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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 30th January, 2025*

+ W.P.(C) 1147/2025

PRAVENDRA PRATAP SINGH NATIONAL PRESIDENT
(BAHUJAN MUKTI PARTY)Petitioner

Through: Mr. Ali Md. Maaz, Advocate.

versus

ELECTION COMMISSION OF INDIA THROUGH
ITS PRINCIPAL SECRETARY & ANR.Respondents

Through: Mr. Sidhant Kumar, Mr. Om Batra
and Ms. Shagun Chopra, Advocates for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

CM APPL. 5656/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“A) issue a writ of mandamus or any other appropriate writ, order or direction to respondent No.1 to issue a fresh Notice seeking from the Petitioner and Respondent No.2 to convene the meeting of National Working Committee and elect the office bearer after serving Proper Notice to the Members of National Working Committee as per the Guidelines mentioned in the Constitution of the Party under the Supervision of respondent No.1.



B) Pass an appropriate order to the Respondent No.1 to accept the Documents submitted by the portioner as genuine and accept the Newly elected office bearer of the Party elected in the National Working committee in the year 2022 and take it on record.”

4. Issue notice.

5. Mr. Sidhant Kumar, learned counsel accepts notice on behalf of Respondent No. 1/Election Commission of India (ECI).

6. At the outset, learned counsel appearing on behalf of ECI takes a preliminary objection to the maintainability of this writ petition on the ground that no direction can be given to ECI to resolve *inter se* disputes within political parties and thus this Court cannot be called upon to issue a writ of mandamus to ECI to issue notice to Petitioner and Respondent No. 2 to convene a meeting of National Working Committee and elect the office bearers. In support of this objection, learned counsel relies on the judgment of the Division Bench of this Court in *Swami Chakrapani v. Election Commission of India, 2021 SCC OnLine Del 4432*, more particularly, paragraph 10 (viii) thereof, where the Division Bench held as follows:-

“10. Analysis and Findings

...

(viii) *In view of the aforesaid aspects of the matter and the judgments aforementioned, this Court disagrees with the Appellant that his claim of being the National President is undisputed and that there are no rival claims to the said position. As held by the Division Bench, it is not for the ECI to resolve the said disputes and in case the Appellant desires, he is at liberty to take recourse to filing a declaratory suit or any other appropriate civil remedy to claim the National presidentship of ABHM. Thus, in our view, no direction can be issued to the ECI by this Court to recognize the Appellant as a National President of ABHM, in the wake of disputes pending in that regard and no infirmity can be found by the impugned judgment passed by the learned Single Judge.”*



7. Learned counsel for the Petitioner submits that the writ petition is maintainable as the Petitioner is calling upon the Court to issue a writ of mandamus to ECI to discharge its statutory obligation and direct convening of the meeting of National Working Committee and elect the office bearers of the Bahujan Mukti Party. Non-action of ECI is causing political damage and loss to the party which was formed in December, 2012 and is known for its contribution to the country. A writ under Article 226 of the Constitution of India can certainly lie for enforcement of ECI's obligations, which it has failed to perform despite several communications to issue a fresh notice for election of the office bearers.

8. It is clear from a reading of the judgment of the Division Bench in *Swami Chakrapani (supra)* that it is not for the ECI to resolve internal management disputes of political parties and in case of any grievance, the remedy may lie in taking recourse to filing a declaratory suit or any other appropriate civil remedy. No direction can be issued to ECI to direct either the Petitioner or Respondent No. 2 to convene the meeting of the National Working Committee and/or interfere in their internal elections.

9. In the same vein, a Co-ordinate Bench of this Court in *Govind Yadav v. Union of India Through the Secretary, Legislative Department, Ministry of Law & Justice and Others, 2024 SCC OnLine Del 6016*, held as follows:-

“23. In the context of sub-Section 9 of Section 29A of the RP Act and its contours, a Division Bench of this Court in S.S. Karana (supra) has held that following the registration of an association or body as a political party, any alteration to its name, head office, office bearers, address, or other material matters must be promptly communicated to the ECI without any delay. This requirement ensures that any changes to the details initially provided in the registration application, as mandated by sub-



Section (4), are updated for the facility of the political party. The obligation rests with the political party to inform the ECI of such changes so that corrections can be made in its record and communications can be accurately addressed. The Court observed that no specific duty imposed upon the ECI or neglect thereof could be demonstrated in light of the said provision. In paragraph 6 and 7 of the judgment, the Court further ruled that matters concerning the internal affairs of a political party, including any deviations, cannot be contested in a petition under Article 226 of the Constitution of India. The relevant portion has been culled out below for reference:—

“6. The entire argument by counsel for the petitioner was that under sub-section (9) it is the duty of the Election Commission to see that a registered political party complies with its memorandum or rules and regulations and if any political party does not conform to them, a writ petition would lie. A reading of sub-section (9) shows that after an association or body has been registered as a political party, any change in its name, head-office, office bearers, address or in any other material matters shall be communicated to the Commission without delay. This only shows that if there is any change in the particulars, which were contained in the application at the time of registration, as required by sub-section (4), that has to be intimated to the Election Commission for the facility of the political party and there is no duty enjoined on the Election Commission. The duty is cast on the political party, that if there is any change in the aforesaid particulars, the Election Commission may be informed immediately so that it may make correction in its record and if there is any communication to be addressed, it may be addressed in the name of the correct person and at the correct address. The petitioner does not disclose as to what duty was enjoined upon the Election Commission, which it has failed to carry out.”

7. It is urged by the learned counsel for the petitioner that the members on the AICC attending the Suraj Kund Session agreed to deviate from the party constitution and thereby illegally empowered the President of the AICC to nominate two members to the Working Committee, who according to the constitution of the organisation have to be elected. To cur mind it is internal affair of the political party and deviation, if any, cannot be called in question in a petition under Article 226 of the Constitution of India.”

24. In another decision, in the case of Hans Raj Jain (supra), a Division Bench of this Court held that, although there are guidelines mandating the incorporation of specific provisions, in the rules or constitution of an association or body seeking registration as a political party, regarding



internal democracy, organizational elections at various levels, and the methods of such elections, neither Section 29A of RP Act nor the aforementioned guidelines impose a requirement for the ECI to conduct an inquiry into the fairness or validity of elections held for the positions of office bearers within the political party. The relevant portion of the said decision has been extracted below for reference:—

*“19. ECI, in exercise of powers conferred by Article 324 of the Constitution of India and Section 29A of the RP Act has issued “Guidelines and Application Format for Registration of Political Parties under Section 29A of the Representation of the Act, 1951.” Though the said Guidelines inter alia require that there should be a specific provision in the Rules/Constitution of the association or body of persons seeking registration as political party regarding internal democracy in the party, organizational elections at different levels, mode of such elections etc. but there is nothing, either in Section 29A or in the said Guidelines requiring an inquiry to be conducted into the fairness and validity of the elections held for the post of office bearers of such political party. The objection of the petitioner that the elections of the Executive Committee of AAP were held arbitrarily without adopting democratic procedure is of no avail. Similarly, though the said Guidelines require the application for registration to be accompanied with individual affidavits from at least 100 members of the Party but there is again no requirement for the ECI to, prior to registration investigate into the validity of the said affidavits if otherwise on face they are affidavits of members of such party. Similarly, we do not find any provision requiring ECI to inquire/investigate if in the documents furnished the address of any office bearer of a political party seeking registration is shown at different two addresses. Section 18 of the Representation of the People Act, 1950 to which reference is made only contains prohibition against registration on the electoral rolls for more than one constituency. Violation thereof has, in Pothula Rama Rao v. Pendyala Venakata Krishna Rao (2007) 11 SCC 1 and in Ramnarain Ramgopal Chamediya v. Ramchandra Jagoba Kadu AIR 1958 Bom 325, been held to be not fatal. **There is no provision in Section 29A or in the Guidelines for scrutiny/investigation to be done and for the reason of not doing of which the petitioner finds fault with the registration. It is significant that no person who may have been shown as a member of the party has come forward to say that he/she was shown a member of the party without his/her consent. Similarly no person at whose address AAP may have shown its office has come forward to say that he had not allowed AAP to use its premises as an officer or had not given NOC therefor. A political party is like a club and in***



respect whereto the law is clear that the Courts will not interfere in its indoor management.

20. Mention may also be made of S.S. Karanav. Election Commission where a Division Bench of this Court held that Section 29A(9) requiring a registered political party to communicate to ECI any change in its name, head office, office bearers, address or any other material matter does not enjoin any corresponding duty on the ECI to exercise any such power over the political parties.”

25. In *Hans Raj (supra)*, the allegation that the election of the Executive Committee of a particular political party was held arbitrarily without adopting democratic procedure, was considered to be of no avail. The Court took note of the decision in the case of *S.S. Karana (supra)* and held that there is no provision in Section 29A or in the guidelines enabling any scrutiny/investigation with respect to the manner/method of the election of the office bearers within a political party.

26. In the case of *J. Jayachandran (supra)*, a Division Bench of the Madras High Court examined the provisions of Section 29A(9) of the RP Act and its implications. The Court held that Section 29A(9) requires that once an association or body has been registered as a political party, any changes to its name, head office, office bearers, address, or other relevant details must be communicated to the ECI without undue delay. The Court in paragraph 14 of the said decision held that the ECI has no authority to look into the internal elections of a political party. The relevant paragraph is reproduced as under:—

“14. It is not governed by any of the provisions of the Constitution or even the provisions of the Act of 1951 so as to direct the Election Commission not to approve or recognise the internal elections of the party. Moreover, we have already held that the Election Commission of India has no authority to look into the internal elections of a political party. In view of the above, the judgment in the case of *All India Anna Dravida Munnetra Kazhagam v. State Election Commissioner (supra)* would have no application as a direction therein in the concluding paragraph was in reference to the elections to local bodies and not a private body.”

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29. Similarly, in *Janata Party v. Election Commission of India*⁶, a Division Bench of this Court has held that there is no corresponding provision that empowers the ECI to resolve disputes between rival factions or groups of an unrecognized political party. This needs to be read in



consonance with Clause 15 of the Symbols Order, which specifically grants the ECI the authority to adjudicate disputes between rival factions or groups of a recognized political party. The relevant extract of the said judgment is referred below:—

“20. Unlike Clause 15 of the Election Symbols (Reservation And Allotment) Order, 1968, which empowers ECI to decide disputes between rival sections or groups of a “recognised political party” each of whom claims to be that party, there is no corresponding provision that empowers ECI to decide disputes between rival sections or groups of a “unrecognized political party”, like the petitioner.”

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34. It is thus evident from Section 29A that the task of the ECI is primarily limited to considering the applications for registration of any association or body of individual citizens as a political party and ensuring that any subsequent material changes are promptly communicated to maintain accurate records. Once a political party is registered, Section 29A does not confer upon the ECI any supervisory jurisdiction to review whether the party adheres to its constitution or to scrutinize the conformity of its internal elections with its constitutional provisions. Such an examination is not contemplated by a plain reading of Section 29A of the RP Act.”

10. In this context, I may usefully allude to the judgment of the Madras High Court in ***J. Jayachandran v. Election Commissioner of India and Others, 2021 SCC OnLine Mad 6343***, where the Court observed as follows:-

“14. It is not governed by any of the provisions of the Constitution or even the provisions of the Act of 1951 so as to direct the Election Commission not to approve or recognise the internal elections of the party. Moreover, we have already held that the Election Commission of India has no authority to look into the internal elections of a political party. In view of the above, the judgment in the case of All India Anna Dravida Munnetra Kazhagam v. State Election Commissioner (supra) would have no application as a direction therein in the concluding paragraph was in reference to the elections to local bodies and not a private body.”

11. From a reading of the aforementioned judgments, it is evident that under Section 29A of the Representation of the People Act, 1951, the task of



the ECI is primarily limited to considering applications for registration of any association or body of individual citizens as a political party and ensuring that any subsequent material changes are communicated for the sake of accurate records but once a political party is registered, Section 29A does not confer upon the ECI any supervisory jurisdiction to review whether the party adheres to its constitution and/or to scrutinize the conformity of its internal elections with its constitutional provisions. In the present case, Bahujan Mukti Party is a registered unrecognized political party and no direction can be issued to ECI to exercise supervisory jurisdiction with respect to its internal matters relating to election etc. much less a direction to convene the meeting of the National Working Committee, a direction sought by the Petitioner.

12. Accordingly, this writ petition is dismissed being bereft of merit with liberty to the Petitioner to take recourse to civil remedies, if aggrieved and if so advised.

JYOTI SINGH, J

JANUARY 30, 2025/shivam