 SC 669**.

16.The constituencies reserved for the Scheduled Caste and Scheduled Tribe will remain reserved till the next Delimitation exercise which is due to be taken up after the first census to be taken after the year 2026, as evident from the reply dated 07.09.2018 filed by the Election Commission. In view of the above provisions and delimitation done pursuant to the Delimitation Act, 2002, the reserved seat would remain as reserved seat till the next delimitation exercise.

17.It is stated that to ensure reservation of the requisite number of reserved seats in each district in proportion to their population, the Delimitation Commission had allocated the reserved seats to the different Revenue Divisions by working out their entitlement as per the proportion of the scheduled caste(SC) population and reserved seats in parliamentary constituency in respect of Tamil Nadu State division-wise. Accordingly, Vasudevanallur (SC) Assembly constituency having highest percentage of (26.20%) reserved caste population of Tirunelveli district is reserved for Scheduled Caste (SC). Therefore, the prayer sought for by the petitioner in his representation dated 13.07.2020 to make No.220-Vasudevanallur constituency presently reserved for Scheduled Caste as General constituency is not sustainable and consequently, the mandamus sought for by the petitioner is not maintainable and the same is

rejected.

18.From the above, it is clear that based on the Scheduled Caste population only the reserved constituency is decided. When highest percentage of Scheduled Caste(SC) population is available in the constituency, opportunity should be given to the Scheduled Caste(SC) candidates to get selected as Member of Legislative Assembly or Member of Parliament from those constituencies, where they have got more population. It is a disgusting fact that Scheduled Caste (SC) candidates are mostly not successful if they are fielded as candidates in the general constituency. Though the political parties do lip service claiming themselves as the guardians of Scheduled Caste (SC), they lack moral courage to put up Scheduled Caste (SC) candidates in the general constituency. Unless even in the general constituencies Scheduled Caste (SC) candidates are put up as candidates of political parties and win the election, reservation of constituencies for Scheduled Castes (SC) should continue.

19.The very purpose of reserving Scheduled Caste (SC) seat in Assembly or Parliament is to ensure that considerable number of scheduled caste candidates are elected as Members of Legislative Assembly and Members of Parliament to represent, as they lack opportunities to get elected.

20.It is categorically stated that in the reply dated 07.09.2018 given by the Election Commission of India that under the existing law there is no provision under the Constitution of India and Delimitation Act, 2002 to reserve seats on rotation basis.

21.In view of the above position, i.e, the rotation as explained in detail by the Election Commission of India in the reply dated 07.09.2018 the prayer sought for by the Petitioner cannot be sustained and the same is negatived.

22.However, the Government and the Election Commission of India should also ensure that not only the required number of Scheduled caste(SC) candidates are elected either in the State Assembly or to the Parliament alone, also to ensure that the provisions are made to reserve seats on rotation basis. Otherwise, as rightly pointed out by the Petitioner, keeping one constituency as reserved for so many years would definitely affect the rights of the other Sections. By having rotation, the scheduled caste(SC) candidates in other constituencies will also have the scheduled caste(SC) representatives in legislature. If they are elected from other constituencies on rotation basis,

keeping one constituency as reserved constituency for a long time would be dispensed. The other constituencies even with lesser Scheduled caste(SC) population could be made as reserved constituency. Though while rotating the constituency, the same number of representatives could be maintained so that the rights of the Scheduled caste population are not violated, it should be the duty of the Central Government as well as Election Commission to ensure that whenever delimitation exercise is done, efforts are to be taken to de-reserve the existing constituencies which are reserved constituencies for a long time and make the other constituencies which have got next highest Scheduled Caste population. If this kind of rotation is followed, definitely, there will not be any complaints of violation by any other section of people.

23.As the Writ Petition relates to reservation of constituency for Scheduled Castes in the election to legislative assembly and presently assembly election in Tamil Nadu is to be held on 6th April 2021, many political parties are coming out with volley of free gifts or freebies in their election manifestos, the Writ Petition is kept pending and this Court deems it necessary to deal with the issue of election manifestos, freebies and non-compliance of Supreme Court Judgment in the case of ***S.Subramaniam Balaji v. State of Tamil Nadu and Others*** reported in (2013) 9 Supreme Court Cases 659.

24.This Court is aware that the issue of freebies has been raised before the Hon'ble Apex Court in the case of ***S.Subramaniam Balaji v. State of Tamil Nadu and Others*** reported in ***(2013) 9 Supreme Court Cases 659***, after the Public Interest Litigation filed by S.Subramaniam Balaji before the Madurai Bench of Madras High Court came to be dismissed. The Hon'ble Apex Court held that the promises in the election manifesto cannot be construed as "corrupt practice" as described under Section 123 of the Representation of the People Act, 1951. However, the Hon'ble Apex Court further opined that the reality cannot be ruled out that the distribution of freebies of any kind, undoubtedly influences all the people. Further, the Hon'ble Apex Court directed the Election Commission to frame guidelines with regard to the contents of the election manifesto in consultation with all the recognized political parties.

25.As per the direction of the Hon'ble Apex Court, the Election Commission called a meeting of all recognized political parties and discussed the issue of framing guidelines for election manifesto of political parties. Since majority of the political parties opposed the idea of framing any guidelines for manifestos, the Election Commission issued guidelines dated 19.02.2014 to be adhered by the political parties and candidates while releasing their election

manifestos for election to Parliament or State legislatures. The said guidelines have been incorporated as Part VIII of the Model Code of Conduct and the same reads as follows:

"(i) The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code.

(ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare in election manifesto. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.

(iii) In the interest of transparency, level playing field and credibility of promises, it is expected that manifesto also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirement for it. Trust of voters should be sought only on those promises which are possible to be fulfilled."

26. The Hon'ble Apex Court while interpreting "corrupt practice" as defined under Section 123 of the Representation of the People Act, 1951 held in paragraph 84.1 of the case reported in **(2013) 9 Supreme Court Cases 659**, that the promises in the election manifesto do not constitute corrupt practice under the prevailing law. The said paragraph is usefully extracted hereunder:

84.1 After examining and considering the parameters laid down in Section 123 of the RP Act, we arrived at a conclusion that the promises in the

election manifesto cannot be read into Section 123 for declaring it to be a corrupt practice. Thus, promises in the election manifesto do not constitute as a corrupt practice under the prevailing law. A reference to a decision of this Court will be timely. In Ramchandra G. Kapse Vs. Haribansh Ramakbal Singh, this Court held that: (SCC p.219, para 21)

21.... Ex facie contents of a manifesto, by itself, cannot be a corrupt practice committed by a candidate of that party"

27. While issuing directions to the Election Commission, the Hon'ble Apex Court recorded the need for separate legislation to be passed by the legislature with regard to the election manifestos and also governing the political parties. Paragraphs 86, 87 and 88 is extracted as follows:

"86. As observed in the earlier part of the judgment, this Court has limited power to issue directions to the legislature to legislate on a particular issue. However, the Election Commission, in order to ensure a level playing field between the contesting parties and candidates in elections and also in order to see that the purity of the election process does not get vitiated, as in past been issuing instructions under the Model Code of Conduct. The fountainhead of the powers under which the Commission issues these orders is Article 324 of the Constitution, which mandates the Commission to hold free and fair elections. It is equally imperative to acknowledge that the Election Commission cannot issue such orders if the subject-matter of the order of the Commission is covered by a legislative measure.

87. Therefore, considering that there is no enactment that directly governs the contents of the election manifesto, we hereby direct the Election Commission to frame guidelines for the same in consultation with all the recognised political parties as when it had acted while framing guidelines for general conduct of the candidates, meetings, processions, polling day,

party in power, etc. In the similar way, a separate head for guidelines for the election manifesto released by a political party can also be included in the Model Code of Conduct for the Guidance of Political Parties and Candidates. We are mindful of the fact that generally political parties release their election manifesto before the announcement of election date, in that scenario, strictly speaking, the Election Commission will not have the authority to regulate any act which is done before the announcement of the date. Nevertheless, an exception can be made in this regard as the purpose of the election manifesto is directly associated with the election process.

88. We hereby direct the Election Commission to take up this task as early as possible owing to its utmost importance. We also record the need for a separate legislation to be passed by the legislature in this regard for governing the political parties in our democratic society."

28. The Hon'ble Apex Court while interpreting Section 123 of the Representation of the People Act, 1951 held that Section 123 does not speak about the political parties and it only prohibits the individual candidates from resorting to promise directly linked to his election which constitutes corrupt practice within the meaning of Section 123 of the Representation of the People Act. Paragraphs 61.1, 61.2, 61.3 and 61.4 are usefully extracted hereunder:

"61.1. Firstly, if we are to declare that every kind of promises made in the election manifesto is a corrupt practice, this will be flawed. Since all promises made in the election manifesto are not necessarily promising freebies per se, for instance, the election manifesto of a political party promising to develop a particular locality if they come into power, or promising cent per cent employment for all young graduates, or such other acts. Therefore, it will be misleading to construe that all promises in the

election manifesto would amount to corrupt practice. Likewise, it is not within the domain of this Court to legislate what kind of promises can or cannot be made in the election manifesto.

61.2. *Secondly, the manifesto of a political party is a statement of its policy. The question of implementing the manifesto arises only if the political party forms a Government. It is the promise of a future Government. It is not a promise of an individual candidate. Section 123 and other relevant provisions, upon their true construction, contemplate corrupt practice by individual candidate or his agent. Moreover, such corrupt practice is directly linked to his own election irrespective of the question whether his party forms a Government or not. The provisions of the RP Act clearly draw a distinction between an individual candidate put up by a political party and the political party as such. The provisions of the said Act prohibit an individual candidate from resorting to promises, which constitute a corrupt practice within the meaning of Section 123 of the RP Act. The provisions of the said Act place no fetter on the power of the political parties to make promises in the election manifesto.*

61.3. *Thirdly, the provisions relating to corrupt practice are penal in nature and, therefore, the rule of strict interpretation must apply and hence, promises by a political party cannot constitute a corrupt practice on the part of the political party as the political party is not within the sweep of the provisions relating to corrupt practices. As the rule of strict interpretation applies, there is no scope for applying provisions relating to corrupt practice contained in the said Act to the manifesto of a political party.*

61.4. *Lastly, it is a settled law that the courts cannot issue a direction for the purpose of laying down a new norm for characterising any practice as corrupt practice. Such directions would amount to amending provisions of the said Act. The power to make law exclusively vests in the Union Parliament and as long as the field is covered by parliamentary enactments, no directions can be issued as sought by the appellant. As an outcome, we are not inclined to hold the promises made by the political parties in their election manifesto*

as corrupt practice under Section 123 of the RP Act."

No doubt, the statute, The Representation of the People's Act, 1951 does not penalise the political parties for indulging in corrupt practice as clearly distinguished in para 61.2 of the above judgment. The Representation of the People's Act was passed immediately after our country was made as Republic in the year 1950 and the policy makers of that time did not foresee that the political parties would stoop down to the level of indulging in corrupt practice in the name of election manifestos and that is the reason why, they did not include the political parties under Section 123 of the Act, even though the candidates or his/her agents are included. Section 123 of the Act reads as follows:

123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:— 1[(1) "Bribery", that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or 2[to withdraw or not to withdraw] from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for 3[having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for 4[withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate 2[to withdraw or not to withdraw] his candidature.

Explanation.—For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person 5[with the consent of the candidate or his election agent], with the free exercise of any electoral right: Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of publicaction, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause. 6[(3) The appeal by a candidate or his agent or by any other person with the consent of a candidates or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or

appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

[Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.]

[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation.—For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

*(4) The publication by a candidate or his agent or by any other person 9[with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal,10[***] of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate’s election.*

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person [with the consent of a candidate or his election agent] [or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorizing of expenditure in contravention of section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person [with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the Government and belonging to any of the following classes, namely:—

(a) gazetted officers;

(b) stipendiary judges and magistrates;

(c) members of the armed forces of the Union;

(d) members of the police forces;

(e) excise officers;

[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]

(g) such other class of persons in the service of the Government as may be prescribed: 14[Provided that where any person, in the service of the

Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.]

(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections.

[(8) Booth capturing by a candidate or his agent or other person.]

Explanation.—(1) In this section the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

*(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent 16[***] of that candidate.]*

[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of

service, dismissal or removal from service such person ceased to be in such service with effect from the said date.]

18[(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.]

29. Once the Hon'ble Supreme Court opined that freebies vitiates the purity of election process and influence the voters, it should be deemed to be a corrupt practice. **It is not as if offers of money or kind to influence the voters by candidates, alone can become corrupt practice and the political parties which in whole sale manner offer or lure by promising freebies to the people to vote for their respective party to power, cannot be construed as corrupt practice.** Whether it is done by an individual or by a party, it is definitely a bribery or corrupt practice. Our democracy has stooped down to such a level that time has come to bring the political parties which offer freebies to influence the voters for picking up votes also, within the scope of Section 123 of the Representation of the People Act.

30. The election manifestos were not that much popular about 30 years ago and only for the past two decades they have become very popular among the masses, as the political parties compete with each other offering free gifts and freebies in various forms and kinds, promising them better

development, social upliftment and comfortable life during their regime if they are voted to power. Whether the development is achieved or not, the freebies only achieved in creating/inculcating laziness among the people, shattering the work culture of the State. Consequently, no labour or sufficient labour is available and no work is done in the State, without the imported migrant labours from other States. As observed by the Hon'ble Supreme Court, the Election Manifesto is the road map to the policies of the political parties to show as to how they intend to govern the State or Country and what are all the infrastructures to be developed and other incidental ideas. Indeed, it is a welcome one. However, unfortunately the political parties are at best concentrating only on freebies to get the voters by hook or crook in their craving for winning the elections. This has to be stopped as otherwise, there shall be no distinction between the enthusiastic work force and those who sit back and enjoy the freebies without doing anything.

31.The object of the Representation of the People Act, 1951 is extracted as follows:

"An Act to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections."

From the above it is clear that the Act is also to rule out corrupt practice and other offences in connection with the elections. Though many amendments have been brought and the last one is in the year 2009, only when the freebies are wiped out from the election manifesto by making them as "corrupt practices" by political parties under Section 123 of Representation of People Act 1952, the election process can be free and fair and there can be a level playing field for all the political parties equally. Whenever the Court observes and indicates the necessity for bringing out a separate legislation or amendment in the existing Act, the Parliamentary or State Legislature has to take it very seriously and pursue the issue properly by bringing a new legislation or amendment, as suggested by the Court. However, even after eight years of judgment of the Hon'ble Apex Court in the case of **S.Subramaniam Balaji v. State of Tamil Nadu and Others** reported in (2013) 9 SCC 659, nothing has been done to bring a new legislation or amendment governing political parties and election manifestos and only the election commission alone came forward and issued guidelines to the political parties.

32. In view of that, the above queries are raised. Mrs. Victoria Gouri, Learned Counsel takes notice on behalf of the First and Second Respondents. Mr. Niranjan Rajagopal, learned Counsel takes notice on behalf of the Third

Respondent. Mr.Muthu Geetheiyan, learned Special Government Pleader for the Fourth Respondent, Mr.Chella Pandian, learned Additional Advocate General takes notice on behalf of the Fifth Respondent. The respondents shall answer to the following queries raised by 24.04.2021.

(1) *Whether the Central Government has taken any steps to bring legislation covering the issue of political manifestos, especially freebies promised in the election manifestos and governing the political parties as per the Judgment of the Hon'ble Supreme Court in the case of **S.Subramaniam Balaji v. State of Tamil Nadu and Others** reported in (2013) 9 Supreme Court Cases 659?*

(2) *In how many elections the Election Commission has vetted the election manifestos of the political parties as per the dictum of the Hon'ble Supreme Court of India in the case of **S.Subramaniam Balaji v. State of Tamil Nadu and Others** reported in (2013) 9 Supreme Court Cases 659?*

(3) *If so, which are all the political parties which have submitted their election manifestos for vetting during elections, after 2014?*

(4) *What are the actions taken against those political parties, which have not followed the dictum of the Hon'ble Supreme Court to tender the*

manifestos for vetting before the Election Commission?

(5) In how many manifestos of the political parties, the Election Commission has made objections regarding the statements or promises made?

(6) Whether based on the objections such disputed or controversial promises have been deleted by political parties?

(7) If so which party's manifestos have been objected and have been deleted?

(8) Why not political parties be liable to pay at least 10% of the money involved for implementation of election promises made by them while implementing the same after they come to power to infuse a sense of responsibility to the political parties?

(9) Why not the Respondents sensitize the political parties not to make any unreasonable and unfair promises, which, if implemented would drain the public exchequer unnecessarily /unreasonably?

(10) Why not the Respondents prohibit the political parties from giving social security schemes which are capable of shattering work culture and making people lazy?

(11) Whether the political parties give in the manifestos itself about the political promises and provision for resources available, in case if they

come to power along with experts opinion?

(12) Why not the Respondents direct the political parties to make the political promise, especially, with regard to the freebies in accordance with the resources of the State?

(13) Why not the Respondents monitor and verify as to whether the election promises are complied with during the tenure of the political party, which is elected to form the Government?

(14) Why not the Respondents prohibit the political parties from making any promises, which cannot be implemented by the State Government, as they are beyond the powers of state Governments. i.e., waiver of loans given by the nationalized bank, etc.,?

(15) Whether the Respondents have got details about the political promises, which have been implemented by the political parties, when they came to power at least in the past 4 elections to Legislative Assemblies and Parliament elections?

(16) How much was spent by the respective Government, especially, Tamil Nadu to translate the election promises into reality by giving the details thereof (from 2001 election onwards)?

(17) Why not election commission of India de-recognize those election parties, who fail to implement their political promises based on which

the voters are lured and the parties are elected to form the Government?

(18) When the political parties ascend the throne by promises which were believed by the voters and voted, and the promises are foundation of the Government, why not the respondents make election promises as enforceable?

(19) When will the Union Government bring an amendment of Section 123 of Representation of People's Act 1952, to include "political parties" which could be charged for "corrupt practices"?

(20) Why not the constituency with next highest population of Scheduled Caste (SC) population be made as reserved constituency by rotation without decreasing the constituency meant for Scheduled Castes (SC) and Scheduled Tribes?.

33. Though this Court is aware that the political promises cannot be implemented as per the judgment of the Hon'ble Supreme Court of India, much water has flown under the bridge. Practically, people are floated with attractive promises and they are convinced by these promises to vote a particular party to form Government and many of the promises make big dent on the public exchequer. If money spent for freebies are utilized constructively by creating job opportunities, by building infrastructure, like, dams, lakes, providing better

facilities and incentives to the agriculture, which has become an orphan in our country as most of the people have quit agriculture as cultivation does not provide a secured income, definitely, there will be social upliftment and progress of the State. The political parties should be prohibited or prevented from giving election promises, which are capable of adding burden on the public exchequer, especially, the State is facing financial crunch. Otherwise, for the sake of finance, the State has to increase the number of liquor shops.

34.It is stated that every candidate has to shell out about Rs.20 crores in the election to an assembly constituency, as many of the people have become corrupt by selling their votes for one or a few thousands, Briyani and Quarter bottle. It is the stark reality. If that is so, how could the people expect good leaders?

Do people who sell their votes, have any moral right to question their leaders?

This Court could only recall the words of Joseph de Maistre,

"In a democracy, people get the leaders they deserve"

For response of the respondents, call the matter on 26.04.2021.

(N.K.K.,J.) (B.P.,J.)
31.03.2021

Maya

Index: Yes/No
Internet: Yes/No
Speaking/Non-speaking order



WEB COPY

To

1.The Secretary,
Ministry of Parliamentary Affairs,
Room No.92,
Parliament House,
New Delhi 110 001.

2.The Secretary,
Ministry of Social Justice and Empowerment,
Department of Social Justice and Empowerment,
Room No.622, A-Wing, Shastri Bhawan,
New Delhi 100 001.

3.The Election Commission of India,
Represented through its Election Commissioner,
Nirvachan Sadan,
Asoka Road,
New Delhi 110 001.

4.State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai 600 106.

5.The District Collector,
Collectorate,
Tirunelveli District,
Tirunelveli.

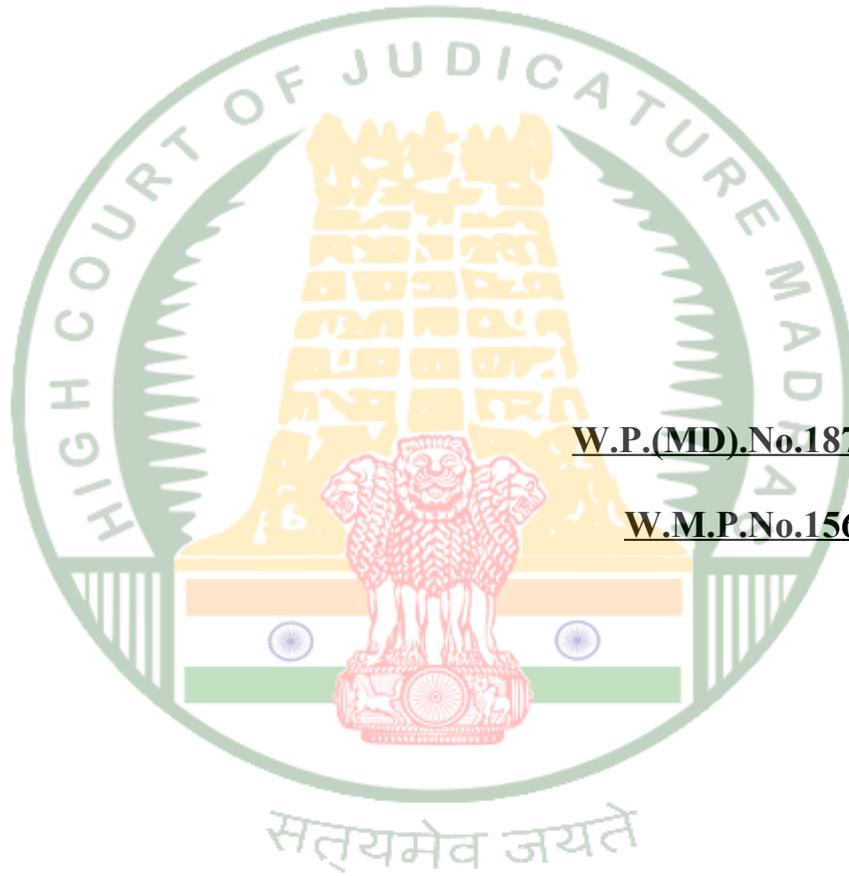


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W.P. (MD).No.18733 of 2020

N.KIRUBAKARAN, J.
AND
B.PUGALENDHI, J.

Maya



W.P.(MD).No.18733 of 2020
and
W.M.P.No.15646 of 2020

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Dated : 31.03.2021