

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 5889 of 2013

Petitioner :- Moti Lal Yadav

Respondent :- Chief Election Commissioner Election Commisn.Of India
And Ors.

Counsel for Petitioner :- Moti Lal Yadav Inperson

Counsel for Respondent :- C.S.C.,A.S.G.,Kaushlendra Yadav,O.P.
Srivastava

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

1. Heard Shri Moti Lal Yadav petitioner in person, learned Additional Chief Standing Counsel for the State and Shri O.P. Srivastava, learned Senior Counsel along with Ms. Anupriya Srivastava, leaned counsel appearing for the opposite parties.
2. The issue involved in this writ petition is with regard to banning of caste based political rallies.
3. Notices were issued to the political parties which have been arrayed herein and as per Office report the notices have not been received back. In view of the above, service is deemed sufficient upon the opposite parties no. 5 to 8. However, we find that apart from the Ministry of Home which has been arrayed, the Ministry of Law and Justice, Union of India may also be a necessary party herein.
4. The petitioner may implead the Ministry of Law and Justice appropriately as an opposite party on e-portal and provide a copy of the writ petition to Shri Dev Rishi Kumar who appears for the Union of India i.e. opposite party no. 2.
5. Moreover, the petitioner should also file a fresh affidavit bringing on record fresh data pertaining to the holding of such caste based political rally by political parties during the last 10 years, as, this writ petition was filed in 2013.
6. Learned counsel for the petitioner seeks two weeks' time to bring the facts and data on record along with supporting proof, if any.
7. As regards the Election Commission of India Shri O.P. Srivastava, learned Senior Counsel appearing for the said body along with Ms. Anupriya Srivastava says that his client has filed counter affidavit in the matter clearly stating that the role of the Election Commission is confined to the election process which it is obliged to hold and it does not have any power to legislate. He also says that during the election process guidelines and

directions, as contained in the Model Code of Conduct, are issued restraining the concerned political parties and the candidates from holding any caste based political rallies. He says that he has annexed documentary proof in this regard along with counter affidavit.

8. Shri O.P. Srivastava, learned Senior Counsel shall address the Court on the next date as to what happens if a political party or candidate in an election is found to be violating the model code of conduct with regard to the prohibition of holding caste based political rally. What action the Election Commission can take in this regard.

9. Let an affidavit be filed by him in this regard by the next date.

10. List/ put up on **29.08.2024.**

(Om Prakash Shukla,J.) (Rajan Roy,J.)

Order Date :- 7.8.2024
R.K.P.