

GAHC010220362024



2025:GAU-AS:4917

THE GAUHATI HIGH COURT

[THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH]

WRIT PETITION [C] NO. 5346/2024

1. Asrof Kalam Azad Laskar, S/o Late Ashab Uddin Laskar, R/o Village Nutan Ramnagar Part IV, P.O. Nutan Ramnagar, P.S. Sonai, District - Cachar, Assam, Pin - 788119.
2. Abu Siddik Laskar, S/o Late Namor Ali Laskar, R/o Village - Kaptampur Part - 18, P.O. Kaptampur, P.S. Lakhipur, District - Cachar, Assam, Pin - 788119.
3. Junu Babu Laskar, C/o Mahibur Raja Laskar, R/o Village - Dakshin Mohanpur Part VII, P.O. Dakshin Mohanpur, P.S. Sonai, District - Cachar, Assam, Pin - 788119.
4. Mizanur Rahman Laskar, C/o Misba Uddin Laskar, R/o Village and P.O. Kachudaram Part-I, P.S. Sonai, District - Cachar, Assam, Pin - 788119.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Commissioner and Secretary to The Government of Assam, Panchayat and Rural Development Department, Assam, Dispur, Guwahati - 781006.

2. The State Election Commission, represented by its Election Commissioner, Aditya Tower, 2nd Floor, Opposite Downtown Hospital, G.S Road, Dispur, Guwahati - 06, Kamrup (M), Assam.
3. The Additional Chief Secretary to the Government of Assam Panchayat and Rural Development Department, Assam, Dispur, Guwahati - 781006.
4. The Commissioner Panchayat and Rural Development Department, Assam, Panjabari, Juripar, Guwahati - 781037.
5. The District Commissioner Cachar-cum-Chairman Delimitation Commission For Assam Panchayat Election, P.O. and District - Cachar, Assam, Pin - 788001.
6. The Chief Executive Officer, Cachar Zilla Parishad-cum-Member Secretary, Delimitation Commission for Assam Panchayat Election, P.O. and District - Cachar, Assam, Pin -788001.
7. The Election Officer of District-Cachar-cum-Member Delimitation Commission for Assam Panchayat Election, P.O. and District - Cachar, Assam, Pin - 788001.
8. The Block Development Officer, Sonai Development Block, P.O. Sonai, District - Cachar, Assam, Pin - 78811.

.....**Respondents**

With WRIT PETITION [C] NO. 5613/2024

1. Abdul Ahad Laskar S/o Abdul Gofur Laskar Vill - Rongpur Part-I, P.O. Appin, District – Hailakandi, Assam.
2. Rubul Ahmed Laskar S/o Soyed Ahmed Laskar Vill - Paloicherra Part-II, P.S. Hailakandi, District - Hailakandi, Assam.
3. Amir Uddin Barbhuiya S/o Lt. Taleb Uddin Barbhuiya Vill - Baldabaldi Part-I, P.O. Sultanicherra, P.S. Ramnathpur, District - Hailakandi Assam.
4. Sahidul Alom Laskar S/o Abdul Motlib Laskar Vill- Boalipar Part-II, PO. Boalipar Bazar, District Hailakandi, Assam.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
2. The Assam State Election Commission, represented by Election Commissioner, Aditya Tower, 2nd Floor, Down Town, G.S. Road, Dispur, Guwahati - 6.
3. The Additional Chief Secretary to the Government of Assam Panchayat and Rural Development, Dispur, Guwahati- 6.
4. The Commissioner Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.

5. The District Commissioner, Hailakandi, P.O. and P.S. Hailakandi, District – Hailakandi, Assam Pin - 788151.
6. The District Delimitation Commission, Hailakandi, represented by the Chairman, P.O. and P.S. Hailakandi, District – Hailakandi, Assam, Pin -788151
7. The Chief Executive Officer, Hailakandi Zilla Parishad, P.O. and P.S. Hailakandi, District –Hailakandi, Assam, Pin - 788151.
8. The Election Officer, Hailakandi, P.O. and P.S. Hailakandi, District – Hailakandi, Assam, Pin - 788151.

.....**Respondents**

***With* WRIT PETITION [C] NO. 5631/2024**

1. Nilima Begum Laskar, W/o Late Amin Uddin Laskar, Vill - Natun Ramnagar Part-IV, P.O. Daskhin Mohanpur, P.S. Sonai, District - Cachar (Assam).
2. Rafiqul Hoque Barbhuiya, S/o Late Khalilur Rahman Barbhuiya, Village and P.O. - Saidpur Part-II, District - Cachar (Assam).
3. Atikur Rahman Barbhuiya, S/o Late Safiqur Rahman Barbhuiya, Village- Dakshin Krishnapur, P.O.- Sonabari Ghat, District - Cachar (Assam).
4. Taher Barbhuiya, S/o Robiul Rahman Barbhuiya, Vill - Dhanchari Part-II, P.O. - Sildubi, District - Cachar (Assam).
5. Jahan Uddin Mazumder, S/o Late Asador Ali Mazumder, Vill - Gobindanagar Part-I, P.O. - Dakshin Mohanpur, District - Cachar (Assam).

6. Sabina Yeasmin Laskar, W/o Gulam Wajid Barbhuiya, Vill - Natun Ramnagar Part-IV, P.O. - Dakshin Mohanpur, District - Cachar (Assam).
7. Baktar Uddin Laskar, S/o Late Abdur Rahman Laskar, Vill - Kaptanpur Part-XVI, P.O. Amjunghat, P.S. - Lakhipur, District - Cachar (Assam).

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Additional Chief Secretary to The Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The State Election Commission, represented by its Registrar, Aditya Tower, 2nd Floor, Down Town, G.S. Road, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Commissioner, Cachar - cum- Chairman Delimitation Commission for Assam Panchayat Election, P.O. and District - Cachar, Assam, Pin - 788001.
5. The Chief Executive Officer, Cachar Zilla Parishad-cum-Member Secretary, Delimitation Commission for Assam Panchayat Election, P.O. and District - Cachar, Assam, Pin - 788001.

6. The Election Officer of District - Cachar-cum-Member Delimitation Commission for Assam Panchayat Election, P.O. and District - Cachar, Assam, Pin - 788001.
7. The Block Development Officer, Sonai Development Block, P.O. - Sonai, District - Cachar, Assam, Pin - 788119.

.....Respondents

***With* WRIT PETITION [C] NO. 5664/2024**

Dilwar Hussain Barbhuiya, Son of Late Faizur Rahman Barbhuiya, Resident of Village Dakhin Jasnabad Part-II, P.O. - Tantoo, P.S. - Lala, District- Hailakandi, Assam, Pin - 788163.

.....Petitioner

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to The Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
2. The Commissioner, Panchayat and Rural Development Department, Assam, Juripar, Panjabari, Guwahati - 37.

3. The Deputy Secretary To The Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati- 06.
4. District Delimitation Commission, represented by its Chairman-cum-Deputy Commissioner, Hailakandi, P.O. and P.S. - Hailakandi, District - Hailakandi, Assam, Pin - 788151.

.....Respondents

With WRIT PETITION [C] NO. 5706/2024

1. Habibur Rahman, S/o Late Abdul Khalek, Village - Sidhaguri, P.O. Burgaon, P.S. Mayong, Mouza - Pakaria, District - Morigaon, Assam, Pin - 782411.
2. Ashar Uddin Ahmed, S/o Late Alimuddin, Village - Sidhaguri, P.O. Burgaon, P.S. Mayong, Mouza - Pakaria, District - Morigaon, Assam, Pin - 782411.
3. Shahid Ullah, S/o Late Ajimuddin, Village - Sidhaguri, P.O. Burgaon, P.S. Mayong, Mouza - Pakaria, District - Morigaon, Assam, Pin - 782411.
4. Shajahan Ali, S/o Late Akkash Ali, Village - Patekibori, P.O. Burgaon, P.S. Mayong, Mouza - Pakaria, District - Morigaon, Assam, Pin - 782411.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
2. The Assam State Election Commission, represented by Election Commissioner, Aditya Tower, 2nd Floor, Down Town, G.S. Road, Dispur, Ghy - 6.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
4. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Ghy - 37.
5. The District Commissioner, Morigaon P.O., P.S. and District - Morigaon, Assam, Pin - 782105.
6. The District Delimitation Commission, Morigaon represented by the Chairman, P.O. and P.S. Morigaon, District - Morigaon, Assam, Pin - 782105.
7. The Chief Executive Officer, Morigaon Zilla Parishad, P.O., P.S. and District – Morigaon, Assam, Pin - 782105.
8. The Election Officer, Morigaon, P.O., P.S. and District Morigaon, Assam, Pin - 782105.

.....**Respondents**

***With* WRIT PETITION [C] NO. 5751/2024**

1. Abdul Motleb S/o Late Ajbar Ali, Resident of Vill and P.O. Brahman Sahshan Part-I Block-1, P.S. Nilambazar, District - Karimganj (Assam).
2. Khalil Uddin S/o Late Basir Ali, Resident of Vill and P.O. Brahman Sahshan Part-I Block-1, P.S. Nilambazar, District - Karimganj (Assam).

.....Petitioners

-VERSUS-

1. The State of Assam represented by the Principal And Secretary to the Government of Assam Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by the Secretary, Down Town, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-The District Commissioner, Karimganj (Assam), Pin - 788710.

.....Respondents

***With* WRIT PETITION [C] NO. 5771/2024**

1. Dakshinkul Village Development Council, represented by its President Rohul Al Amin Mim, Aged About 45

Years, S/o Late Abdul Mutlib, R/o Vill - Dakshinkul (Mirzapur Part-II), P.O. - Bhanga Bazar District – Karimganj, Assam, Pin -788701.

2. Dakshinkul Village Development Council, Co-represented by its Secretary Md. Abdul Basit, Aged About 43 Years, S/o Late Ishak Ali, Vill - Dakshinkul (Mirzapur Part-II), P.O. - Bhanga Bazar, District-Karimganj, Assam, Pin - 788701.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 781006.
2. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
3. The State Election Commission, represented by Election Commissioner, Aditya Tower, 2nd Floor, Down Town, G.S. Road, Dispur, Guwahati - 6.
4. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
5. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
6. The Karimganj District Delimitation Commission, represented by its Chairman-cum-District

Commissioner, Karimganj for Assam Panchayat Election, District – Karimganj, Assam, Pin - 788710.

7. The Member Secretary, Karimganj District Delimitation Commission-cum-Chief Executive Officer, Karimganj Zilla Parishad for Assam Panchayat Election, P.O. and District – Karimganj, Assam, Pin - 788710.
8. The Member, Karimganj District Delimitation Commission-cum-Election Officer, Karimganj for Assam Panchayat Election, P.O. and District – Karimganj, Assam, Pin - 788710.

.....Respondents

***With* WRIT PETITION [C] NO. 5810/2024**

1. Abdul Aziz Mazumder, S/o Late. Azizur Rahman Mazumder, Village - Kanchanpur Part-II, P.O. - Kanchanpur, P.S. and District - Hailakandi, Assam.
2. Khaliq Uddin Laskar, S/o Noor Uddin Laskar, Village - Kanchanpur Part-II, P.O. - Kanchanpur, P.S. and District - Hailakandi, Assam.
3. Haris Uddin Laskar, S/o Late Nichar Ali Laskar, Village - Kanchanpur Part-II, P.O.- Kanchanpur, P.S. and District - Hailakandi, Assam.
4. Sajal Uddin Laskar, S/o Late Siddek Ali Laskar, Village - Kanchanpur Part-II, P.O. - Kanchanpur, P.S. and District - Hailakandi, Assam.

5. Samsuzzaman Laskar, S/o Sayed Ahmed Laskar, Village- Kanchanpur Part-II, P.O. - Kanchanpur, P.S. and District - Hailakandi, Assam.
6. Ali Ahmed Laskar, S/o Samsul Hoque Laskar, Village - Kanchanpur Part-II, P.O. - Kanchanpur, P.S. and District - Hailakandi, Assam.
7. Anowar Hussain Laskar, S/o Fayzul Hoque Laskar, Village - Kanchanpur Part-II, P.O. - Kanchanpur P.S. and District - Hailakandi, Assam.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
2. The Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
3. The State Election Commissioner, Assam, Guwahati.
4. The Deputy Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
5. The District Delimitation Commission, Hailakandi to be represented by its Chairman, Hailakandi.
6. The District Commissioner, Hailakandi, P.S. and District - Hailakandi, Assam.
7. The Chief Executive Officer, Zilla Parishad, Hailakandi, P.S. and District - Hailakandi, Assam.

8. The District Election Officer, Hailakandi, Assam, Guwahati.

.....**Respondents**

With WRIT PETITION [C] NO. 5984/2024

Md. Rafiqul Islam, S/o Alhaj Rustam Ali, Vill - Puthimari, P.O. Mangaldai, District - Darrang (Assam).

.....**Petitioner**

-VERSUS-

1. The State of Assam, represented by the Principal and Secretary to the Government of Assam Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by the Secretary, Down Town, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-the District Commissioner, Darrang, (Assam), Pin - 784125.

.....**Respondents**

With WRIT PETITION [C] NO. 6347/2024

Ali Ahmed Laskar, S/o Abdur Rashid Laskar, R/o Vill -
Vichingcha Part-II, P.O. Vichingcha Part-II, District -
Hailakandi, Assam, Pin Code - 788155, Phone No.
8486454535.

.....Petitioner

-VERSUS-

1. The State of Assam, represented by the Secretary,
Down Town, Dispur, Guwahati-781006.
2. The Assam State Election Commission, represented
by the Secretary, Down Town, Dispur, Guwahati -
781006.
3. The Commissioner, Panchayat and Rural
Development Department, Panjabari, Juripar,
Guwahati -7 81037.
4. The District Commissioner, Hailakandi, District -
Hailakandi, Assam, Pin Code -788710.
5. The District Delimitation Commission, represented by
its Chairman-cum-the District Commissioner,
Hailakandi, Assam, Pin Code - 788710.

.....Respondents

With WRIT PETITION [C] NO. 6413/2024

Shams Uddin Barlaskar, Son of Late Sarafath Ali Barlaskar, Village Vichingcha Part-II, P.O. Vichingcha P.S. and District – Hailakandi, Assam Pin - 788155.

.....Petitioner

-Versus-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur Guwahati - 6.
2. The Commissioner, Panchayat and Rural Development Department, Assam, Juripar, Panjabari, Guwahati - 37.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
4. The Deputy Secretary to the Government of Assam Panchayat and Rural Development Department, Dispur, Guwahati - 06.
5. The District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Hailakandi, P.O. and P.S. Hailakandi, District – Hailakandi, Assam, Pin- 788151.

.....Respondents

***With* WRIT PETITION [C] NO. 6768/2024**

1. Abdur Rouf Choudhury, S/o Late Abdus Sukkur Choudhury, R/o Village - Mambari (Now Sripur (Pkd), P.O. and P.S. Patharkandi, District - Sribhumi, Assam.
2. Shamim Uddin Ahmed, S/o Lukush Uddin Ahmed, R/o Village - Mambari (Now Sripur (Pkd), P.O. and P.S. Patharkandi, District - Sribhumi, Assam.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented By its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented By Its Chairman-cum-The District Commissioner, Sri Bhumi Assam, Pin- 788710.

.....Respondents

***With* WRIT PETITION [C] NO. 6829/2024**

1. Lamajuar Goan Panchayat Bay Ainee Delimitation Protibadi Moncho, represented by its President

Abadur Rahman, Age 52 Yrs, S/o Late Ataur Rahman, Old Ward No - 1 (New Ward No-8).

2. Lamajuar Goan Panchayat Bay Ainee Delimitation Protibadi Moncho, represented by its Vice-President Alauddin, Age 49 Yrs, S/o Late Samsuddin, Old Ward No - 2 (New Ward No-9).
3. Lamajuar Goan Panchayat Bay Ainee Delimitation Protibadi Moncho, represented by its Gen. Secy. Badaruddin, Age 53 Yrs, S/o Late Burhanuddin, Village - Lamajuar Part 2 Old Ward No-1 (New Ward No-8).
4. Lamajuar Goan Panchayat Bay Ainee Delimitation Protibadi Moncho, represented by its Asstt. Gen. Secy. Zilal Uddin, Age 36 Yrs, S/o Tasabbir Ali, Old Ward No - 2 (New Ward No-8), All Are R/o Village Lamajuar Part No-1 P.O. Bhanga Bazar, P.S. Badarpur, District - Sribhumi (Karimganj), Assam, Pin - 788701.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 06.
2. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.

3. The Assam State Election Commission, represented by Election Commissioner of Assam, Dispur, Down Town, G.S. Road, Guwahati – 06, Assam.
4. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
5. The Commissioner to the Government of Assam, Commissionerate of Panchayat and Rural Development, Assam, Panjabari, Guwahati - 781037.
6. The Karimganj District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Karimganj for Assam Panchayat Election, District – Karimganj, Assam, Pin - 788710.
7. The Member Secretary, Karimganj District Delimitation Commission-cum-Chief Executive Officer, Karimganj Zilla Parishad for Assam Panchayat Election, P.O. and District – Karimganj, Assam, Pin - 788710.
8. The Member, Karimganj District Delimitation Commission-cum-Election Officer, Karimganj for Assam Panchayat Election, P.O. and District – Karimganj, Assam, Pin - 788710.

.....**Respondents**

With WRIT PETITION [C] NO. 7029/2024

1. Abdul Latif, S/o Late Abdul Hoque, R/o Vill - Chukabahi, P.O. Lalpool Bazar, P.S. Dalgaon, District - Darrang, Assam.

2. Fakaruddin Ahmed, S/o Lt. Riazuddin Ahmed, R/o Vill - Chukabahi, P.O. Lalpool Bazar, P.S. Dalgaon, District - Darrang, Assam.
3. Amiruddin, S/o Late Siraj Al, R/o Vill - Chukabahi, P.O. Lalpool Bazar, P.S. Dalgaon, District - Darrang, Assam.
4. Chan Mahmood, S/o Late Akbar Ali, R/o Vill - Chukabahi, P.O. Lalpool Bazar, P.S. Dalgaon, District - Darrang, Assam.
5. Kafiluddin, S/o Late Omar Ali, R/o Vill - Chukabahi, P.O. Lalpool Bazar, P.S. Dalgaon, District - Darrang, Assam.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
2. The State of Election Commission, Assam, represented by Election Commissioner, Aditya Tower, 2nd Floor, Down Town, G.S. Road, Dispur, Guwahati - 6.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 6.
4. The Commissioner, Panchayat and Rural Development Department, Juripar, Panjabari, Guwahati - 37.

5. The District Commissioner, Darrang - cum- Chairman Delimitation Commission For Assam Panchayat Election, P.O. and District - Darrang, Assam, Pin - 784125
6. The Chief Executive Officer, Darrang Zilla Parishad-cum-Member Secretary Delimitation Commission for Assam Panchayat Election, P.O. and District - Darrang, Assam, Pin - 784125
7. The Election Officer of Darrnag District-cum-Member Delimitation Commission For Assam Panchayat Election, P.O. and District - Darrang, Assam, Pin - 784125.
8. The Block Development Officer, Bechimari Development Block, P.O. Bechimari, District - Darrang, Assam, Pin - 784125.

.....**Respondents**

With WRIT PETITION [C] NO. 2/2025

1. Hussain Ahmed Choudhury, S/o Late Masaddar Ali Choudhury, Vill - Tarinipar Part-I, P.O. Govindapur (West), P.S. Katigorah, District - Cachar, Assam, Pin - 788804.
2. Milon Roy, S/o Late Sunil Roy, Vill - Khelma Part-VII, P.O. Gumrah, P.S. Kalain, District - Cachar, Assam, Pin-788815.
3. Jiyaur Rahman, S/o Kamal Uddin, Vill - Burunda Part-III, P.O. Hilara, P.S. Kalain, District - Cachar, Assam, Pin - 788815.

4. Najrul Islam Barbhuiya, S/o Jamir Uddin Barbhuiya, Vill - Ganirgram Part-II, P.O. Ganirgram, P.S. Katigorah, District - Cachar, Assam, Pin - 788825.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati-6.
2. The Commissioner, Panchayat and Rural Development Department, Assam, Juripar, Panjabari, Guwahati - 37.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
4. The Deputy Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
5. The District Delimitation Commission, represented by its Chairman-cum-Deputy Commissioner, Cachar, P.O. and P.S. Silchar, District - Cachar, Assam, Pin - 788011.
6. The Chief Executive Officer, Cachar Zilla Parishad-cum-Member Secretary District Delimitation Commission, P.O. and P.S. Silchar, District - Cachar, Assam, Pin - 788001.

7. The Election Officer Cachar-cum-Member District Delimitation Commission, P.O. and P.S. Silchar, District - Cachar, Assam, Pin - 788001.

.....Respondents

***With* WRIT PETITION [C] NO. 34/2025**

1. Monjur Ahmed, S/o Late Numan Uddin, Vill - Mahakal Part-II, P.O. Mahakal, District - Sri Bhumi (Assam),
2. Sufian Ahmed, S/o Late Abdul Hasim, Vill - West Hasanpur, P.O. - Hasanpur, District - Sri Bhumi (Assam).
3. Abdus Salam, S/o Moklisur Rahman, Vill - Mohakal Part-I, P.O. - Mahaka, District - Sri Bhumi (Assam).

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.

4. The District Delimitation Commission, represented by its Chairman-cum-The District Commissioner, Sri Bhumi (Assam), Pin - 788710.

.....Respondents

***With* WRIT PETITION [C] NO. 40/2025**

1. Md. Ayub Ali, S/o Late Abdul Hamid, R/o Vill - Sonapur No. 1, P.O. Sonapur, P.S. Bihpuria, District - Lakhimpur (Assam).
2. Abdul Gafur, S/o Late Sabed Ali, R/o Vill - Sonapur No. 1, P.O. Sonapur, P.S. Bihpuria, District- Lakhimpur (Assam).
3. Khalilur Rahman, S/o Ijjat Ali, R/o Vill - Sonapur No. 1, P.O. Sonapur, P.S. Bihpuria, District - Lakhimpur (Assam).

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.

3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-the District Commissioner, Lakhimpur (Assam), Pin -7 87001.

.....Respondents

With WRIT PETITION [C] NO. 42/2025

1. Abdul Jalil, S/o Late Abdul Jabbar, R/o Vill. and P.O. Sadarashi Part-I, P.S. Karimganj, District - Sri Bhumi (Assam).
2. Abdul Ahad, S/o Abdul Jabbar, R/o Vill. and P.O. Sadarashi Part-I, P.S. Karimganj, District - Sri Bhumi (Assam).

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal and Secretary to the Government of Assam Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by the Dispur, Guwahati - 06.
3. The Commissioner Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.

4. The District Delimitation Commission, represented by its Chairman-cum-The District Commissioner, Sri Bhumi (Assam), Pin - 788710.

.....Respondents

With WRIT PETITION [C] NO. 43/2025

1. Sheikh Hasina Khatun, W/o Bahar Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
2. Tahaj Ali, S/o Altap Hussain, R/o Village - Boyzeralga Part-II, (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
3. Saiful Islam, S/o Altap Hussain, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
4. Bahar Ali, S/o Altap Hussain, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
5. Horjot Ali @ Hajrat Ali, S/o Ayzal Hoque, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
6. Hachina Khatun, W/o Hajrat Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
7. Mohibul Islam, S/o Sattar Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.

8. Mohidul @ Mohidul Islam, S/o Sattar Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
9. Rofiqul Islam, S/o Sattar Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
10. Sattar Ali, S/o Late Ali Akabar, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
11. Altap Hossain, S/o Late Tohar Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin- 783349.
12. Soneka Khatun, W/o Mohidul Islam, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
13. Johira Khatun, D/o Tohar Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
14. Sohidul Islam @ Shohidul Islam, S/o Altap Hussain, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
15. Haran Ali, S/o Habes Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
16. Joynal Abddin @ Joynal Abedin, S/o Mohar Ali R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.

17. Sona Ullah Sheikh, S/o Late Seken Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
18. Saher Ali, S/o Altap Hussain, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
19. Behula Khatun, W/o Saher Ali, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
20. Haran Ali, S/o Late Elahi Sheikh, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
21. Sahera Khatun, W/o Altap Hussain, R/o Village - Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
22. Monowara Khatun, W/o Sattar Ali, R/o Village- Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.
23. Aijal Hoque, S/o Late Tahar Ali, R/o Village- Boyzeralga Part-II (Ward No. III), P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, Guwahati - 06.

2. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Ghy - 06.
3. The State Election Commissioner of Assam, Aditiya Tower 2nd Floor, G.S. Road, Dispur, Guwahati - 06.
4. The District Commissioner, Dhubri-cum-Chairman District Delimitation Committee, Dhubri, District - Dhubri, Assam, Pin - 783301.
5. The Election Officer, Dhubri, District -Dhubri, Assam, Pin - 783301.
6. The Chief Executive Officer, Zila Parishad, Dhubri, District - Dhubri, Assam, Pin - 783301.
7. The Circle Officer, Athani Revenue Circle, Dhubri, Assam, Pin - 783349.
8. The Block Development Officer, Birsing Jarua Development Office, Dhubri, District - Dhubri, Assam, Pin - 783301.
9. The Secretary, South Boyzeralga Gaon Panchayat, P.O. Bondihana, P.S. Fakirganj, District - Dhubri, Assam, Pin - 783349.

.....Respondents

With WRIT PETITION [C] NO. 48/2025

1. Nagorik Adhikar Suraksha Moncho, represented by its President, Ziaur Rahman, S/o Late Abdul Wahid, Vill - Masly Delimited, Ward No. 2, Lamajuar Gaon Panchayat (Old Ward No. 5 Masly Gaon Panchayat),

ZPC-Srigouri, P.O. Bhanga Bazar, P.S. Badarpur,
District - Sribhumi, Assam, 788701.

2. Nagorik Adhikar Suraksha Moncho, represented By Its Secretary, Nezam Uddin, S/o Abdul Manik, Vill - Masly Delimited Ward No. 1, Lamajuar Gaon Panchayat (Old Ward No. 2 Masly Gaon Panchayat), ZPC-Srigouri, P.O. Bhanga Bazar, P.S. Badarpur, District - Sribhumi, Assam, 788701.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 781006.
2. The State of Assam, represented by the Commissioner and Secretary To The Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 781006.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 781006.
4. The Commissioner and Secretary, Panchayat and Rural Development Department, Assam, Panjabari, Juripar, Guwahati - 781037.
5. The Karimganj District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Karimganj for Assam Panchayat Election, District - Karimganj, Assam, Pin - 788710.
6. The Member Secretary, Karimganj District Delimitation Commission-cum-Chief Executive Officer,

Karimganj Zilla Parishad for Assam Panchayat Election, P.O. and District - Karimganj, Assam, Pin - 788710.

7. The Member, Karimganj District Delimitation Commission-cum-Election Officer, Karimganj for Assam Panchayat Election, P.O and District - Karimganj, Assam, Pin - 788710.
8. The State Election Commission, represented by the Chief Election Officer, Aditya Tower 2nd Floor, Near Down Town Hospital, G.S. Road, Dispur, Guwahati - 781006.

.....Respondents

With WRIT PETITION [C] NO. 52/2025

1. Saira Begum, W/o Islam Uddin Chowdhury, R/o Village - Badripar, P.O. Badripar, P.S. Silchar, District - Cachar, Assam, Pin - 788009.
2. Narayan Chandra Roy, S/o Late Nakul Chandra Roy, R/o Village - Badripar, P.O. Badripar, P.S. Silchar, District - Cachar, Assam, Pin - 788009.
3. Sala Uddin Choudhury, S/o Islam Uddin Choudhury, R/o Village - Badripar, P.O. Badripar, P.S. Silchar, District - Cachar, Assam, Pin - 788009.
4. Ranjit Kumar Das, S/o Late Ramakanta Das, R/o Village - Badripar, P.O. Badripar, P.S. Silchar, District - Cachar, Assam, Pin - 788009.

5. Smti Miher Banu, W/o Late Ahmed Ali, R/o Village - Badripar, P.O. Badripar, P.S. Silchar, District - Cachar, Assam, Pin - 788009.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, Assam Secretariat, Dispur, Guwahati - 781006, Assam.
2. The State Election Commission, represented by the Election Commission, Aditya Tower 2nd Floor, Down Town, G.S. Road, Dispur, Ghy, Assam, Pin -781006.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Assam Secretariat, Dispur, Guwahati, Assam, Pin - 781006.
4. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati, Assam, Pin - 781037.
5. The District Level Committee Constituted for Ratifying Block Boundaries and Recommend Demarcation With Block Hq to The Panchayat and Rural Development Department, represented by the District Commissioner, Silchar, Cachar, Assam, Pin - 788001.
6. The District Commissioner-cum-Chairman Delimitation Commission for Assam Panchayat Election, Silchar, Cachar, Assam, Pin - 788001.

7. The Chief Executive Officer, Cachar Zilla Parishad-cum-Member Secretary, Delimitation Commission For Assam Panchayat Election, Silchar, Cachar, Assam, Pin - 788001.
8. The Election Officer District Cachar-cum-Member Delimitation Commission for Assam Panchayat Election, Silchar, Cachar, Assam, Pin - 788001.
9. The Block Development Officer, Badripar Development Block, Badripar, Cachar, Assam, Pin - 788009.

.....Respondents

***With* WRIT PETITION [C] NO. 101/2025**

1. Surendra Kumar Sinha, S/o Late Bhubon Sinha, Village - Uttor Bashkal Tila, P.O. Dullavchera District - Karimganj, Assam, Pin - 788736.
2. Ashim Sinha S/o Ajit Kumar Sinha, Village - Shyam Nagar, P.O. Pecha Ala, District - Karimganj, Assam, Pin - 788734.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 781006.

2. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development, Dispur, Guwahati - 781006.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 781006.
4. The Commissioner and Secretary, Panchayat and Rural Development Department, Assam, Panjabari, Juripar, Guwahati - 781037.
5. The Karimganj District Delimitation Commission, represented by its Chairman-cum-District Commissioner Karimganj for Assam Panchayat Election, District - Karimganj, Assam, Pin - 788710.
6. The Member Secretary, Karimganj District Delimitation Commission-cum-Chief Executive Officer Karimganj Zilla Parishad for Assam Panchayat Election, P.O. and District – Karimganj, Assam, Pin - 788710.
7. The Member, Karimganj District Delimitation Commission-cum-Election Officer Karimganj for Assam Panchayat Election, P.O and District – Karimganj, Assam, Pin - 788710.
8. The State Election Commission, represented by the Chief Election Officer, Aditya Tower 2nd Floor, Near Down Town Hospital, G.S. Road, Dispur, Guwahati - 781006.

.....**Respondents**

With WRIT PETITION [C] NO. 102/2025

1. Rajpasha Nagorik Suraksha Moncho, represented by its President, Mahtab Hussain Tapadar, S/o Late Akoddos Ali, Vill - Rajpasha, P.O. Bhanga Bazar, P.S. Badarpur, District - Karimganj, Assam, Pin - 788701.
2. Juber Ahmed Tapadar, S/o Mohiuddin Tapadar, Vill - Rajpasha, P.O. Bhanga Bazar, P.S. Badarpur, District - Karimganj, Assam, Pin - 788701.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 781006.
2. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 781006.
3. The Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 781006.
4. The Commissioner and Secretary, Panchayat and Rural Development Department, Assam, Panjabari, Juripar, Guwahati - 781037.
5. The Karimganj District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Karimganj for Assam Panchayat Election, District - Karimganj, Assam, Pin - 788710.

6. The Member Secretary, Karimganj District Delimitation Commission-cum-Chief Executive Officer, Karimganj Zilla Parishad for Assam Panchayat Election, P.O. and District - Karimganj, Assam, Pin - 788710.
7. The Member, Karimganj District Delimitation Commission-cum-Election Officer, Karimganj For Assam Panchayat Election, P.O and District - Karimganj, Assam, Pin - 788710.
8. The State Election Commission, represented by the Chief Election Officer, Aditya Tower 2nd Floor, Near Down Town Hospital, G.S. Road, Dispur, Guwahati - 781006.

.....Respondents

With WRIT PETITION [C] NO. 109/2025

1. Nazrul Islam, S/o Alhaj Abdul Matin, R/o Village - Tinthengia, P.O. Doulatpur, P.S. Bihpuria, District - Lakhimpur, Assam.
2. Enamul Haque, S/o Late Hussain Ali, R/o Village - Tinthengia, P.O. Doulatpur, P.S. Bihpuria, District - Lakhimpur, Assam.
3. Anowarul Islam, S/o Late Abdul Malek, R/o Village - Tinthengia, P.O. Doulatpur, P.S. Bihpuria, District - Lakhimpur, Assam.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal and Secretary to the Government of Assam Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-the District Commissioner, Lakhimpur, Assam, Pin - 787001.

.....Respondents

***With* WRIT PETITION [C] NO. 117/2025**

1. Iftikar Ahmed, S/o Md. Moin Uddin, President, Assam Minority Student Union, Akashiganga Anchalik, P.O. Parakhuwa, District – Nagaon, Assam, Pin - 782441.
2. Samsuddin S/o Late Abdur Rahim, Secretary, Assam Minority Student Union, Akashiganga Anchalik, P.O. Parakhuwa, District – Nagaon, Assam Pin - 782441.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal and Secretary to the Government of Assam Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-the District Commissioner, Nagaon, Assam, Pin - 782401.
5. The District Electoral Registration Officer, Nagaon, P.O. and District – Nagaon, Assam, Pin - 782401.
6. The Block Development Officer, Kothiatoli Development Block, P.O. Rengbeng Sarupathar, District – Cachar, Assam, Pin - 782427.

.....**Respondents**

***With* WRIT PETITION [C] NO. 131/2025**

1. Jakir Hussain, S/o Late Abed Ali, R/o Village- No-1 Gagalmari, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.
2. Dr. Abul Fazal, S/o Hashim Ali, R/o Village - No-1 Gagalmari, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.

3. Atabur Rahman, S/o Siraj Ali, R/o Village - Merorhabi, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin -782121.
4. Sahed Ali, S/o Late Ramjan Ali, R/o Village - No-2 Gagalmari, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.
5. Fajar Ali, S/o Suruj Ali, R/o Village - Khatobari, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.
6. Jesmin Sultana, W/o Dr. Abul Fazal, R/o Village – No. 1 Gagalmari, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.
7. Abu Hanif, S/o Late Mafej Ali, R/o Village – No. 1 Gagalmari, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.
8. Md. Israfil Ali, S/o Md. Ruhul Amin, R/o Village - Kacharigaon, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.
9. Jabed Ali, S/o Yousuf Ali, R/o Village - Merorhabi, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin - 782121.
10. Abdul Hakim, S/o Amsar Ali, R/o Village – No. 2 Gagalmari, P.O. Gagalmari, P.S. Mayong, District - Morigaon, Assam, Pin-782121.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Chief Secretary to the Government Of Assam, Dispur, Guwahati-781006.
2. The Additional Chief Secretary to the Government Of Assam, Panchayat And Rural Development Department, Dispur, Guwahati - 781006.
3. The Commissioner, Panchayat and Rural Development Department, Assam, Panjabari, Juripar, Guwahati - 781037.
4. The Secretary, Assam State Election Commission, Aditya Tower 2nd Floor, Near Down Town Hospital, G.S. Road, Dispur, Guwahati - 781006.
5. The Deputy Commissioner, Morigaon, Assam, Pin - 782105.
6. The Additional Deputy Commissioner, Morigaon-cum-Authorized Officer, Laharighat Lac, District- Morigaon, Pin - 782105.
7. The Chief Executive Officer, Morigaon Zilla Parishad, District - Morigaon, Assam, Pin - 782105.

.....**Respondents**

With WRIT PETITION [C] NO. 376/2025

1. Abdur Rouf S/o Late Tafazzul Ali, a resident of Village Brahmansasan under Lakhibazar P.S. Nilambazar, District – Sribhumi, Pin - 788722.
2. Zakir Hussain S/o Abdul Salam, a resident of Village P.O. and P.S. Nilambazar under Nilambazar Zilla

Parishad Constituency, District – Sribhumi, Assam, Pin
- 788722.

.....Petitioners

-VERSUS-

1. The State of Assam to be represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati- 781006.
2. Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 781006.
3. District Commissioner, Sribhumi P.O. and District – Sribhumi, Assam.
4. Chairman, Assam State Election Commission, Dispur Guwahati - 781006.
5. Chief Executive Officer, Sribhumi Zilla Parishad, P.O. and P.S. Sribhumi, District – Sribhumi, Assam, Pin - 788710.

.....Respondents

***With* WRIT PETITION [C] NO. 641/2025**

1. Mizanur Rahman, S/o Mizanur Rahman, R/o Ahmedpur Block Kutubpur, Bihpuria, Lakhimpur, Assam
2. Md Jahagir Alom, S/o Late Somir Uddin, R/o Ahmedpur Block, P.O. Kutubpur, P.S. Bihpuria, District - Lakhimpur, Assam.
3. Motiur Rahman, S/o Soidur Rahman, R/o Ahmedpur Block, P.O. Kutubpur, P.S. Bihpuria, District - Lakhimpur, Assam.
4. Nurul Amin, S/o Sofiqul Islam, R/o Ahmedpur Block, P.O. Kutubpur, P.S. Bihpuria, District - Lakhimpur, Assam.

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government Of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Lakhimpur, Assam, Pin - 787001.

.....Respondents

***With* WRIT PETITION [C] NO. 809/2025**

Tafajul Hussain S/o Mutalib Sheikh, Village –
Chitalmari, P.O. Borpani, P.S. Kachua, District –
Nagaon, Assam.

.....Petitioner

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati – 06, Assam.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Nagaon, Assam, Pin - 782001.

.....Respondents

***With* WRIT PETITION [C] NO. 927/2025**

Israfil Haque, S/o Ajim Uddin, Vill - Kakati Gaon, P.S.
Kampur, District - Nagaon (Assam).

.....Petitioner

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Nagaon, Pin - 782001.

.....Respondents

***With* WRIT PETITION [C] NO. 934/2025**

Mubarak Hussain, S/o Late Muschar Ali, Vill - Gerjai
Pam, P.S. Kachuwa, District- Nagaon, Assam.

.....Petitioner

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati - 06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Nagaon, Pin- 782001.

.....Respondents

***With* WRIT PETITION [C] NO. 1010/2025**

1. Amir Uddin, S/o Saher Uddin, Vill - Kaziranga, P.O. Gerjai Pam, P.S. Kachua, District - Nagaon, Assam.
2. Samsul Islam, S/o Late Sayadur Rahman, Vill - Balisara, P.O. Gerjai Pam, P.S. Kachuwa, District - Nagaon (Assam).

.....Petitioners

-VERSUS-

1. The State of Assam, represented by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, Dispur, Guwahati-06.
2. The Assam State Election Commission, represented by its Secretary, Dispur, Guwahati - 06.
3. The Commissioner, Panchayat and Rural Development Department, Panjabari, Juripar, Guwahati - 37.
4. The District Delimitation Commission, represented by its Chairman-cum-District Commissioner, Nagaon, Pin- 782001.

.....Respondents

Advocates :

For the Petitioners

: Mr. H.R.A. Choudhury & Mr. A.C. Borbora, Senior Advocates; Mr. P.K. Roychoudhury, Mr. H.I. Choudhury, Mr. A.K. Talukdar, Mr. Bhargav Das, Ms. H. Yesmin, Mr. M.K. Hussain, Ms. S.Y. Ahmed, Ms. F.H. Ahmed, Mr. M. Alom, Mr. A.H.M.R. Choudhury, Mr. S.B. Laskar, Mr. H.A. Laskar, Ms. S. Dutta, Ms. S.K. Nargis, Mr. F.H. Laskar, Ms. S. Begum, Ms. N. Sultana, Mr. F.U. Barbhuiya, Ms. B.B. Bordoloi, Mr. S. Islam, Mr. S.I. Khan, Mr. A.M. Barbhuiya, Ms. S. R. Mazarbhuiya, Ms. A. Begum, Mr. B. Buragohain, Mr. N.S. Laskar, Mr. A.A. Hussain, Mr. M. Robbani, Mr. F.A. Laskar, Mr. A.S. Tapader, Mr. J.M. Sulaiman, Mr. N. Haque, Mr. K. Uddin, Mr. A.K. Azad, Mr. S.R. Barbhuiya, Mr. M. Hussain, Ms. D. Dutta, Ms. S. Das,

Mr. R.I. Mondal, Mr. A.K. Mollah, Mr. R.C. Paul, Mr. A.R. Das, Mr. A.J. Atia, Ms. J. Mariyam, Ms. A.H. Atia, Mr. J. Abedin, Mr. A. Alam, Mr. M.Z. Rahman, Mr. S. Uddin, Mr. N.H. Mazarbhuiyan, Ms. L. Wajeeda, Mr. M.H. Saikia & Mr. R.I. Bhuyan, Advocates.

For the Respondents : Mr. D. Saikia, Advocate General, Assam;
Mr. K. Konwar, Additional Advocate General, Assam & Senior Standing Counsel, Panchayat & Rural Development Department;
Mr. R. Dubey, Standing Counsel, Assam State Election Commission [ASEC].

Dates of Hearing : 12.02.2025, 19.02.2025, 21.02.2025, 25.02.2025, 27.02.2025, 17.03.2025, 18.03.2025, 27.03.2025, 01.04.2025 & 03.04.2025.

Date of Judgment : 24.04.2025

BEFORE

HON'BLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT & ORDER

I. The Assail:-

1. This batch of writ petitions under Article 226 of the Constitution of India have been preferred inter-alia to assail an exercise undertaken by the State respondents as delimitation exercise on the basis of a Standard Operating

Procedure [SOP] framed in a Notification bearing no. E-449396/18 dated 03.08.2024, notified by the Government of Assam in the Panchayat & Rural Development Department, for delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads in the State of Assam; and the consequential Notifications for the concerned districts, all dated 15.10.2024, stated to have been published after commencement of the delimitation exercise by the Government of Assam in the Panchayat & Rural Development Department separately in respect of each of the districts in Assam.

2. The Notification no. E-449396/32 dated 03.08.2024, which was published in the Assam Gazette in Issue no. 457 dated 21.08.2024, mentioned that the Standard Operating Procedure [SOP] would be followed for delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads and its purpose would be to ensure a systematic and efficient process of delimitation, to be followed by the District Delimitation Commission. By the Notifications, dated 15.10.2024, the Panchayat & Rural Development Department, Government of Assam had notified the Gaon Panchayats under the territorial jurisdiction of the respective Anchalik Panchayat, along with their corresponding villages, in each of the districts in Assam.
3. The challenges are being made to the Notification dated 03.08.2024 and the Notifications, dated 15.10.2024, on the premise that the delimitation exercise so carried out at the levels of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads is in violation of the related provisions contained in the Constitution of India and the Assam Panchayat Act, 1994, as amended; together with the the Standard Operating Procedure [SOP] laid down in the Notification dated 03.08.2024. The provisions relying on which the challenges are being made by the petitioners herein would be specifically referred to and considered in the later part of this order.

II. The contentions of the petitioners :-

4. Before making any dilation on the specific nature of challenges, it would be apposite to find out, in an encapsulated manner, about the nature of pleadings made in some of the writ petitions in this batch of writ petitions as it would be of assistance to find out about the factual foundations laid by the petitioners therein to mount the challenges qua the constitutional provisions; the statutory provisions and the Standard Operating Procedure [SOP].

5. **W.P.[C] no. 5346/2024** :Four petitioners, who are residents of areas within the territorial jurisdiction of Sonai Legislative Assembly Constituency [LAC], have joined together to file this writ petition. The petitioners have stated that after the delimitation process, though the total nos. of Gaon Panchayats in Cachar District have remained the same, but, the total nos. of Gaon Panchayats under Sonai LAC have been reduced from earlier 24 [twenty-four] to 18 [eighteen] and the said 6 [six] Gaon Panchayats have been added to 6 [six] other LACs of Cachar District. The petitioners are aggrieved by the act of reduction of the said 6 [six] nos. of Gaon Panchayats in Sonai LAC. In Paragraph 9 of the writ petition, the petitioners have claimed that as per the Census of 2001, the total population of Sonai LAC before delimitation was 1,73,631 and after delimitation, the population stands at 1,89,000. Before delimitation, there were 85 nos. of Villages under Sonai LAC covering 24 nos. of Gaon Panchayats. But after delimitation, though total nos. of Villages under Sonai LAC have increased from 85 to 100, but, the total nos. of Gaon Panchayats have been reduced from 24 to 18. The petitioners have cited that the total nos. of Gaon Panchayats in Borkhola LAC have been increased from 21 to 30 and in Dholai LAC, from 27 to 30. The petitioners have stated to have learnt from a reliable source that in Lakhipur LAC, the Gaon Panchayat Constituencies like Singirbond Binnakandi Bagan and Bowali Chengur have been formed with population of 2,006, 4,898 and 4,846 respectively. In Paragraph 10 of the writ petition, the petitioners have stated that the State Government has recently declared three categories of districts in Assam based

on population density or any other relevant factors and it has been learnt by the petitioners that Cachar District falls in Category-'B' based on population density to have Gaon Panchayats with population range from 8,500 to 11,500. It has been stated that on scrutiny of records after delimitation, it has been found that under Sonai LAC, Govindapur-Algapur Gaon Panchayat [7,935 households], Sibpur Gaon Panchayat [7,364 households], West Singirbond Gaon Panchayat [5,437 households], Nagdirgram-Chandpur Gaon Panchayat [8,173 households], Dakhin Mohanpur Gaon Panchayat [7,961 households] and Sonabarighat Gaon Panchayat [8,122 households] have been formed with lesser population than mandated under Section 5[1] of the Assam Panchayat Act, 1994, as amended, for a Category-'B' District like Cachar. The petitioners have stated that Baorikandi Gaon Panchayat have been formed with total 12,691 households. The petitioners have further contended that a number of Gaon Panchayat Wards have been formed with 600 to 1,400 population. In Paragraph 11 of the writ petition, the petitioners have contended that Hatikhal Gaon Panchayat consisted of five nos. of Revenue Villages before delimitation and after delimitation, two new Revenue Villages have been added with Hatikhal Gaon Panchayat and its name has been changed as Baroikandi Gaon Panchayat, which now consists of 12,500 electors. Apart from the changes made in the names of the Gaon Panchayat, merger of Chandpur Gaon Panchayat with Dakhin Mohanpur Gaon Panchayat and Kazidahar Gaon Panchayat; inclusion of Govindapur Gaon Panchayat with Dakhin Mohanpur Gaon Panchayat; and many other changes of like nature have created serious administrative and other serious consequences. In the affidavit filed in support of the writ petition, the petitioners have stated that the statements made in Paragraph 9, Paragraph 10 and Paragraph 11 of the writ petition are true to their knowledge.

6. **W.P.[C] no. 5613/2024** : In this writ petition, there are four writ petitioners, who have claimed that they are permanent residents of Hailakandi District. According to the petitioners, as averred in Paragraph 11 and Paragraph 12 of the writ petition, Hailakandi District falls under Category-'B' District wherein the

population of each Gaon Panchayat Constituency should be in the range from 8,500 to 11,500. The petitioners have claimed that on scrutiny of the records after delimitation, it is found that a large number of Gaon Panchayats are formed having more than 11,500 populations and as examples, they have cited the cases of three Gaon Panchayats viz. [1] Algapur Mohanpur Gaon Panchayat [Villages=9 & Population=14,479]; [2] Naraynpur Gaon Panchayat [Villages=8 & Population=12,786]; and [3] Bowerghat [Villages=7 & Population=12,355]. The petitioners have further stated that on scrutiny of records, it is found that large number of Gaon Panchayats are also found having less than 8,500 populations and they have cited the cases of 30 [thirty] Gaon Panchayats. Some of these 30 [thirty] Gaon Panchayats are :- [1] Niskar Gaon Panchayat [Villages=4 & Population=3,245]; [2] Pratap Nagar Gaon Panchayat [Villages=11 & Population=4,004]; and [3] Ayenkhal Gaon Panchayat [Village=1 & Population=4,050]. In the affidavit filed in support of the writ petition, the petitioners have stated that the statements made in Paragraph 11 and Paragraph 12 of the writ petition are true to their knowledge.

7. **W.P.[C] no. 5631/2024** : In this writ petition, there are seven nos. of writ petitioners, who are permanent residents of different villages under the Sonai Legislative Assembly Constituency [LAC] of Cachar District. Six of them were elected earlier as members of Panchayat. According to the petitioners, as averred in Paragraph 9 and Paragraph 10 of the writ petition, seven nos. of LACs including Sonai LAC, fall within the district of Cachar. But, except for Sonai LAC, the number of Gaon Panchayats in all other LACs have been increased. The petitioners have contended that in order to increase the number of Gaon Panchayats in other LACs of Cachar District, most of the Gaon Panchayats of the other LACs have even been formed with lesser population than prescribed for Category-'C' District. As per the Census of India, 2001, Sonai LAC had a total population of 1,73,631 before delimitation and after delimitation, the population of Sonai LAC is about 1,89,000 approximately. Before delimitation, there were 85 nos. of villages under Sonai LAC covering 24 nos. of Gaon Panchayats and

after delimitation, it is found that though the total number of villages under Sonai LAC have increased from 85 to 100 but the nos. of Gaon Panchayats have been reduced from 24 to 18. The petitioners have contended that as the population of Sonai LAC has increased after delimitation, there could not have been reduction in the number of Gaon Panchayats. In the affidavit filed in support of the writ petition, the petitioners have stated that the statements made in Paragraph 9 and Paragraph 10 of the writ petition are true to their knowledge.

8. **W.P.[C] no. 5664/2024** : In this writ petition, the lone petitioner is a resident of Village – Dakhin Josnabad Part–II under Lala Anchalik Panchayat, District – Hailakandi. He has stated that as per the Press Note dated 20.06.2023 of the Election Commission of India, District – Hailakandi falls within the category of districts having higher population density. At one point, in Paragraph 5 of the writ petition, the petitioner has averred that his village – Dakhin Josnabad Part–II was earlier within the territorial jurisdiction of Tantoo–Dhanipur Gaon Panchayat which consisted of seven nos. of villages – Tantoo, Sheralipur, Niamatpur, Dhanipur, Lala–1, Dakhin Joshnabad Part–I and Dakhin Joshnabad Part–II – with a total population of 10,150, according to the Census of 2001. At the same time, in Paragraph 5, the petitioner has projected that Tantoo–Dhanipur Gaon Panchayat consisted of eight nos. of villages [with population] – Tantoo [1,287], Sheralipur [1,309], Niamatpur [1,339], Dhanipur [1,599], Jalalpur [1,056], Lala–I [864], Dakhin Josnabad–I [486] and Dakhin Josnabad–II [2,210], by including Village – Jalalpur [1,056] as an addition. To substantiate such claim, the petitioner has annexed an extract of the purported Population Census, 2001 of 329 nos. of villages wherein the names of the villages [with population] – Tantoo [[1,287], Sheralipur [1,309], Niamatpur [1,339], Dhanipur [1,599], Jalalpur [1,056], Lala–I [864], Dakhin Jansbad Part–I [486] and Dakhin Jansbad Part–II [2,210] – are found included but it did not reflect the name of the concerned Gaon Panchayat. In Paragraph 6 of the writ petition, the petitioner has contended that the petitioner’s village – Dakhin Josnabad Part–II has been arbitrarily bifurcated and attached with a newly constituted Gaon Panchayat –

Joykrishnapur Gaon Panchayat vide the Notification dated 15.10.2024 of the Panchayat & Rural Development Department notifying the Gaon Panchayats with their corresponding villages under Hailakandi District and the same was issued in exercise of powers conferred under sub-section [2] of Section 5 of the Assam Panchayat Act, 1994, as amended. In the affidavit filed in support of the writ petition, the petitioners have stated that the statements made in Paragraph 5 and Paragraph 6 of the writ petition are matters of record. In Paragraph 7 of the writ petition, affirmed to be true in the affidavit to the writ petition on the basis of knowledge, the petitioner has contended that after bifurcation/delimitation, the population of newly constituted Joykrishnapur Gaon Panchayat is 9,846 whereas the population of the newly formed Tantoo Gaon Panchayat is 4,244. In the Notification dated 15.10.2024, the two Gaon Panchayats – Tantoo Gaon Panchayat and Joykrishnapur Gaon Panchayat – are shown within Lala Gaon Panchayat. Tantoo Gaon Panchayat consists of four nos. of Villages, – [1] Bangalpur; [2] Bangalpur Grant; [3] Sheralipur; and [4] Tantoo. In the same Notification, it is reflected that Joykrishnapur Gaon Panchayat consists of six nos. of Villages, - [1] Dakhin Joshnabad-I; [2] Dakhin Joshnabad-II; [3] Joykrishnapur; [4] Mohmmmedpur-I; [5] Niyamatpur; and [6] Rongpur-V.

9. **W.P.[C] no. 5706/2024** : In this writ petition, the four writ petitioners have stated that they are permanent residents of Morigaon District. The petitioners have contended that the delimitation process of constituencies for the Panchayats have been undertaken by the State respondent authorities including the District Delimitation Commission, without declaration about the category in which the district of Morigaon falls as per the provision of sub-section [1] of Section 5 of the Assam Panchayat Act, 1994, as amended, by the Assam Panchayat [Amendment] Act, 2023. According to the petitioners, in absence of any declaration of the category of the district in which Morigaon District falls, the delimitation of constituencies made by the Notification dated 15.10.2024 of the Panchayat & Rural Development Department exercising powers conferred under sub-section [2] of Section 5 of the Assam Panchayat Act, 1994, as amended,

thereby, notifying the Gaon Panchayats along with their corresponding villages under Morigaon District cannot be acted upon for the purpose of holding Panchayat Election.

10. **W.P.[C] no. 5751/2024** : The two petitioners herein have claimed that they are inhabitants of Brahman Sakhan Part-I Block-I Village in the district of Karimganj and they are aggrieved by inclusion of their village in another Gaon Panchayat after the delimitation process. By a Notification dated 15.10.2024 of the Panchayat & Rural Development Department, issued in exercise of powers conferred under Section 5 of the Assam Panchayat Act, 1994, as amended, the Gaon Panchayats along with the corresponding villages under Karimganj District have been notified. In Paragraph 4 of the writ petition, the petitioners have pleaded that Karimganj District consisted of 95 nos. of Gaon Panchayats including Brahman Sakhan Gaon Panchayat, and the petitioners' Village – Brahman Sakhan Part-I Block-I was within the Brahman Sakhan Gaon Panchayat under Karimganj South LAC. The Brahman Sakhan Gaon Panchayat consisted of 12 nos. of Revenue Villages including Brahman Sakhan Part-I Block-I Village. It has been averred in Paragraph 8 of the writ petition that in the draft uploaded in the Official Website on 03.09.2024 reflecting the proposed delimitation of Gaon Panchayats, it was found that Brahman Sakhan Gaon Panchayat had been renamed as Ranibari Gaon Panchayat and the petitioners' Village – Brahman Sakhan Part-I Block-I was proposed to be included in another Gaon Panchayat, Hizim Dalgram Gaon Panchayat. In the affidavit filed in support of the writ petition, the petitioners have stated that the statements made in Paragraph 4 and Paragraph 8 of the writ petition are true to their knowledge. The petitioners have contended that in the Notification dated 15.10.2024, it has been notified that Hizim Dalgram Gaon Panchayat would consist of the following villages, – [1] Angura Dunguri; [2] Brahman Sakhan Part-I Block-I; [3] Dalgram; [4] Ghugrakuna Part-I; [5] Ghugrakuna Part-III; [6] Ghugrakuna Part-IV; [7] Hizim; and [8] Hizimangura Part-I. In the said Notification, it has been further notified that Ranibari Gaon Panchayat would consist of the following Villages, -

[1] Barapunji Part-II; [2] Brahmanshasan Chak; [3] Brahmanshasan Part-I [Block-2]; [4] Brahmanshasan Part-II; [5] Brahmanshasan Part-II [Block-I]; [6] Kulchera Part-I; [7] Kulchera Part-II; [8] Kurtab Dewtali; [9] Lamabahadurpur Part-I; [10] Nayagram Part-I; [11] Ramanikrishna TE; and [12] Ranibari. According to the petitioners, Ranipur Gaon Panchayat was earlier known as Brahman Sakhan Gaon Panchayat.

11. **W.P.[C] no. 5771/2024** : The writ petition is filed on behalf of Dakshinkul Village Development Council, claiming that its members are permanent residents of Karimganj District, in order to challenge the final delimitation of Gaon Panchayats under Karimganj District, which have been notified by a Notification bearing no. File No. PDA.4/2024/GP/25 dated 15.10.2024 of the Panchayat and Rural Development Department, Government of Assam. The said Notification dated 15.10.2024 has inter-alia been issued in exercise of powers conferred under sub-section [2] of Section 5 of the Assam Panchayat Act, 1994, as amended, notifying the Gaon Panchayats along with their corresponding villages under Karimganj District. In Paragraph 2 of the writ petition, the petitioners have contended that, by the Notification dated 15.10.2024, the total nos. of Zilla Parishads have been reduced from 20 to 16, by delimiting many Gaon Panchayats in violation of Article 243 of the Constitution of India; Section 5 of the Assam Panchayat Act, 1994; the Standard Operating Procedure [SOP] framed by the Panchayat and Rural Development Department, Government of Assam; and the Guidelines and Methodology of the Election Commission of India [ECI]. The petitioners have specifically alleged that revenue Village – Mirzapur Part-II [Dakshinkul Part] [Ward no. 7] has been excluded from Lamazuar Gaon Panchayat and after such exclusion, it has been included in Mahakal Gaon Panchayat, which is situated at a long distance. According to the petitioners, Dakshinkul is a part of Revenue Village – Mirzapur Part-II.

12. After reading the prayers made in this batch of writ petitions, it is found that the writ petitions have contained, more or less, similar kinds of challenges and prayers, which can be summarized in the following manner :-

Gist of prayers/challenges in the writ petitions

Sl. No.	Writ Petitions	Challenges/Prayers
1	W.P.[C] no. 5346/2024	Notification dated 15.10.2024 and direction not to proceed with election of Gaon Panchayats under Sonai LAC until final list is modified keeping existing 24 nos. of Gaon Panchayats.
2	W.P.[C] no. 5613/2024	Notification dated 15.10.2024 and direction not to proceed with election of Gaon Panchayats until the Notification is modified.
3	W.P.[C] no. 5631/2024	Notification dated 15.10.2024 and direction not to proceed with election of Gaon Panchayats under Sonai LAC until final list is modified keeping existing 24 nos. of Gaon Panchayats.
4	W.P.[C] no. 5664/2024	Notification dated 15.10.2024 and attachment of the petitioner's Village – Dakhin Joshnabad Pt-II to Joykrishnapur Gaon Panchayat under Lala Anchalik Panchayat and direction to consider representations dated 25.09.2024 in regards to keeping Village - Dakhin Jishnabad Pt-II within territorial jurisdiction of Tantoo Gaon Panchayat as per Clause 10, 4[vi] & [x] of SOP.
5	W.P.[C] no. 5706/2024	Notification dated 15.10.2024 and direction to proceed with election only after completion of due procedure contemplated under Section 5 of the Assam Panchayat Act, 1994.
6	W.P.[C] no. 5751/2024	Notification dated 15.10.2024 so far as inclusion of Brahman Sakhan Pt-I Block-I within Hizim Dalgram

		Gaon Panchayat and direction to retain Village - Brahman Sashan Pt-I Block-I within its earlier Gaon Panchayat i.e. Ranibari Gaon Panchayat.
7	W.P.[C] no. 5771/2024	Notification dated 15.10.2024 in Karimganj District and direction not to proceed with the election until the Notification dated 15.10.2024 is modified / altered, etc. in conformity with the provisions of the Assam Panchayat Act, 1994 and SOP, Election Commission of India [ECI] Guidelines.
8	W.P.[C] no. 5810/2024	Notification dated 15.10.2024; direction to maintain the previous areas / boundaries of the Kanchanpur Gaon Panchayat Constituency of Hailakandi District as per the Clause 4[iv] of SOP and Section 5 of the Assam Panchayat Act, 1994; and direction to conduct election as per law under the Assam Panchayat Act, 1994.
9	W.P.[C] no. 5984/2024	Notification dated 15.10.2024 so far as inclusion of Village – Puthimari within Dhariakhaity Gaon Panchayat; and to retain Puthimari village within its earlier Gaon Panchayat i.e. Langli Gaon Panchayat.
10	W.P.[C] no. 6347/2024	Notification dated 17.09.2024 & Final Notification dated 15.10.2024; and separation of Vichingcha Pt-II Village from Rangauti Gaon Panchayat and its inclusion within Bowerghat Gaon Panchayat; and direction to retain Vichingcha Pt-II Village within Rangauti Gaon Panchayat instead of Bowerghat Gaon Panchayat.
11	W.P.[C] no. 6413/2024	Notification dated 15.10.2024 & Notification dated 21.10.2024 whereby Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituencies in the district of Hailakandi have been notified; and direction to the District Delimitation Committee [DDC] to delimit the

		Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituencies by adhering, as far as possible, to Article 243C of the Constitution of India r/w Section 5 of the Assam Panchayat Act, 1994 by conducting Public Hearing as per Clause 8 of the SOP.
12	W.P.[C] no. 6768/2024	Notification dated 15.10.2024 and inclusion of Village – Sripur [pkd] within Ratabari Gaon Panchayat and to retain Village – Sripur [pkd] either within its earlier Gaon Panchayat i.e Narainpur Gaon Panchayat or the nearest Patharkandi Gaon Panchayat.
13	W.P.[C] no. 6829/2024	The Notification dated 15.10.2024 & Notification dated 21.10.2024 for Gaon Panchayat and Zilla Parishad Constituencies in Karimganj district. <i>Note-</i> Petitioner is an unregistered association.
14	W.P.[C] no. 7029/2024	Notification dated 15.10.2024 and inclusion of Chukabahi Village into Daipam Gaon Panchayat from Baligaon Gaon Panchayat of Darrang district; direction to retain of the said village in Baligaon Gaon Panchayat as earlier; and direction not to proceed with election of Baligaon & Daipam Gaon Panchayat till disposal of the writ petition.
15	W.P.[C] no. 2/2025	Notification dated 15.10.2024 & Notification dated 21.10.2024 whereby Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituencies under no. 116 Katigora LAC of Cachar district are notified; and direction to the District Delimitation Committee [DDC] to delimit the Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituencies by adhering, as far as possible, to Article 243C of the Constitution of India r/w

		Section 5 of the Assam Panchayat Act, 1994 by conducting Public Hearing as per Clause 8 of the SOP.
16	W.P.[C] no. 34/2025	Notification dated 15.10.2024 so far it relates to Mahakal Gaon Panchayat and consequential constitution of Gaon Panchayat Wards of Mahakal Gaon Panchayat; direction to constitute Mahakal Gaon Panchayat excluding the area having no contiguity with the erstwhile villages of Mahakal Gaon Panchayat; and direction to reconstitute the Mahakal Gaon Panchayat by excluding the area in order to maintain the population ratio as provided under Section 5[1] of the Assam Panchayat Act, 1994.
17	W.P.[C] no. 40/2025	Notification dated 15.10.2024 so far inclusion of village – Sonapur no. 1 within the newly constituted Adi Alengi Gaon Panchayat; direction to retain the village Sonapur no. 1 within its earlier Gaon Panchayat i.e. Sonapur Gaon Panchayat; and direction not to conduct election in respect of Sonapur no. 1 in terms of published voter list.
18	W.P.[C] no. 42/2025	The inclusion of village – Sadarashi Pt-I within Ward no. 10 of Nayabari-Kesharkapan Gaon Panchayat ; direction to retain village – Sadarashi Pt-I within Sadarashi Gaon Panchayat; and direction not to conduct election in respect of Nayabari-Kesharkapan Gaon Panchayat and Sadarashi Gaon Panchayat in terms of voter list.
19	W.P.[C] no. 43/2025	The Draft Voter Roll dated 11.12.2024 and Final Voter List dated 28.12.2024 in respect of Ward no. 2 of South Boyzeralga Gaon Panchayat under Dhubri district; and direction to reconsider the boundary demarcation of

		Ward no. 3 by including the voters at Sl. nos. 1 to 431 in Ward no. 3 in terms of Draft Voter List dated 11.12.2024 by excluding voters vide Sl. nos. 100 to 146, 163 to 379 and 803 to 1023 from the Ward no. 2 of Final Voter List dated 18.12.2024 in respect of South Boyzeralga Gaon Panchayat under Dhubri district.
20	W.P.[C] no. 48/2025	The Delimitation Notifications, dated 15.10.2024, dated 21.10.2024 and dated 11.11.2024 delimiting Gaon Panchayat, Zilla Parishad and Gaon Panchayat constituencies [Wards] in Sribhumi district; and the Final Electoral Rolls dated 28.12.2024 stating it to be illegally prepared. Note- Petitioner is an unregistered association.
21	W.P.[C] no. 52/2025	Notification dated 16.10.2024 [Delimitation of Wards] issued by District Commissioner, Cachar whereby Badripar Gaon Panchayat under Banaskandi Development Block at Village – Badripar has been newly named and/or notified as the Head Quarter of Gangapur-Badripar Gaon Panchayat under Rangpur Development Block at Village – Gangapur and non-consideration of representations, dated 24.10.2024.
22	W.P.[C] no. 101/2025	Notifications - dated 15.10.2024, dated 21.10.2024 and dated 11.11.2024 – delimiting Gaon Panchayat, Zilla Parishad and Gaon Panchayat constituencies [Wards] in Sribhumi district, more particularly, Dargar Bond Gaon Panchayat; and the Final Electoral Rolls dated 28.12.2024 stating it to be illegally prepared.
23	W.P.[C] no. 102/2025	Notificaions dated 15.10.2024, dated 21.10.2024 and dated 11.11.2024 delimiting Gaon Panchayat, Zilla Parishad and Gaon Panchayat constituencies [Wards]

		<p>inSribhumi district, more particularly, Lamajuar and Kalachand Gaon Panchayats of Karimganj district; and the Final Electoral Rolls dated 28.12.2024 stating it to be illegally prepared.</p> <p>Note- petitioner is an unregistered society/organisation.</p>
24	W.P.[C] no. 109/2025	<p>Composition/constitution of Gaon Panchayat wards of Bangalmora Gaon Panchayat, and direction to reconstitute Gaon Panchayat wards of the said Gaon Panchayat by maintaining contiguity as well as the population ratio; direction to exclude the part of Doulatpur from the jurisdiction of no. 3 Tinthengia-Doulatpur Gaon Panchayat ward; and direction to select Tinthengia L.P. School/Tinthengia H.S. as polling station of no.3 Tinthengia-Doulatpur Gaon Panchayat Ward instead of Doulatput H.S.</p>
25	W.P.[C] no. 117/2025	<p>The Final Voter List of no. 6 Akashiganga Gaon Panchayat published on 28.12.2024; direction to arrange the names of the voters in accordance with their earlier Gaon Panchayat Wards before delimitation of Gaon Panchayat Wards; and direction not proceed with Panchayat Elections.</p>
26	W.P.[C] no. 131/2025	<p>Notification dated 15.10.2024 in respect of Gagalmari Gaon Panchayat within Laharighat LAC, whereby 5 nos. of villages were excluded from the said Gaon Panchayat and included Merorhabi and Kacharigaon in Hoiborgaon Gaon Panchayat and no. 1 Gagalmari and no. 2 Gagalmari villages in Lehphati Gaon Panchayat, and Kacharigaon village in Boralimari Gaon Panchayat in violation of SOP dated 03.08.2024; and thereby to make necessary corrections in the Final List in respect of</p>

		exclusion of 5 nos. of villages and to include them within Gagalmari Gaon Panchayat.
27	W.P.[C] no. 376/2025	Notification dated 21.10.2024; and direction for fresh delimitation of Zilla Parishad constituencies in Sribhumi district; and direction not to effect election process in Zilla Parishad, Gaon Panchayat and other bodies till disposal of the writ petition.
28	W.P.[C] no. 641/2025	Composition/constitution of Gaon Panchayat wards of Sonapur Gaon Panchayat; and consequential electoral rolls of Gaon Panchayat wards; and direction to reconstitute the Gaon Panchayat Wards of Sonapur Gaon Panchayat by maintaining contiguity and population ratio amongst all wards of said Gaon Panchayat.
29	W.P.[C] no. 809/2025	Notification dated 15.10.2024 so far as inclusion of village – Chitalmari within Pramila Gaon Panchayat and the electoral rolls of village – Chitalmari prepared in terms of the Notification dated 15.10.2024; and direction to include the village within the newly created Juripar Gaon Panchayat or within the nearest Madhabpara Gaon Panchayat.
30	W.P.[C] no. 927/2025	Composition/ constitution of Gaon Panchayat Wards of Bagalajan Gaon Panchayat; and consequential electoral rolls of all wards of the said Gaon Panchayat; and direction to reconstitute the Gaon Panchayat Wards of Bagalajan Gaon Panchayat by maintaining equality and uniformity of voters amongst all Wards of said Gaon Panchayat.
31	W.P.[C] no. 934/2025	Composition/ constitution of Gaon Panchayat Wards of Gerjaipam Gaon Panchayat; and consequential

		electoral rolls of all wards of the said Gaon Panchayat; and direction to reconstitute the Gaon Panchayat Wards of Gerjaipam Gaon Panchayat by maintaining equality and uniformity of voters amongst all wards of said Gaon Panchayat.
32	W.P.[C] no. 1010/2025	Notification dated 15.10.2024 so far as inclusion of village – Kaziranga and village – Balisara within Madhabpara Gaon Panchayat and the electoral rolls of said villages prepared in terms of the impugned Notification; and direction to retain the village – Kaziranga and village – Madhabpara within Gerjaipam Gaon Panchayat.

13. As in the other writ petitions also, similar factual foundations, more or less, have been sought to be laid, the same are not delineated in detail as the same would only lend more towards volume, than in substance.

III. The nature and scope of the assail :-

14. During the course of the hearing of the batch of writ petitions, the learned counsel for the contesting parties are at consensus ad idem that they would be addressing mainly on legal issues, that is, on the legality and the validity of the exercise undertaken for delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads and their constituencies qua the constitutional provisions contained in Part-IX of the Constitution of India; the statutory provisions contained in the Delimitation Act, 2002; the Assam Panchayat Act, 1994, as amended; the Standard Operating Procedure [SOP] notified by the Notification dated 03.08.2024; and the Notifications, dated 15.10.2024. In few writ petitions, the delimitation of Zilla Parishad Constituences along with their corresponding Gaon Panchayats made vide Notification dated 21.10.2024 and delimitation of Gaon Panchayat constituencies [Wards] have been subjected to challenge.

IV. The stand of the respondents in the pleadings :-

15. A number of affidavits-in-opposition and additional affidavits-in-opposition have been filed on behalf of the State respondents. It has been submitted on behalf of the State respondents that the stand of the State Government is, more or less, delineated in the affidavit-in-opposition and the additional affidavit-in-opposition filed in the writ petition, W.P.[C] no. 5346 of 2024. Taking the writ petition, W.P.[C] no. 5346 of 2024, which is the first one to be instituted in point of time in this batch of writ petitions, as the lead writ petition and in view of such stance taken on behalf of the State respondents, this Court would mainly refer to the statements, averments and contentions made in the said affidavit-in-opposition and the additional affidavit-in-opposition in order to find out the projected case of the State respondents.

16. It has been stated that it has become imperative for the Government of Assam to carry out the process of delimitation of Zilla Parishads, Anchalik Panchayats and Gaon Panchayats and reorganisation of Development Blocks in the State following the delimitation of Legislative Assembly Constituencies [LACs] of the State as per the Election Commission of India [ECI]'s Order published vide Notification no. 282/AS/2023[DEL]/Vol.V dated 11.08.2023. It is stated that the delimitation of the Zilla Parishads, Anchalik Panchayats and Gaon Panchayats and reorganisation of the Development Blocks involved redrawing of the boundaries to ensure equitable representation and efficient governance. It has been aimed at ensuring geographical contiguity and compactness of the areas concerned which would also pave the way for administrative efficiency, decentralization, electoral equity, better region-wise planning and more equitable allocation of Government funds, etc. in tune with the changing demographics and administrative needs. Taking into purview all these factors, the State Cabinet in its meeting, held on 19.06.2024, decided to take up the process of delimitation of Zilla Parishads, Anchalik Panchayats and Gaon

Panchayats and accordingly, the Notification no. E-449396/18 dated 03.08.2024 was issued by the Panchayat & Rural Development Department, Government of Assam framing the Standard Operating Procedure [SOP] for delimitation of Zilla Parishads, Anchalik Panchayats and Gaon Panchayats wherein criteria were mentioned for a systematic and efficient process of delimitation.

17. It has been stated that after the Notification dated 03.08.2024, District Delimitation Commissions [DDCs] were constituted under Section 3A of the Assam Panchayat Act, as amended. LAC-level Task Forces were also proposed for delimitation of Zilla Parishads, Anchalik Panchayats; and also for Gaon Panchayats and Development Blocks reorganisation to execute the delimitation and reorganisation process at the LAC-level, as per Clause 7 of the SOP, notified by the Notification dated 03.08.2024. On constitution of the LAC-level Task Forces, the works for delimitation and reorganisation process commenced. Though it was proposed in the Notification dated 03.08.2024 that the delimitation process would be finalized by 17.09.2024, the time-lines proposed in the Notification dated 03.08.2024 were modified and extended by a Notification dated 05.09.2024 issued by the Panchayat & Rural Development Department, Government of Assam as an Addendum and as per the Addendum, the date for issuance of final notification was proposed as 27.09.2024.
18. It has been stated that as per the time-lines proposed, public hearings were held LAC-wise from 23.09.2024 to 25.09.2024. The hearings were taken up by LAC-wise Hearing Committees, chaired by the respective Additional District Commissioners. It is stated that in so far as the Cachar District is concerned, the LAC-wise Hearing Committees were constituted vide an Order bearing Memo no. CZP.71/Delimitation & Block Reorg./2024-25 dated 20.09.2024 to hold hearings on the representations / suggestions / objections received from individuals, civil society organizations and recognized political parties in connection with Draft Delimitation Notification published on 17.09.2024. By the Order dated 20.09.2024, the date, time & venue of public hearings for the seven Legislative

Assembly Constituencies [LACs] within Cachar District were fixed. As per the Order dated 20.09.2024, public hearings for Sonai LAC was held from 10-30 a.m. to 04-00 p.m. from 23.09.2024 to 25.09.2024 at the Office Chamber of the Additional District Commissioner, Cachar within the office premises of the District Commissioner, Cachar.

19. It has been averred with regard to the writ petition, W.P.[C] no. 5346 of 2024 that the writ petitioners therein along with several other persons submitted their objections against the Draft Delimitation Notification by a Representation dated 18.09.2024 and the writ petitioners also physically participated in the public hearing on 23.09.2024. During the public hearing on 23.09.2024, the writ petitioners had placed their objections / grievances. After hearing the petitioners, the Representation was rejected by the Hearing Committee, Sonai LAC stating, inter-alia, that 'The hearing of the petitioners was taken. It has been observed in the Draft Delimitation that the entire process was carried out keeping in mind of public convenience and well-structured administrative conducive in the District. The petition is rejected as the Draft Delimitation is carried out as per geographical structure, communication and public convenience, contiguity of the areas, density of population and existing administrative units.'

20. The State respondents have responded to the contentions made in the writ petition, W.P.[C] no. 5346 of 2024 to the effect that the total nos. of Gaon Panchayats under Sonai Legislative Assembly Constituency [LAC] in Cachar District were 24 [twenty-four] earlier and consequent to the delimitation exercise, it got reduced to 18 [eighteen] resulting in decrease of 6 [six] Gaon Panchayats and it violated Clause 4[ii] of the SOP dated 03.08.2024. To respond, the State respondents have referred to Clause 4[ii] of the SOP, which provided that 'the number of Gaon Panchayats in the district shall remain same as that of the current number of Gaon Panchayats in the district after LAC delimitation.' It is mentioned that prior to delimitation and after delimitation, the total number of Gaon Panchayats in Cachar District have remained same. It has been asserted

on behalf of the State respondents that the criteria provided for delimitation of Gaon Panchayats in Clause 4 of the SOP had been diligently followed while conducting the delimitation exercise.

21. It is further stated that after completion of public hearings, the relevant records were submitted before the Commissioner, Panchayat & Rural Development Department, Assam for their onward transmission to the Government in the Panchayat & Rural Development Department. The State Cabinet had, thereafter, in its meeting, held on 08.10.2024, approved the proposal for publication of the Notification of the Final Draft of Delimitation of Gaon Panchayats, etc. Accordingly, the State Government in the Panchayat & Rural Development Department notified the Gaon Panchayats within Cachar District vide a Notification no. PDA.4/2024/GP/8 dated 15.10.2024 on the basis of the data, justification and records received. Subsequently, the Notification dated 15.10.2024 was published in the Assam Gazette in Issue no. 526 dated 24.10.2024. It is also the stand of the State respondents that for the other districts also, similar process was followed and thereafter, notifications were issued and published in the Assam Gazette.
22. It has been alluded that the delimitation process was carried out by maintaining contiguity considering the population density, geographical accessibility, administrative convenience, communication and public convenience, contiguity of the areas and other relevant factors so as not to affect the objects of rural self-governance envisaged in Part-IX of the Constitution. It is the stance of the State respondents that the entire process was carried out as per the SOP formulated vide the Notification dated 03.08.2024 and the Addendum dated 05.09.2024. It is also the stand of the State respondents that the delimitation process was carried out in accordance with the relevant provisions of the Assam Panchayat Act, 1994, as amended, and the constitutional provisions. The writ petitioners were given enough opportunity to place their objections/grievances/suggestions before the Hearing Committees. Their objections were duly

considered and the relevant records bear testimony to that effect. It has been pleaded to the effect that the writ petitioners in the writ petition, W.P.[C] no. 5346 of 2024 did not raise any plea as regards non-adherence of the proviso to Section 5[1] of the Assam Panchayat Act, as amended, during/at the public hearing, before raising such a plea in the writ petition.

23. It has been averred and asserted that the entire delimitation exercise had been conducted as per the provisions of the Constitution of India, the Assam Panchayat Act, as amended, and the Rules that govern the procedure of delimitation and there was no violation of or disregard to the norms/law/rules/factors in conducting the delimitation exercise. It has been mentioned that a decision was taken at the Government level not to increase the total number of Gaon Panchayats in the State for the delimitation exercise to be carried out after the Cabinet Decision dated 19.06.2024. The reason cited for taking such a decision is that if the population norms fixed for the categorization of districts as per Section 5[1] were to be followed, it would have led to contradiction of the Government's decision of not increasing the total number of Gaon Panchayats in the State. Further, it would have borne additional financial liabilities upon the State. The delimitation exercise was therefore, carried out without the districts being categorized under Category-'A' or Category-'B' or Category-'C' as per their population density. Accordingly, the delimitation exercise was carried out in Cachar District without categorizing the district as per population density. As the State had decided not to increase the number of Gaon Panchayats as a whole, the boundaries of the Gaon Panchayats have been restricted within the relevant districts. In view of the same, there arose no necessity to categorize the districts as per the proviso to sub-section [1] of Section 5 of the Assam Panchayat Act, as amended, as there was no proposal to change the number of Gaon Panchayats in the existing districts. It is further stated that it is not required to classify the districts and hence, the districts were not notified category-wise.

24. It has been further stated that since the final Delimitation Notification had already been published in the Assam Gazette in Issue no. 526 dated 24.10.2024, it is not open to challenge. It is stated that due to the delimitation exercise and reorganisation of constituencies, the rural populace are not deprived of their rights of franchise; participation in electoral and decision-making process or from any of the benefits, which are schematized for them by the State.
25. In the affidavit-in-opposition filed by the respondent no. 4, that is, the District Commissioner, Cachar in the writ petition, W.P.[C] no. 5631/2024, it is averred that the details of delimitation process, to be carried out systematically and efficiently by the District Delimitation Commissions, were mentioned in the Notification dated 03.08.2024 and the delimitation process was undertaken keeping in view geographical contiguity and compactness of the areas concerned which would pave the way for administrative efficiency, decentralization, electoral equity, better region-wise planning and more equitable allocation of Government funds, etc. in tune with the changing demographics and administrative needs and also the population status of the villages in the Census 2001.
26. It has further been stated that a Notification dated 20.09.2024 was issued pursuant to the Addendum Notification dated 05.09.2024 to constitute LAC-wise Hearing Committees for hearing the representations/suggestions/ objections from individuals, civil society organizations, etc. in connection with the Draft Delimitation Notification published on 17.09.2024 for the Cachar district. The writ petitioners submitted a Representation dated 18.09.2024 stating inter-alia that the total nos. of Gaon Panchayats in Sonai LAC was reduced from twenty-four to eighteen and on the contrary, the number of Gaon Panchayats in all the other LACs of the district were enhanced. In view of the said Representation, the writ petitioners were called for public hearing before the District Delimitation Commission and hearing was conducted as per Clause 8 of the SOP on 23.09.2024. The petitioners participated in the said hearing and put forth their

objections and demands, mentioned in the affidavit. After hearing the objections and demands of the petitioners and also recording their oral submissions, the signatures of the writ petitioners were taken in the attendance sheet. It is stated that after duly considering the objections, the petitioners' Representation was rejected stating, inter-alia, that 'the hearing of the petitioners was done. It has been observed in the Draft Delimitation that the entire process was carried out keeping in the mind public convenience and well-structured administrative conducive in the District. The petition is rejected as the Draft Delimitation is carried out as per geographical structure, communication and public convenience, contiguity of the areas, density of population and existing administrative units'. It is stated that public hearings were held LAC-wise from 23.09.2024 to 25.09.2024. It is further stated that Representations which were received during 18.09.2024 to 20.09.2024, were taken into consideration by the District Delimitation Commission. It is stated that the fact that the objections/grievances/suggestions received were duly considered by the District Delimitation Commission is duly reflected in the records. The final Delimitation Notification was published on 15.10.2024 following the procedure mentioned in the Standard Operating Procedure [SOP] for delimitation of Gaon Panchayats/Anchalik Panchayats/Zilla Parishads and Block reorganization. It is further stated that the delimitation exercise was done keeping in view the population density as per village population census and also as per geographical accessibility, contiguity and administrative convenience, after adequate public consultations. The Delimitation Notification has been published in the Assam Gazette in Issue no. 526 dated 24.10.2024.

V. Submissions on behalf of the petitioners :-

27. From the petitioners' sides, submissions are advanced mainly by Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. F.U. Barbhuiya, Mr. A.H.M.R. Choudhury and Mr. S. Islam, learned counsel appearing for the petitioners in some of the writ petitions; Mr. A.C. Borbora, learned Senior Counsel with Mr.

A.K. Talukdar, learned counsel for some of the other writ petitioners; and Mr. P.K. Roychoudhury with Mr. H.I. Choudhury, learned counsel for few other writ petitioners. Also heard Mr. A.J. Atia, learned counsel for the petitioners in W.P.[C] no. 117/2025; Mr. A. Alam, learned counsel for the petitioners in W.P.[C] no. 131/2025; Mr. M.K. Hussain, learned counsel for the petitioners in W.P.[C] no. 5613/2024; Ms. S.K. Nargis, learned counsel for the petitioners in W.P.[C] no. 5706/2024; Mr. R.C. Paul, learned counsel for the petitioners in W.P.[C] no. 52/2025; Ms. L. Wajeeda, learned counsel for the petitioners in W.P.[C] no. 376/2025; and Mr. A.M. Borbhuiya, learned counsel for the petitioners in W.P.[C] no. 5810/2024.

28. Mr. Choudhury, learned Senior Counsel appearing for the petitioners in some of the writ petitions has submitted that the prescription contained in sub-section [1] of Section 5 of the Assam Panchayat Act, amended vide the Assam Panchayat [Amendment] Act, 2023, is a condition precedent, which is mandatorily required to be followed for carrying out a delimitation process, contemplated by the Assam Panchayat Act. He has contended that the districts in the State of Assam are to be categorized on the basis of population density or any other relevant factor. Elucidating further, he has submitted that all the districts are to be categorized in three categories, that is, Category-'A', Category-'B' and Category-'C' in terms of the proviso to sub-section [1] of Section 5. He has contended that from a reading of sub-section [1] of Section 5 and the proviso thereto, it would emerge that categorization of the districts should be an event preceding to the declaration, by notification, of any area to be a Gaon Panchayat in terms of sub-section [1] of Section 5.
- 28.1. Mr. Choudhury has further contended that after categorizing the districts in Category-'A', Category-'B' and Category-'C' respectively, the Gaon Panchayats are to be constituted according to the population range set forth in Clause [a], Clause [b] and Clause [c] respectively, as indicated in the proviso to sub-section [1] of Section 5. The same is also evident from Clause 4[x] of the SOP. But, the

State respondents did not undertake such an exercise prior to proceeding with the delimitation process.

- 28.2. It is the further contention of Mr. Choudhury that while undertaking the purported delimitation process, the constitutional provisions contained in Part-IX of the Constitution have been ignored by the State respondents. He has contended that the condition laid down in the proviso to Clause [1] of Article 243C and Clause [2] of Article 234C have been given a go-by by the State respondents. He has submitted that it is a constitutional requirement to maintain the same ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election. It is also a constitutional requirement that each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each territory and the number of seats allotted to it shall be the same throughout the Panchayat area.
- 28.3. Mr. Choudhury has also contended that the provisions contained in Article 243O in Part-IX and Article 329 of Part-XV of the Constitution are similarly worded. He has submitted that the power of judicial review under Article 226 of the Constitution is available to examine the validity of any delimitation process and if any action taken in the process of delimitation is found to be manifestly arbitrary and incongruent to the constitutional principles, a constitutional court can certainly exercise its power of judicial review under Article 226 of the Constitution to rectify the situation. It is his contention that since the process of delimitation undertaken by the State respondents in the case in hand is an act demonstrating *ex-facie* arbitrary exercise of power it is available for the court to pass appropriate writ or direction for the greater interest of a democratic process of election.
- 28.4. It is further contended by Mr. Choudhury that subsequent to the amendments carried out in the Assam Panchayat Act, by the Assam Panchayat [Amendment]

Act, 2023, the corresponding amendments required to be carried out simultaneously in the Assam Panchayat [Constitution] Rules, 1995 are not carried out to bring them in conformity with the amended statutory provisions.

29. Mr. Borbora, learned Senior Counsel appearing for some of the other writ petitioners in this batch of writ petitions has referred to the provisions incorporated in Section 3A and Section 5[1] of the Assam Panchayat Act, apart from the relevant constitutional provisions contained in Part-IX of the Constitution. He has also referred to the various clauses in the Standard Operating Procedure [SOP] laid down in the Notification dated 03.08.2024. While, on one hand, it was declared that the SOP had delineated the steps and strategies to be employed for delimitation of the Panchayats at all three levels for ensuring a systematic and efficient process of delimitation, the State respondents have, on the other hand, failed to follow the same in letter and spirit. He has contended that the State respondents themselves have not adhered to the criteria for delimitation of Gaon Panchayats.
 - 29.1. Articulating on Article 243B and Article 243C, Mr. Borbora has submitted that it is a constitutional requirement to maintain the same ratio at two stages, firstly, the ratio between the population of the territorial area of a Panchayat at any level of the three levels and the number of seats in each of such Panchayats to be filled by election; and secondly, the ratio between the population of each constituency in each Panchayat area and the number of seats allotted to it, following the proviso to Clause [1] and Clause [2] respectively of Article 243C.
 - 29.2. Mr. Borbora has further contended that it is the District Delimitation Commission constituted under Section 3A of the Assam Panchayat Act, which has been entrusted with the responsibility to decide about the sizes of constituencies of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad. In a process of delimitation, re-sizing or re-shuffling of Panchayat areas and population size of each Panchayat at all three levels are required. In the recently undertaken

delimitation process, the State respondents were duty-bound to distinguish the districts of Assam into three categories at first, as mandated in the proviso to Section 5[1] of the Assam Panchayat Act. Admittedly, such categorization of districts was never done by the State respondents before proceeding with the delimitation exercise and such action has clearly violated the constitutional provisions as well as the statutory provisions contained in the Assam Panchayat Act. He has cited the example of Karimganj district to buttress his such submission. Bringing to notice that the district of Karimganj is one of the districts having the highest population density at 557 as against the State population density of 340, he has contended that the Gaon Panchayats in the district of Karimganj should have been constituted with the population range from 10200 to 13800 in terms of the proviso to Section 5[1] of the Assam Panchayat Act, after amendment. But, the State respondents have failed to follow the said mandate, which, according to him, is mandatory in nature. It is his contention that the word, 'may' appearing in Section 5[1] is to be taken as a mandatory prescription. On relevance and importance of a proviso to a Section, Mr. Borbora has relied upon the decision of the Hon'ble Supreme Court in **S. Sundaram Pillai and others vs. V.R. Pattabiraman and others**, [1985] 1 SCC 591.

- 29.3. Mr. Borbora has further submitted, by referring to the Delimitation Report of the Election Commission of India [ECI] on LAC Delimitation, that the ECI while carrying out the delimitation of Lok Sabha Constituencies and the Legislative Assembly Constituencies [LACs] in the State of Assam had given due regard to the factors like geographical features, density of population, means of communication, public convenience, contiguity of the areas, etc. But, in the Panchayat delimitation exercise, due regards were not given to such relevant factors and such action on the part of the State authorities is clearly falling short of the constitutional as well as the statutory postulates.
30. Mr. Roychoudhury, learned counsel appearing for the petitioners in few other writ petitions has submitted that in the recent Panchayat delimitation process,

the exercise was not carried out by constituting the District Delimitation Commission as per the mandate of Section 3A of the Assam Panchayat Act as well as Section 3 of the Delimitation Act, 2002. Section 3 of the Delimitation Act, 2002 specifically speaks about constitution of the District Delimitation Commission by mentioning the Chairman, Member-Secretary and Member. In the Panchayat delimitation exercise under reference, no such District Delimitation Commission has been constituted in the entire State by naming the persons with whom the District Delimitation Commissions were constituted. It is his contention that the Central Government has been constituting Delimitation Commission time to time. The Central Government had constituted a Delimitation Commission for delimitation of Lok Sabha and Legislative Assembly Constituencies vide a Gazette Notification dated 12.07.2002. Another Delimitation Commission for the State of Jammu and Kashmir was constituted by the Central Government on 06.03.2020 as per the mandate of Section 3 of the Delimitation Act, 2002. Since the provision of Section 3 of the Delimitation Act, 2002 is *pari materia* to Section 3A of the Assam Panchayat Act, it was incumbent on the part of the State Government to constitute District Delimitation Commission in each district for the purpose of delimitation of constituencies at each level of the Panchayat.

- 30.1. He has further contended that the State Government before carrying out the delimitation exercise, ought to have categorized the districts having the highest density of population, the districts having medium density of population and the districts having lowest density of population as Category-'A', Category-'B' and Category-'C' respectively, as per the mandate contained in the proviso to Section 5[1] of the Assam Panchayat Act. But, in the instant case, no such categorization of districts was made by the Delimitation Commission before carrying out the delimitation exercise.
- 30.2. Another contention of Mr. Roychoudhury is that both the words, 'may', appearing in Section 5[1], and 'shall' appearing in the proviso to Section 5[1], of the Assam

Panchayat Act, after amendment, are to be construed as mandatory. He has submitted that the word, 'may' appearing in Section 5[1] is to be read as 'shall', meaning thereby, it is mandatory on the part of the State Government to follow the provisions of Section 5[1] in a delimitation process. The categorization of districts prescribed in the first proviso to Section 5[1] is required to be carried out before or, at least, simultaneously. He has placed a point that both the words, 'may' and 'shall' have to be read as mandatory and the proviso to Section 5[1] is part and parcel of the main enacting provision. Mr. Roychoudhury has referred to the decision of the Hon'ble Supreme Court of India in **Shah Bhojraj Kuverji Oil Mills and Ginning Factory vs. Subbash Chandra Yograj Sinha, AIR 1961 SC 1596**, to submit that to understand the role of the enacting part and the proviso, a fair construction of the proviso is required. He has further referred to the decision of the Hon'ble Supreme Court in **Calcutta Tramways Co. Ltd. vs. Corporation of Calcutta, AIR 1965 SC 1728**.

- 30.3. Mr. Roychoudhury has submitted that Article 243C has mandated that the State Legislature shall make laws for composition of Gaon Panchayats in their respective States. However, such power of the State Legislature to make laws has been conditioned by the proviso incorporated in Article 243C of the Constitution. The said proviso has provided that while determining the size of the Panchayats in State, the ratio between the population of the territorial area of a Panchayat at any level and number of seats in such Panchayat to be filled up by election, so far as practicable, be the same throughout the State. He has advanced a contention that in Assam, this constant ratio in the delimitation exercise has neither been decided nor been maintained while determining the size of the Gaon Panchayats in different districts. The Assam State Election Commission [ASEC] and the State Government have failed to disclose to the public by notification and/or administrative circular the constant ratio calculated as per mandate of Article 243C[1] of the Constitution.

- 30.4. Mr. Roychoudhury has pointed out that the delimitation notification had been published by the State Government in the Panchayat & Rural Development Department in exercise of power conferred by sub-section [2] of Section 5 of the Assam Panchayat Act, as amended, on 15.10.2024. It is his further contention that the delimitation notification could not have been published without following the mandatory requirement of Section 5[1] of the Assam Panchayat Act, as amended. He has further submitted that as per Clause 9 of the SOP, the final delimitation process of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad and notification of the same is to be published by the District Delimitation Commission and not by the State Government. But, in the delimitation process under reference, the delimitation notification has been published by the Government of Assam in the Panchayat & Rural Development Department and not by the District Delimitation Commission and the same is in violation of the SOP framed on 03.08.2024.
- 30.5. Mr. Roychoudhury has further submitted that the claims and objections were heard by the officials like the Additional District Commissioner, the Circle Officer, the Block Development Officer, etc. and not by the members of the District Delimitation Commission. The petitioners are also aggrieved by the fact that the District Delimitation Commission has not given any justification before minimizing the number of Gaon Panchayat seats in Sonai LAC from 24 to 18 and while doing so, no public opinion was obtained before taking such decision. It is his contention that though the District Delimitation Commission maintained total number of Gaon Panchayat seats in Cachar district as earlier, it has, at the same time, increased the number of seats in other LACs while decreasing the number of seats in Sonai LAC. Mr. Roychoudhury has also submitted a written synopsis of his submissions.
- 30.6. Mr. Talukdar, learned counsel has submitted that use of the word, 'may' in a statutory provision is not to be accepted, by itself, that the provision is directory in nature. Whether the word, 'may' is to be treated as a directory provision or a

mandatory provision is dependent upon various factors, more particularly, the object and scheme of the statute and the background in connection with which the word is used. He has submitted that since the process of delimitation of constituencies of the Gaon Panchayats has been indicated specifically in Section 5[1] of the Assam Panchayat Act, as amended, and there is no other process for delimitation of constituencies indicated in the statute, the word, 'may' appearing in sub-section [1] of Section 5 has to be construed as mandatory and as a consequence, the proviso to sub-section [1] of Section 5 because of the word, 'shall' appearing therein is also to be treated as mandatory. He has referred to the decision in **Bachahan Devi and another vs. Nagar Nigam, Gorakhpur and another**, reported in [2008] 12 SCC 372.

31. The other learned counsels appearing for the petitioners have adopted the submissions advanced by Mr. Choudhury, Mr. Borbora, Mr. Roychoudhury and Mr. Talukdar which have already been limned in the preceding paragraphs.
32. On the scope of judicial review in matters of such kind, the decisions in **Meghraj Kothari vs. Delimitation Commission and others**, AIR 1967 SC 669; **Dravida Munnetra Kazhagam [DMK] vs. Secretary, Governor's Secretariat and others**, [2020] 6 SCC 548; **State of Goa and another vs. Fouziya Imtiaz Shaikh and another**, [2021] 8 SCC 401; and **Kishorchandra Chhaganlal Rathod vs. Union of India and others**, 2024 INSC 579, have been referred to by the learned counsel for the petitioners.
33. With the above contentions, the learned counsel for the petitioners have submitted that the entire process of delimitation of Gaon Panchayats is arbitrary and in breach of the constitutional provisions in Part-IX and the statutory prescriptions contained in the Assam Panchayat Act, as amended, and other statutes and is an action demonstrating arbitrary and colourable exercise of power. Canvassing the above points, the learned counsel for the petitioners have submitted that the delimitation carried out after the Notification dated

03.08.2024 and the subsequent Notifications dated 15.10.2024 and other consequential notifications, of the Panchayat & Rural Development Department, Government of Assam are liable to be set aside and quashed and a direction to the State respondents is clearly called for to carry out a delimitation process afresh strictly in conformity with the provisions contained in sub-section [1] of Section 5 and the proviso thereto of the Assam Panchayat Act, as amended, to satisfy the constitutional mandate contained in Part-IX of the Constitution and in the Assam Panchayat Act, as amended.

VI. Submissions on behalf of the State respondents:-

34. Mr. D. Saikia, learned Advocate General, Assam with Mr. K. Konwar, learned Additional Advocate General, Assam & Senior Standing Counsel, Panchayat and Rural Development Department; and Mr. R. Dubey, learned Standing Counsel, Assam State Election Commission [ASEC]; have advanced submissions for the respondents.

35. Mr. Saikia, learned Advocate General, Assam has submitted that in the batch of writ petitions, no challenge has been made to the criteria formulated in the Standard Operating Procedure [SOP], as mentioned in the Notification dated 03.08.2024. It is the procedure, which was followed during the process subsequent to the publication of the SOP, which has been put to challenge. He has submitted that the procedure followed and steps taken for delimitation, according to the petitioners, were not as per the SOP. He has submitted that the SOP had delineated the steps to be followed for delimitation of the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads in the State of Assam and Development Block reorganisation so that the constitutional principles and the statutory provisions contained in the relevant statutes like the Assam Panchayat Act, etc. could be duly adhered to in the course of the delimitation of Panchayats at the three levels. The SOP was in the nature of procedural guidelines and since

it did not, otherwise, have any statutory force, it cannot be said that it is enforceable.

- 35.1. Mr. Saikia has further submitted that in the process of delimitation of Panchayats at the three levels, which commenced with the Notification dated 03.08.2024 resulted in issuance of the Notifications dated 15.10.2024 and other subsequent notifications, where the constitutional provisions as well as all the statutory provisions were kept in consideration and were adhered to.
- 35.2. He has pointed out that while undertaking the exercise, the Election Commission of India [ECI]'s Notification dated 11.08.2023 was duly taken as the source of Gaon Panchayats and villages falling in a Legislative Assembly Constituency [LAC]. He has submitted that the nos. of Zilla Parishad Constituencies [ZPCs] district-wise were to be notified in conformity with the provisions of Section 65[1][i] of the Assam Panchayat Act and following Clause 6 of the SOP. Similarly, in conformity with the provisions of Section 31 of the Assam Panchayat Act, it was made clear in Clause 5 of the SOP and the Notification dated 03.08.2024 that reorganization of Development Blocks would automatically delimit the Anchalik Panchayats. He has further submitted that there is no challenge from the petitioners to the delimitation process undertaken in respect of delimitation of Zilla Parishads/Zilla Parishad Constituencies and the Anchalik Panchayats/ Anchalik Panchayat Constituencies, though their delimitation processes are directly connected with the delimitation process of Gaon Panchayats. He has further contended that the entire process of delimitation of Panchayats at all three levels and Block reorganization have to be considered together and the delimitation of only Gaon Panchayats can not be considered in isolation to examine the challenge.
- 35.3. Learned Advocate General, Assam has contended that the only challenge from the petitioners is to the delimitation of the Gaon Panchayats, which is the third-tier in the Panchayati Raj Institutional structure, and that all the grounds of

challenge to the delimitation process of the Gaon Panchayats are on the basis of Section 5[1] of the Assam Panchayat Act. It is submitted by him that such challenge made on the basis of Section 5[1] of the Assam Panchayat Act is a misconceived one for misconstruing the provisions of Section 5[1] and the proviso thereto of the Assam Panchayat Act by the petitioners.

- 35.4. It is the contention of the learned Advocate General, Assam that the provisions contained in sub-section [1] of Section 5 of the Assam Panchayat Act is not the only procedure for the State Government to carry out delimitation of Panchayats. There are other procedure laid down in the Assam Panchayat Act including Section 5[2] for determination of Gaon Panchayats and their constituencies and the State Government had the option not to follow the procedure under Section 5[1]. After due deliberation, the State Government took a conscious decision not to follow the procedure outlined in Section 5[1] and decided to carry out the exercise with the other statutory provisions and not to follow the procedure provided in Section 5[1] by issuing any notification. It is in such view of the matter, the stand that there has been no categorization of districts is taken in the counter affidavits filed on behalf of the State respondents in these cases.
- 35.5. He has further submitted that if the clauses – Clause 4[ii], Clause 4[iv], Clause 4[v], Clause 4[viii] & Clause 4[ix] – are looked at, it would emerge that the clauses mentioned about situations after LAC Delimitation, which was completed by the Election Commission of India [ECI] with the publication of the Delimitation Order in the Notification dated 11.08.2023, as indicated specifically in Clause 4[i]. He has submitted that from the pleadings in the writ petitions itself, it would emerge that the nos. of Gaon Panchayats in a district have remained same before LAC Delimitation and after LAC Delimitation and it is a fact which can be established from the verifiable data. It is not the case of any of the petitioners that Clause 4[ii] of the SOP has been violated and not adhered to. In fact, the petitioners in the writ petition, W.P.[C] no. 5346/2024 have themselves stated that after the delimitation process, the total nos. of Gaon Panchayats in Cachar

district have remained the same. The grievance of the petitioners therein is that after the delimitation process, the nos. of Gaon Panchayats in Sonai LAC have been reduced from earlier twenty-four to eighteen and the remaining six Gaon Panchayats have been added to other LACs of Cachar district. He has submitted that such increase of nos. of Gaon Panchayats in one LAC and/or increase of Gaon Panchayats in another LAC is also attributable to LAC delimitation and Block reorganization given effect to vide the Notification dated 11.08.2023.

- 35.6. It is the further contention that there is no specific challenge to the effect that while undertaking the delimitation and reorganization exercise, the procedure delineated in either Clause 4[iii] or in Clause 4[iv] of the SOP was not followed. He has submitted that if the areas of a Gaon Panchayat, after LAC Delimitation, are found falling in more than one LAC then, as a consequence, the villages under the respective LACs may have to be grouped together to form a new Gaon Panchayat or may have to be accommodated in nearby existing Gaon Panchayat by following Clause 4[ii] of the SOP and it is keeping such situation into consideration, Clause 4[v] was incorporated in the SOP.
- 35.7. Mr. Saikia has further submitted that if by following Clause 4[v], a new Gaon Panchayat is to be formed, there is no bar to form a new Gaon Panchayat by taking the factors adumbrated in Clause 4[vi] of the SOP into purview. It is open for the State Government to take such steps without issuance of any notification under Section 5[1] of the Assam Panchayat Act as the State Government also has the powers under Section 5[2] of the Assam Panchayat Act. He has contended that Chapter-V : 'Establishment and Constitution of Gaon Panchayat' of the Assam Panchayat Act has provided two options, independent and separate from each other, to the State Government for establishment and constitution of a Gaon Panchayat in Section 5[1]; and Section 5[2] along with other statutory provisions respectively.

- 35.8. Mr. Saikia has submitted that the Assam Panchayat Act, 1994 has been enacted after insertion of Part-IX in the Constitution and Panchayats at three levels – village, intermediate & district – had been established already after enactment of the Assam Panchayat Act, 1994. Thus, in case Gaon Panchayats have already been established, the Government may, by a notification, include or exclude any village or any local area or part of it from such already established Gaon Panchayats at any time in exercise of the power conferred by Section 5[2] of the Assam Panchayat Act. The State Government is not, therefore, be required to issue a Notification to establish a Gaon Panchayat in exercise of the power under Section 5[1] of the Assam Panchayat Act. In the process of delimitation of Gaon Panchayat, areas are also readjusted following the changes effected by the Order dated 11.08.2023 by the ECI, which was notified and gazetted on 11.08.2023.
- 35.9. Mr. Saikia has further referred to the delimitation process undertaken by the ECI for Parliamentary and Assembly Constituencies in the State of Assam. He has submitted, by referring to the Delimitation Report published by ECI after LAC Delimitation, that the ECI while undertaking the delimitation exercise, had taken into account the Census figures of 2001, as published by the Census Commissioner, alone for the purpose of delimitation. The ECI decided to delimit the constituencies having regard to the administrative units, that is, District/Development Block/Panchayat or VCDC [Village Council Development Committee]/Village/ Ward, etc., as in existence on 01.01.2023. The process of delimitation for Gaon Panchayats was further on the basis of the Order dated 11.08.2023, as referred to in Clause 4[i] of the SOP, for source of Gaon Panchayat and villages falling in an LAC. It is for the said reason, the SOP mentioned that the LAC-wise list of Villages and the respective Gaon Panchayats' names, as notified by the ECI in LAC Delimitation, would be collected and after collecting them, the respective Gaon Panchayats would be assigned against each village. It was further indicated in the SOP that the final delimitation process of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad would be completed with issuance of a notification by District Delimitation Commission. Mr. Saikia has

pointed out that after issuance of the Notification dated 15.10.2024 by the State Government under Section 5[2] of the Assam Panchayat Act, the District Commissioner as the Chairman, District Delimitation Commission had issued the final notifications under Section 6[2] of the Assam Panchayat Act. He has placed a Notification dated 11.11.2024 issued by the District Commissioner & Chairman, District Delimitation Commission, Karimganj as a testimony. He has indicated that the process was indicated in Clause 9 of the SOP.

35.10. On the aspect of placing emphasis on Clause 4[x] of the SOP by the petitioners, Mr. Saikia has contended that the clause was placed for working out the delimitation process in the event the State Government would have decided to follow the alternative option for establishment of Gaon Panchayats, available to it under Section 5[1] of the Assam Panchayat Act, as amended. It was in such a situation, the categorization of the districts based on the factors mentioned therein would have been dependent and it was keeping such scenario, Clause 4[x] was incorporated in the SOP. Having not required to follow the procedure under Section 5[1] of the Assam Panchayat Act and the non-enforceability of the SOP being a set of guidelines, it is not open for the petitioners to contend that Clause 4[x] of the SOP is mandatory in nature and the same was required to be adhered to in all situations.

35.11. Learned Advocate General has further submitted that a citizen as a voter-elect has a right to elect and can also have the right to get elected in elections to Panchayati Raj Institutions. By the concluded delimitation exercise, none of those rights of the petitioners have been violated. The petitioners have additionally highlighted about non-contiguity among constituencies, distance between the households and the polling stations, long distance from the head offices of the Gaon Panchayats, difficulties with regard to accessibility, mode of transportation, etc. He has submitted that it has been stated in the affidavits that all those factors were taken into consideration. He has fairly submitted that some of such factors might cause hardships and inconveniences but such factors alone are not

sustainable in law to derail and upset a meticulously undertaken exercise of delimitation across the State involving huge manpower and resources.

35.12. It is further submitted that the challenge made in relation to Section 5[1] of the Assam Panchayat Act is to be examined by looking at its contents. The word, 'may' appearing in the main enacting provision of sub-section [1] of Section 5 itself is a pointer to a situation that it is for the State Government to decide whether to proceed or not to proceed in the manner provided therein. For proceeding in the manner provided under sub-section [1] of Section 5, it is imperative to issue a notification. From a reading of the main enacting provision and the proviso together, according to him, it would emerge that only in the event the State Government would decide to follow the provisions of the main enacting provision of sub-section [1] of Section 5, the categorization of districts, as per population density, etc., as mentioned in the proviso, would have been necessary. He has, thus, contended that the word, 'may' appearing in the main part of sub-section [1] of Section 5 controls the word, 'shall' appearing in the proviso thereto.

35.13. On the proposition as to how the scope of a proviso in a statutory provision is to be examined and the words, 'shall' and 'may' are to be interpreted, he has referred to the decisions of the Privy Council in **Montreal Street Railway Company vs. Normandin**, AIR 1917 PC 142; & **Thompson vs. Dibdin and others**, 1912 AC 533; and the Hon'ble Supreme Court of India in **Dwarka Prasad vs. Dwarka Das Saraf**, [1976] 1 SCC 128; **Adani Gas Limited vs. Union of India and others**, [2022] 5 SCC 210; & **Bhikraj Jaipuria vs. Union of India**, AIR 1962 SC 113.

35.14. It is a contention of the learned Advocate General that though the petitioners sides' have advanced submissions regarding breach of the constitutional principle, enshrined in Part-IX, more particularly, Article 243C but for setting up such a plea, the petitioners have not laid any satisfactory factual foundation in

the pleadings of their writ petitions. To set up such a plea, the petitioners ought to have referred to the identified data. Had the necessary pleadings, setting up such a plea, been laid in the writ petitions, the State respondents would have the occasion to traverse the same also with identified data to substantiate that the principle embedded in Article 243C has been followed, as far as practicable. On the said issue, reliance has been placed in the decision in **State of Uttar Pradesh and other vs. Pradhan Sangh Kshettra Samiti and other, 1995 Supp [2] SCC 305.**

35.15. It is submitted on behalf of the State is that there was no notification issued under Section 5[1] of the Assam Panchayat Act, as amended, whereas the petitioners' challenge is based on the premise that a notification under Section 5[1] is the only way, there was no occasion for the State to mention in detail in the pleadings about compliance of the other statutory provisions and procedural requirements. Had those been pleaded it could have been traversed and rebutted appropriately.

35.16. Mr. Saikia has reiterated his submission on the point of maintainability in so far as the writ petition, W.P.[C] no. 48/2025 is concerned. He has submitted that the writ petition has been preferred by the petitioner, namely, 'Nagarik Adhikaar Suraksha Mancho'. It has been proclaimed that the petitioner is non-Government organization [NGO], formed by inhabitants of areas within no. 123 Karimganj North LAC. He has submitted that from the pleadings itself, it would emerge that the NGO was formed on 14.12.2024, that is, much after publication of the Notification dated 15.10.2024. There is no statement that the NGO is a registered entity. It is, therefore, clear that the petitioner is an unregistered entity. By referring to the time-lines for completing the delimitation process made public by the Notification dated 03.08.2024 and the Addendum Notification dated 05.09.2024, it has been contended that the delimitation exercise initiated with the Notification dated 03.08.2024 was already over when the unregistered NGO was purportedly formed on 14.12.2024. In the writ petition, it is averred, in

paragraph 6 as a matter of record, that a representation against the delimitation process was submitted on behalf of the NGO whereas, according to the statement made in the writ petition, the NGO was formed on 14.12.2024. He has, thus, contended the writ petition has been preferred pleading wrong facts and it deserves to be dismissed solely on that count. He has further submitted that it is settled proposition that a writ petition by an unregistered association/NGO is not maintainable. Further, an NGO do not enjoy any voting right and as such, it cannot be pleaded that any of its rights has been violated by the delimitation exercise. Mr. Saikia has submitted that there is same objection on the point of maintainability in respect of the writ petitions – W.P.[C] no. 5771/2024 and W.P.[C] no. 6829/2024 – as these writ petitions are also filed by unregistered entities. The petitioner no. 1 in the writ petition, W.P.[C] no. 102/2025 is also an unregistered association. To buttress the point, reliance has been placed in a Division Bench decision of this Court in **Rangapara Development Circle vs. State of Assam and others, 2007 [3] GLR 805** and a decision of the Hon'ble Supreme Court in **Mani Subrat Jain, etc. vs. State of Haryana and others, [1977] 2 SCR 361**. Mr. Konwar, learned Additional Advocate General has placed few other decisions, which would be mentioned in the later part of this order, to supplement the issue of non-maintainability of a writ petition instituted by unregistered association.

VII. Submissions on behalf of the respondent ASEC :-

36. Mr. R. Dubey, learned Standing Counsel, Assam State Election Commission [ASEC] appearing for the respondent ASEC authorities has referred to Clause [1] of Article 243K of the Constitution and Section 114 of the Assam Panchayat Act to submit that the ASEC is vested with the responsibility of superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats in Assam. It is submitted by him that the ASEC is not directly associated with the delimitation of the Panchayats at any of the three levels.

- 36.1. By referring to and placing a nos. of notifications issued by the ASEC on and from 30.09.2023, Mr. Dubey has submitted that the State Election Commission had initiated the process of publication of electoral rolls pertaining to the Panchayats on and from 29.09.2023 and for preparation of online photo electoral rolls, it had adopted Online Electoral Roll Management System [OERMS]. On 14.08.2024, it was notified for updation of the Panchayat Electoral Rolls with new eligible voters as per the State Assembly Elecotoral Rolls published on 19.04.2024. It was further notified that the Panchayat Elecotoral Rolls would be reorganized and prepared in the second phase in accordance with the fresh delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads by the Government of Assam. The time lines for various stages of preparation and publication of the electoral rolls were also fixed.
- 36.2. On 13.12.2024, a Press Release was published informing that the Draft Electoral Rolls for the Panchayat elections were published to receive claims and objections to the entries from 14.12.2024 to 21.12.2024. After taking into account the claims and objections, the State Election Commission published another Press Release on 28.12.2024. By the Press Release, it was notified that the Final Electoral Rolls for the ensuing Panchayat Election in 2025 had been published after taking into account effects of fresh delimitation of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituencies by the Government of Assam in 2024 for twenty-seven districts and the break-up was inter-alia given in the following manner :-

Total Districts	Total no. of Zilla Parishad Constituencies	Total no. of Anchalik Panchayats	Total no. of Gaon Panchayats	Total no. of Wards
27	397	181	2192	21920

VIII. Reply submissions on behalf of the petitioners :-

37. Mr. Choudhury, learned Senior Counsel in his reply submissions, has reiterated that there cannot be any resort to the provisions of Section 5[2] of the Assam Panchayat Act by-passing the provisions of Section 5[1] of the Assam Panchayat Act. He has contended that by the Notifications, dated 15.10.2024, new Gaon Panchayats came into being. For establishment of new Gaon Panchayats, the only provision which can be resorted to is Section 5[1]. With clear admission from the State respondents that recourse to Section 5[1] was not taken for issuance of the Notifications, dated 15.10.2024, the delimitation process has clearly violated Clause 4[x] of the SOP and consequently, the process has suffered from violation of not only the statutory provisions but also of the constitutional provisions.
38. Mr. Talukdar, leaned counsel has submitted that by Section 5[2] of the Assam Panchayat Act, the State Government has been empowered only to include within or exclude from any village, any local area or otherwise, from the limit of any village. Section 5[2] can be resorted only in situations of exigency, that too, only after formation of Gaon Panchayats under amended Section 5[1]. It is his contention that the Notifications, dated 15.10.2024, could not have been issued solely under Section 5[2] of the Assam Panchayat Act for carrying out any delimitation process at the Gaon Panchayat level.
- 38.1. The issue of maintainability of the writ petitions, W.P.[C] no. 48/2025, W.P.[C] no. 5771/2024 & W.P.[C] no. 6829/2024, and the locus standi of the petitioners, raised by the learned Advocate General on behalf of the State respondents has been contested by Mr. Talukdar, learned counsel for those petitioners. Mr. Talukdar has submitted that the issue of maintainability was raised earlier on behalf of the State respondents during the course of hearing taken place on the prayer for interim relief, which culminated into an Order dated 10.01.2025. When the issue of maintainability was raised, it was responded to by submitting that

the locus standi of the petitioner, 'Nagarik Adhikaar Suraksha Mancho' cannot be questioned at that stage. Notwithstanding that it is a 'morcha' which has filed the writ petition, it is comprised of persons who are ultimately affected by the process of delimitation undertaken by the State. He has submitted that as the issue of maintainability was raised and heard during a previous stage culminating into the Order dated 10.01.2025, the issue cannot be re-opened and re-agitated at a subsequent stage. He has cited the decision titled **S.P Gupta vs. Union of India and another, 1981 [Supp] SCC 87**; and a decision of the Allahabad High Court in **Umesh Chand Vinod Kumar and others vs. Krishi Utpadan Mandi Samiti, Bharthana, AIR 1984 Allahabad 46**, to lend weight to his submissions that an unregistered association/NGO can have locus to file the writ petition. He has also referred to a decision titled **Swaraj Abhiyan and another vs. Union of India and others**, reported in **[2018] 4 SCC 300**.

39. An Order dated 24.07.2023 passed by the Hon'ble Supreme Court in **Writ Petition [Civil] no. 51 of 2023 [Hirendranath Gohain vs. Union of India and others]** has been placed before the Court to submit that the delimitation of Parliamentary and Assembly Constituencies undertaken by the Election Commission of India [ECI] has been put to challenge and is pending as on date.

Discussion, Analysis & Reasons for Decision :-

40. I have duly considered the submissions advanced by the learned counsel from both the sides. I have also gone through the materials brought on record by the parties through their pleadings, for the purpose of deciding the lis, as mentioned in paragraph 14 above. I have considered the legal provisions, the materials referred to and the decisions placed by the learned counsel for the parties in support of their respective submissions.

IX. The districts wherefrom the challenges have emanated :-

41. In this batch of thirty-two nos. of writ petitions, four writ petitions are from Cachar district, five writ petitions are from Hailakandi district, ten writ petitions are from Karimganj/Sribhumi district, five writ petitions are from Nagaon district, three writ petitions are from Lakhimpur district, two writ petitions are from Darrang district, two writ petitions are from Morigaon district and one writ petition is from Dhubri district. Thus, the writ petitions are preferred from eight nos. of districts out of the twenty-seven nos. of districts, where Panchayati Raj system is prevalent in the State of Assam.

X. The Notification dated 03.08.2024/the Standard Operating Procedure :-

42. In the writ petitions, the writ petitioners have highlighted the following actions taken during the delimitation process :-

[i] In many Legislative Assembly Constituencies [LACs], there have been changes in the total number of Gaon Panchayats. In case of few LACs, there have been reduction in number of Gaon Panchayats within it after LAC delimitation process whereas in case of few others, there have been increase in number of Gaon Panchayats after LAC delimitation.

[ii] There have been changes in the number of villages in a number of Gaon Panchayats. In case of few Gaon Panchayats, villages have been added and in case of few other Gaon Panchayats, villages have been taken out of them.

[iii] The names of number of Gaon Panchayats have been changed. In some cases, two Gaon Panchayats have been merged to form a new Gaon Panchayat.

[iv] There are inconsistent assertions as regards categorization of districts on the basis of population density. The petitioners have alleged that Gaon Panchayats have not been formed on the basis of population density of the concerned districts.

[v] Gaon Panchayat constituencies have not been delimited as per population density.

The petitioners have alleged a number of other actions, which would be adverted to at appropriate places subsequently in this order. The petitioners have termed all such kind of actions as arbitrary actions and the actions are against the mandate of law. It would be expedient to deal with the issues broadly instead of dealing them individually on the basis of the claims made in each of the writ petitions, along with the other legal issues raised on the basis of constitutional and statutory provisions.

43. The cornerstone of the challenge for the writ petitioners is the Notification bearing no. E-449396/18 dated 03.08.2024, issued by the Panchayat & Rural Development Department, Government of Assam and published in the Assam Gazette in Issue no. 457 dated 21.08.2024. By the Notification dated 03.08.2024, the Standard Operating Procedure [SOP] to be followed for delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads in Assam has been laid down. It may be stated, at the cost of repetition, that a part of the delimitation process, which commenced after issuance of the Notification dated 03.08.2024 with its publication in the Assam Gazette on 21.08.2024, was furthered to another stage with the publication of the Notifications, dated 15.10.2024, by the Government of Assam in the Panchayat & Rural Development Department. At this juncture, the discussion is made confined to the Notification dated 03.08.2024, leaving the discussion on the challenge made to the Notifications, dated 15.10.2024, to a later stage.
44. For ready reference, the contents of the Notification dated 03.08.2024, published in the Assam Gazette on 21.08.2024, are reproduced hereinbelow :-

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

The 3rd August, 2024

No. E-449396/18.- In pursuance to the Cabinet decision held on 19-06-2024 the Governor of Assam is pleased to notify the Standard Operating Procedure to be followed for Delimitation of Gaon Panchayat, Anchalik Panchayat & Zilla Parishad in Assam :

STANDARD OPERATING PROCEDURE [SOP] FOR DELIMITATION OF
GAON PANCHAYAT, ANCHALIK PANCHAYAT & ZILLA PARISHAD.

1. Introduction : This SOP delineates the meticulous steps and strategies to be employed for the seamless execution of the procedure for Delimitation of Gaon Panchayat, Anchalik Panchayat & Zilla Parishad in Assam.
2. Objective : The primary objective of this SOP is to ensure a systematic and efficient process of delimitation, to be followed by the District Delimitation Commission.
3. Definition of District Delimitation Commission : The District Delimitation Commission constituted as per Section 3 of the Assam Panchayat Act, 1994 [as amended] consists of following members :

- District Commissioner : Chairman
- CEO, Zilla Parishad : Member Secretary

- Election Officer[s] : Member

4. Delimitation of Gaon Panchayat :

Criteria for the delimitation :

- i. The ECI notification vide no. 282/AS/2023 [DEL]/Vol.V dated 11th August 2023 is to be diligently referred to, for source of Gaon Panchayats and villages falling in an LAC.
- ii. The number of Gaon Panchayats in the district shall remain same as that of the current number of Gaon Panchayat in the district after LAC delimitation.
- iii. One Gaon Panchayat shall belong to only one LAC i.e. no Gaon Panchayat jurisdiction shall be shared with more than one LAC.
- iv. If a Gaon Panchayat after LAC delimitation is not shared among more than one LAC, then preferably the Gaon Panchayat boundary will be retained.
- v. If a Gaon Panchayat after LAC delimitation is shared among more than one LAC then the villages under respective LACs either may be grouped to form a new GP or may accommodate in the nearby existing GP provided Criteria 4 [ii] is not violated.
- vi. If a new Gaon Panchayat is to be formed without violating the Criteria 4 [ii], the population, natural boundary and category of the District shall be considered as per Section 5 [1] of the Assam Panchayat Act, 1994 [as amended].
- vii. A census village shall not be bifurcated into two or more Gaon Panchayats.
- viii. As per LAC delimitation if a Gaon Panchayat is divided between two districts, then that Gaon Panchayat will be considered in the district having the Gaon Panchayat Headquarter.

- ix. After delimitation of the Gaon Panchayats, the delimitation of Gaon Panchayat Constituencies [i.e. 10 numbers of wards] within the Gaon Panchayats shall be done as per Section 6 [2] of the Assam Panchayat Act, 1994.
- x. The categorization of districts based on population, density and any other relevant factors will be followed as per Section 5[1] of Assam Panchayat Act, 1994 [as amended].

5. Delimitation of Anchalik Panchayat

- i. As the Anchalik Panchayats are co-terminus with the Development Blocks [as per Section 31 of the Assam Panchayat Act, 1994] so reorganization of blocks will automatically delimit the Anchalik Panchayat.
- ii. One Gaon Panchayat under the jurisdiction of the Anchalik Panchayat area shall form a constituency for electing one member directly to the Anchalik Panchayat as per Section 32 of the Assam Panchayat Act, 1994.

6. Delimitation of Zilla Parishad

In view of Section 65[1][i] of the Assam Panchayat Act, 1994,

- i. A territorial constituency of Zilla Parishad [ZPC] will belong to only one LAC.
- ii. In case of 100% rural population in an LAC, the LAC shall have four territorial constituencies [ZPC] at a rate of one member for a population of not less than thirty thousand.
- iii. And in case of an LAC having rural and urban population, each ZPC will constitute with not less than thirty thousand rural population and that LAC may have less than four territorial constituencies and if the rural

population of this Legislative Assembly Constituency is less than thirty thousand, this may form only one territorial constituency.

7. A LAC level Task Force is proposed for the Delimitation of Gaon Panchayat, Anchalik Panchayat & Zilla Parishad and Block Reorganization. The LAC wise Task force will execute the delimitation and reorganisation process at the LAC level. The District Delimitation Commission will form the LAC level Task Force from the respective LAC of the district. The composition of the LAC level Task Force is as follows :

- [a] Team Leader : One Circle Officer whose maximum area falls in the LAC
- [b] Team Member-1 : One BDO, whose maximum area falls in the LAC
- [c] Team Member-2 : One Official / Administrative Assistant with good knowledge of Computer and MS-Excel
- [d] Team Member-3 : One Official to be nominated by the Team Leader, who has good understanding of GP / Block Boundaries.

The LAC Task Force will report to the CEO, Zilla Parishad who is the Member Secretary of the District Delimitation Commission.

Role of the Task Force :

- The LAC Task Force will report to the CEO, Zilla Parishad [Member Secretary of the District Delimitation Commission].
- The Task Force will collect the LAC wise list of Villages and respective Gaon Panchayat's name from the District Delimitation Commission as notified by the ECI in LAC Delimitation.

- Once the LAC wise Village list is collected, the Gaon Panchayat is to be assigned against each village.

8. Public Consultation :

a) Publication of the draft delimitation notification :

- Publish the draft delimitation notification to invite objections and suggestions from the public and civil society latest by 6th September, 2024.

b) Public Hearings :

- Organize public hearings at district and block levels to gather feedback and dispose objections and suggestions latest by 7th September, 2024 to 16th September, 2024.

9. Finalization of the Delimitation and notification :

- The final delimitation process of, Gaon Panchayat, Anchalik Panchayat and Zilla Parishad and notification of the same by District Delimitation Commission is to be completed by 17th September 2024.

10. District wise No. of Zilla Parishad Constituencies :

Sl. No.	DISTRICT	NO. OF ZPC
1	Bajali	6
2	Barpeta	23
3	Biswanath	13
4	Bongaigaon	12
5	Chachar	27
6	Charaideo	7

7	Darrang	14
8	Dhemaji	7
9	Dhubri	24
10	Dibrugarh	23
11	Goalpara	16
12	Golaghat	17
13	Hailakandi	11
14.	Hojai	12
15	Jorhat	19
16	Kamrup	26
17	Kamrup [M]	6
18	Karimganj	20
19	Lakhimpur	17
20	Majuli	4
21	Morigaon	13
22	Nagaon	29
23	Nalbari	13
24	Sivasagar	17
25	Sonitpur	19
26	South Salmara	5
27	Tinsukia	20
TOTAL		420

45. After publication of the afore-quoted Notification dated 03.08.2024, an Addendum Notification bearing no. E- 449396/32 dated 05.09.2024 was issued and the Addendum Notification was published in the Assam Gazette, in Issue no. 457 dated 09.10.2024. The contents of the Addendum Notification are as under :-

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

ADDENDUM

The 5th September, 2024

No.E-449396/32.In continuation of this Department's earlier Notification No. E-449396/18 dated 3th August, 2024, regarding Standard Operating Procedure [SOP] for Gaon Panchayats, Anchalik Panchayats and Zila Parishads, the Governor of Assam is pleased to incorporate the following points :

- The date for publication of Draft Delimitation Notification by the District Delimitation Commission is hereby extended by 10 days up to 17th September, 2024.
- The Final Notification will be issued on 27th September, 2024.
- Following guidelines are notified in addition to guideline issued earlier regarding Public Hearings after the publication of Draft Delimitation Notification :
 - i. Adequate publicity of the Draft Notification is to be given through proper channels [e.g., through GP Functionaries / Gaon Pradhans / Notice Boards / Press Briefing / etc.] by the District Delimitation Commission.
 - ii. After publication of the Draft [GP Ward / AP / ZP] in the prescribed format, Public Hearings will be conducted at District Level which will be scheduled LAC Wise.
 - iii. The public would include individuals, civil society organizations and recognized Political Parties.

- iv. Those from public who want to give representation / representations / suggestions / objections in the hearing are required to submit their representation / representations / suggestions / objections to the concerned CEO, Zilla Parishad / Member Secretary, District Delimitation Commission from 18th September to 20th September, 2024.
- v. Just after the publication of the Draft Delimitation Notification, the District Delimitation Commission will organize one meeting with all the recognized Political Parties by 19th September, 2024.
- vi. The District Delimitation Commission will scrutinize and sort out the representations received, clubbing the common ones together, by 22nd September, 2024 and hear the representations / suggestions / objections from the Public [Individuals and Civil Society Organizations] scheduling the hearings LAC Wise from 23rd September till 25th September 2024.
- vii. Each LAC wise hearing may be chaired by different Additional District Commissioners along with LAC wise task forces as nominated by the District Delimitation Commission.
- viii. LAC wise venues / rooms in DC Offices may be notified by the District Delimitation Commission for the hearing purposes.
- ix. Based on hearing of the representations / suggestions / objections in person and as per Constitutional as well as legal provisions under the Assam Panchayat Act, 1994 [as amended], District Delimitation Commission will notify the Gaon Panchayats with Ward details, Anchalik Panchayats and Zilla Parishads by 27th September 2024.
- x. Timeline for Hearing shall be as follows :

Date	Particulars
18 th to 20 th September, 2024	Submission of representation / representations by individuals / civil society organizations.

By 19 th September, 2024	Meeting with all the recognized Political Parties.
By 22 nd September, 2024	Sorting and scrutinizing of the representation/ representations / suggestions / objections and schedule hearing dates and issue notifications for the same.
23 rd to 25 th September, 2024	Conduct hearings at district level LAC wise for individuals / organizations keeping separate dates for individuals and organizations respectively.
By 26 th September, 2024	Work on modifications, if any
27 th September, 2024	Final Notification

XI. The Constitution of India and Delimitation of Constituencies:-

46. In the Notification dated 03.08.2024, extracted above, it has been made specific that the Notification no. 282/AS/2023 [DEL]/Vol.V dated 11.08.2023 of the Election Commission of India [ECI] would be made the basis for the delimitation exercise to be commenced with the issuance of the Notification dated 03.08.2024 and the exercise would be done by following the Standard Operating Procedure [SOP] formulated therein. The State Government in Clause 4[i] of the Notification dated 03.08.2024 had notified that the Notification dated 11.08.2023 of the ECI would be diligently referred to for source of Gaon Panchayats and villages falling in a Legislative Assembly Constituency [LAC]. Thus, the Notification dated 11.08.2023 was the basis and source of Gaon Panchayats and villages for the exercise sought to be initiated in terms of the clauses following Clause 4[i]. It has, therefore, become necessary to make a study of the events leading to the issuance and also to find out the relevance, importance and force of the ECI's

Notification dated 11.08.2023, before going into the challenges made by the petitioners.

47. Article 82 of the Constitution of India has provided for allocation of seats in the House of the People [Lok Sabha] and the division of each State into territorial constituencies by such authority and in such manner as the Parliament, by law, determine. In similar manner, Article 170 of the Constitution has provided for allocation of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies by such authority and in such manner as the Parliament, by law, determine.
48. Article 81 of the Constitution has prescribed for composition of the House of the People. As per Clause [1], the House of the People, subject to the provisions of Article 331, shall consist of [a] not more than five hundred and thirty members chosen by direct election from territorial constituencies in the States; and [b] not more than twenty members to represent the Union Territory; chosen in such manner as the Parliament may by law provide. As per Clause [2] of Article 81, for the purposes of sub-clause [a] of Clause [1], [a] there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between the number and the population of the State is, so far as practicable, the same for all States; and [b] each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and number of seats allotted to it is, so far as practicable, the same throughout the State. In Clause [3], the meaning of the expression, 'population' has been provided and 'population' means the population as ascertained at the last preceding Census of which the relevant figures have been published.
49. As per the proviso to Clause [3] of Article 81, [i] for the purposes of sub-clause [a] of Clause [2] and the proviso to that clause, the last preceding Census would be the 1971 Census; and [ii] for the purposes of sub-clause [b] of Clause [2],

the last preceding Census would be the 2001 Census; and the said position would continue until the relevant figures for the first Census taken after the year 2026 have been published. Article 82 has prescribed for re-adjustment after each Census. According to Article 82, upon completion of each Census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be re-adjusted by such authority and in such manner as Parliament may by law determine.

50. Article 170 of the Constitution has provided for composition of the Legislative Assemblies. As per Clause [1], the Legislative Assembly of each State, subject to the provisions of Article 333, shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State. Clause [2] has stipulated that, for the purpose of Clause [1], each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State. As per the Explanation part of this clause, the expression 'population' means the population as ascertained at the last preceding Census of which the relevant figures have been published. As per the proviso to the Explanation part, the reference in the Explanation part to the last preceding Census of which the relevant figures have been published shall, until the relevant figures for the first Census taken after the year 2026 have been published, be construed as a reference to the 2001 Census.
51. Clause [3] of Article 170 is substantially *pari materia* to Article 82. As per Clause [3] of Article 170, upon the completion of each Census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be re-adjusted by such authority and in such manner as Parliament may by law determine. The third proviso to Clause [3] has provided that until the relevant figures for the first Census taken after the year 2026 have been published, it shall not be necessary to re-adjust [i] the total

number of seats in the Legislative Assembly or each State as re-adjusted on the basis of the 1971 Census; and [ii] the division of such State into territorial constituencies as may be re-adjusted on the basis of the 2001 Census, under Clause [iii].

52. Under the provisions of Article 82 and Article 170[3] of the Constitution, as amended by the Constitution [Eighty-Fourth Amendment] Act, 2001, the Parliament has enacted the Delimitation Act, 2002. The Delimitation Act, 2002 [Act no. 33 of 2002] is an Act to provide for the re-adjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State and each Union Territory having a Legislative Assembly into territorial constituencies for elections to the House of the People and Legislative Assemblies of the States and Union Territories and for matters connected therewith.
53. With the enactment of the Delimitation Act, 2002, a Delimitation Commission was set up to re-adjust the division of each State and Union Territory into territorial constituencies for the purpose of elections to the House of the People and to the State Legislative Assemblies on the basis of Census figures as ascertained at the Census taken in the year, 2001 and the Delimitation Commission could complete the delimitation process in twenty-five States / Union Territories. But, delimitation exercise in respect of Assam was suspended and kept on hold due to various reasons like stay order, apprehension to cause alienation, postponement till updation of the National Register of Citizens [NRC], etc. Section 10A of the Delimitation Act, inserted in the Delimitation Act, 2002 w.e.f. 14.01.2008, has provided for deferment of delimitation in certain cases if the President is satisfied that a situation has arisen whereby the unity and integrity of India is threatened or there is a serious threat to the peace and public order. In case of such a situation, the President can, by Order, defer the delimitation exercise in a State. In exercise of such power, the President, by a deferment Order issued vide Notification no. S.O.283[E] dated 08.02.2008,

deferred the delimitation exercise in the State of Assam with immediate effect and until further orders.

54. Close on the heels of insertion of Section 10A in the Delimitation Act, 2002 and deferment of the delimitation exercise in the State of Assam by the deferment Order dated 08.02.2008, a new section, Section 8A has been inserted in the Representation of the People Act, 1950 with the nominal heading, 'Delimitation of Parliamentary and Assembly Constituencies in the States of Arunachal Pradesh, Assam, Manipur or Nagaland'.
55. For ready reference, Section 8A of the Representation of the People Act, 1950 is quoted, in its entirety, hereinbelow :-

The Representation of the People Act, 1950.

8A. Delimitation of Parliamentary and Assembly Constituencies in the States of Arunachal Pradesh, Assam, Manipur or Nagaland.

[1] If the President is satisfied that the situation and the conditions prevailing in the States of Arunachal Pradesh, Assam, Manipur or Nagaland are conducive for the conduct of delimitation exercise, he may, by Order, rescind the deferment Order issued under the provisions of Section 10A of the Delimitation Act, 2002 [33 of 2002] in relation to that State, and provide for the conduct of delimitation exercise in the State by the Election Commission.

[2] As soon as may be after the deferment Order in respect of a State is rescinded under sub-section [1], the Election Commission may, by order, determine-

[a] the parliamentary constituencies into which such State to which more than one seat is allotted in the First Schedule shall be divided;

[b] the extent of each constituency; and

[c] the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes.

[3] As soon as may be after the deferment order in respect of a State is rescinded under sub-section [1], the Election Commission may, by order, determine-

[a] the assembly constituencies into which such State shall be divided for the purpose of elections to the Legislative Assembly of that State;

[b] the extent of each constituency; and

[c] the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes.

[4] Subject to the provisions of sub-section [1], the Election Commission shall, having regard to the provisions of the Constitution and the principles specified in clauses [c] and [d] of sub-section [1] of Section 9 of the Delimitation Act, 2002 [33 of 2002] determine the parliamentary and assembly constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes.

[5] The Election Commission shall,-

[a] publish its proposals under sub-sections [2], [3] and [4] with respect to any State in the Official Gazette and also in such other manner as it thinks fit;

[b] specify a date on or after which the proposals will be further considered by it;

[c] consider all objections and suggestions which may have been received by it before the date so specified;

[d] hold, for the purpose of such consideration, if it thinks fit so to do, one or more public sittings at such place or places in such State as it thinks fit;

[e] after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the delimitation of parliamentary and assembly constituencies in the State and also the constituency or constituencies in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 shall be deemed to have been amended accordingly.

[6] Every order made under sub-sections [1] and [2] and clause [e] of sub-section [5] shall be laid before each House of Parliament.

[7] Every order made under sub-sections [1] and [3] and clause [e] of sub-section [5] shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State concerned.

56. It is inter-alia mentioned in Section 8A of the Representation of the People Act, 1950 that if the President is satisfied that the situations and the conditions prevailing in the State of Assam are conducive for the conduct of delimitation exercise, the President may, by Order, rescind the deferment Order issued under Section 10A of the Delimitation Act, 2002 and provide for conduct of delimitation exercise by the ECI. As soon as may be after the deferment Order is rescinded, the ECI may, inter-alia, by Order, determine: [i] the Parliamentary Constituencies and Assembly Constituencies into which such State [Assam] shall be divided for the purpose of election to the House of the People and to the Legislative Assembly; and [ii] the extent of each Constituency. The manner in which the ECI shall proceed with the exercise is also delineated in Section 8A of the Representation of the People Act, 1950.

57. It was on 28.02.2020, the Ministry of Law and Justice, Government of India being satisfied that the circumstances which led to the deferring of the delimitation exercise in the State of Assam had ceased to exist, rescinded the deferment Order issued on 08.02.2008 by an Order issued vide Notification no. S.O.903[E] so as to re-adjust the division of the State of Assam into territorial constituencies for the purpose of elections to the House of the People and to the State Legislative Assembly in accordance with the provisions of the Delimitation Act, 2002. Subsequently, the ECI was requested by the Ministry of Law and Justice, Government of India vide a Letter dated 15.11.2022 to conduct the delimitation of Parliamentary and Assembly Constituencies in the State of Assam as per Section 8A of the Representation of the People Act, 1950. Accordingly, the ECI initiated a delimitation exercise of Parliamentary and Assembly Constituencies in the State of Assam as per Section 8A of the Representation of the People Act, 1950.
58. Taking note of the mandate contained in Article 82 and Article 170 of the Constitution of India that the number of seats in the Legislative Assembly of each State and the allocation of seats in the House of the People to the States shall not be altered until the relevant figures for the first Census taken after the year 2026 have been published, the ECI decided to take the figures of the 2001 Census for the purpose. The ECI further decided the number of seats in the Legislative Assembly and the House of the People in the State of Assam would be retained at one hundred twenty six [126] and fourteen [14] respectively. Following the Guidelines and Methodology formulated in conformity with the constitutional and legal provisions; and the procedure prescribed in Section 8A of the Representation of the People Act, 1950; the exercise for delimitation of Parliamentary and Assembly Constituencies for the State of Assam, undertaken by the ECI, stood completed with the publication of a final Order on 11.08.2023.
59. The completion of the delimitation exercise of Parliamentary and Assembly Constituencies for the State of Assam had resulted in publication of the

Notification bearing no. 282/AS/2023[DEL]/Vol.V dated 11.08.2023 by the ECI determining the manner in which fourteen [14] Parliamentary Constituencies and one hundred twenty six [126] Legislative Assembly Constituencies of Assam shall be divided for the pupose of elections and the extents of these constituencies. The said Notification was published in the Gazette of India in Issue no. 32 dated 11.08.2023 and also in the Assam Gazette.

60. The relevant parts of the ECI's Order notified vide Notification no. 282/AS/2023[DEL]/Vol.V dated 11.08.2023 read as under :-

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

282/AS/2023[DEL]/Vol.V

Dated : 11th August, 2023

20 Sravana, 1945 [Saka]

NOTIFICATION

In pursuance of Section 8A[5][e] of the Representation of the People Act, 1950 read with Presidential Orders issued vide S.O. 903[E] dated 28th February, 2020, the following Order made by the Election Commission under Section 8A of the Representation of the People Act, 1950 read with Presidential Orders issued vide S.O. 903[E] dated 28th February, 2020, in respect of the delimitation of Parliamentary and Assembly Constituencies in the State of Assam is hereby published.

* * * * *

NOW THEREFORE, in pursuance of Section 8A[5] of the Representation of the People Act, 1950 read with Presidential Orders issued vide S.O.No. 903[E] dated 28th February, 2020 to amend Schedule – I & II and Schedule – V [with regard to the State of Assam] to the Delimitation of Parliamentary

and Assembly Constituencies Order, 2008, the Election Commission hereby determines as follows :

1. One Hundred and Twenty Six Assembly Constituencies into which the State of Assam shall be divided for the purpose of elections to the Legislative Assembly of the State and the extent of each such Constituency shall be as shown in Table - A.
2. The territorial Parliamentary Constituencies into which the State of Assam shall be divided for the purpose of elections to the House of the People and the extent of each such Constituency shall be as shown in Table - B.
3. Where the name of a Constituency as shown in Table - A or Table - B is distinguished by the brackets and letters '[SC]' the seat in that Constituency is reserved for the Scheduled Castes.
4. Where the name of a Constituency as shown in Table - A or Table - B is distinguished by the brackets and letters '[ST]' the seat in that Constituency is reserved for the Scheduled Tribes.

61. It is apt, at this point, to refer to the following observations made by the Hon'ble Supreme Court of India in the Constitution Bench Judgment in **Meghraj Kothari vs. Delimitation Commission and others, AIR 1967 SC 669, :-**

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.

21. It is true that an order under Section 8 or 9 published under Section 10[1] is not part of an Act of Parliament, but its effect is to be the same.

* * * * *

32. In this case the powers given by the Delimitation Commission Act and the work of the Commission would be wholly nugatory unless the Commission as a result of its deliberations and public sittings were in a position to readjust the number of seats in the House of the People or the total number of seats to be assigned to the Legislative Assembly with reservation for the Scheduled Castes and Scheduled Tribes and the delimitation of constituencies. It was the will of Parliament that the Commission could by order publish its proposals which were to be given effect to in the subsequent election and as such its order as published in the notification of the Gazette of India or the Gazette of the State was to be treated as law on the subject.

62. Section 8A[5][e] of the Representation of the People Act, 1950 has inter-alia prescribed that if after following the procedure prescribed in the preceding provisions for delimitation of Parliamentary and Assembly Constituencies in a State, the ECI causes the delimitation Order to be published in the Official Gazette, then, upon such publication, the Order shall have the force of law and shall not be called in question in any court. The ECI after carrying out the delimitation of Parliamentary and Assembly Constituencies in the State of Assam, had made the Order bearing no. 282/AS/2023 [DEL]/Vol.V dated 11.08.2023 and published it in the Gazette of India in Issue no. 32 dated 11.08.2023 and also in the Assam Gazette. Following the observations made in relation to such a delimitation Order published in the Official Gazette in **Meghraj Kothari** [supra], the Order no. 282/AS/2023 [DEL]/Vol.V dated 11.08.2023 of the ECI, published

in the Official Gazettes, has to be treated as law on the subject of delimitation and division of Parliamentary and Assembly Constituencies in the State of Assam. The resultant effect of the Order of the ECI would bring on the delimitation of constituencies of the Panchayats in the State of Assam is an aspect, which would also require an examination vis-à-vis the challenges made in this batch of writ petition.

XII. Writ Petition [C] no. 51/2023 [Hirendranath Gohain vs. Union of India and others] :-

63. From the Order dated 24.07.2023 passed in **Hirendranath Gohai** [supra], it can be noticed that in the said writ petition, a challenge has been made before the Hon'ble Supreme Court to the constitutional validity of Section 8A of the Representation of the People Act, 1950 apart from a challenge made to the decision taken on 28.02.2020 to rescind the deferment Order issued vide Notification dated 08.02.2008. The Hon'ble Court had taken note of the fact that the decision taken on 28.02.2020 had paved the way for the process to readjust the division of the State of Assam into territorial constituencies for the purpose of elections to the House of the People and to the State Legislative Assembly in accordance with the provisions of the Delimitation Act, 2002. The process of delimitation which had commenced following the decision dated 28.02.2020, has also been called in question. The Hon'ble Court in the Order dated 24.07.2023 had inter-alia observed that since the process had commenced following the Notification dated 28.02.2020 and a draft proposal had been published on 20.06.2023, it would not be appropriate to interdict the process at that stage. The Hon'ble Court while reserving the constitutional challenge for further deliberation, did not interdict the ECI from taking further steps.
64. It is submitted at the Bar by the learned counsel for the parties that the proceedings of Writ Petition [C] no. 51 of 2023 is still pending. It is already found

from the discussion above that the process which commenced after the Notification dated 28.02.2020, reached to a conclusion vide the Notification bearing no. 282/AS/2023[DEL]/Vol.V dated 11.08.2023 which was published in Gazette of India in Issue no. 32 dated 11.08.2023. As the ECI's Order passed in the said Notification dated 11.08.2023 is an order under Section 8A[5][e] of the Representation of the People Act, 1950, the position as regards its having the force of law in the matter of delimitation and division of Parliamentary and Assembly Constituencies exists as on date.

65. It has been mentioned in the Delimitation Report published by the ECI that it was decided by the ECI that constituencies shall be delimited having regard to the administrative units i.e. District/Development Block/Panchayat/Village/Ward, etc., as in existence as on 01.01.2023. Efforts were made to keep all constituencies, as far as practicable, as geographically compact areas, and in delimiting them, the physical features, density of population, existing boundaries of administrative units, facilities of communication and public convenience were kept in purview.

XIII. Part-IX : 'The Panchayats' of the Constitution of India :-

66. Part-IX of the Constitution of India, titled 'the Panchayats', was inserted by the Constitution [Seventy-Third Amendment] Act, 1992. The purpose of Part-IX is to implement the Directive Principles of State Policy contained in Article 40 of the Constitution of India, which directs that the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. Part-IX of the Constitution contains Article 243 and Article 243A to Article 243-O. It is also relevant to state that Part-IXA, titled 'the Municipalities', containing Articles 243P to 243Z & Articles 243ZA to 243ZG, was inserted in the Constitution by the Constitution [Seventy-Fourth Amendment] Act, 1992.

67. Article 243 has provided for the definitions of 'district', 'Gram Sabha', 'intermediate level', 'Panchayat', 'Panchayat area', 'population' and 'village'. The definitions are as under :-

243. Definitions –In this Part, unless the context otherwise requires, -

- [a] 'District' means a district in a State;
- [b] 'Gram Sabha' means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- [c] 'Intermediate level' means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purpose of this Part;
- [d] 'Panchayat' means an institution [by whatever name called] of self-government constituted under Article 243B, for the rural areas;
- [e] 'Panchayat area' means the territorial area of a Panchayat;
- [f] 'Population' means the population as ascertained at the last preceding census of which the relevant figures have been published;
- [g] 'Village' means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

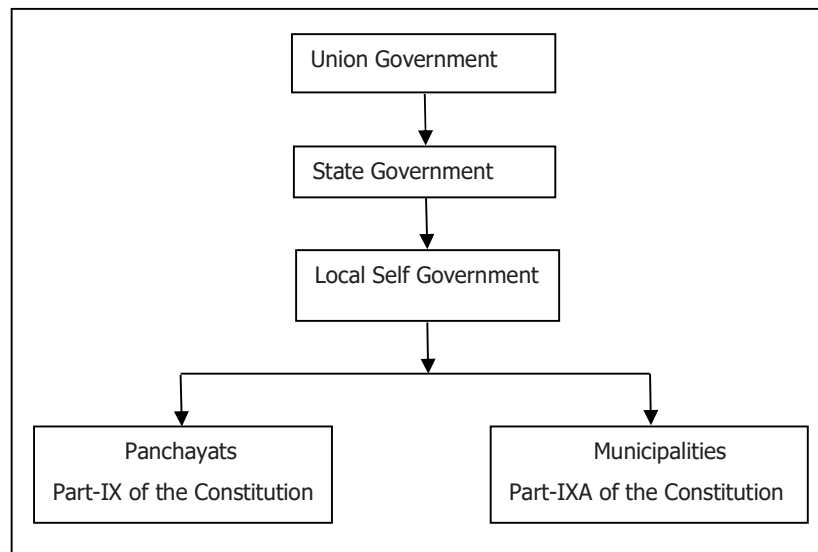
68. Article 243B has prescribed for constitution of a three-tier structure of Panchayat in every State by stating that there shall be constituted in every State Panchayats at the village, intermediate and district levels in accordance with the provisions of Part-IX.

69. Article 243C has the nominal heading, 'Composition of Panchayats'. Clause [1] of Article 243C states that subject to the provisions of Part-IX, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats : provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to

be filled up by election shall, so far as practicable, be the same throughout the State. As per Clause [2] of Article 243C, all the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it, shall so far as practicable, be the same throughout the Panchayat area.

70. Article 243D has provided for reservation of seats in Panchayats for the Scheduled Castes, the Scheduled Tribes and for Women. Clause [1] of Article 243E contains the mandate for duration of Panchayats by providing that every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer. As per Clause [3] of Article 243E, an election to constitute a Panchayat shall be completed – [a] before the expiry of its duration specified in Clause [1]; or [b] before the expiration of a period of six months from the date of its dissolution. It also contains a proviso, which is not necessary for the case in hand. As per Article 243G, the Legislature of a State is obliged, by law, to endow the Panchayats with such powers and authority, which are necessary to enable them to function as institutions of self-government.
71. Article 243K has provided for elections to the Panchayats. As per Clause [1] of Article 243K, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats is vested in the concerned State Election Commission. As per Clause [4] of Article 243K, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats, subject to the provisions of the Constitution.
72. Article 243O has created a bar for interference by Courts in electoral matters.

73. The constitutional provisions have envisaged the following pyramidal structure of having a Union Government at the Centre, the State Governments in the States and Local Self-Governments for the rural areas [Part-IX of the Constitution] and the urban areas [Part-IXA of the Constitution] :-



XIV. The Assam Panchayat Act, 1994 :-

74. It is after the Constitution [Seventy-Third Amendment] Act, 1992 by which Part-IX was brought in the Constitution by way of insertion, the Assam Legislative Assembly, as empowered, had enacted the Act, 'the Assam Panchayat Act, 1994' to amend and consolidate the laws relating to Panchayats in Assam to be in conformity with the provisions of Part-IX. The Assam Panchayat Act, 1994 ['The Assam Panchayat Act', for short] extends to the whole of Assam in the rural areas except the Autonomous Districts under the Sixth Schedule of the Constitution and excludes any area which has been included in a Municipality or a Town Committee or a Cantonment constituted under the Assam Municipal Act, 1956 and the Cantonment Act, 1924 respectively or by any other Act. The Assam Panchayat Act has been amended a number of times since 1994. Lastly, the Assam Panchayat Act has been amended by the Assam Panchayat [Amendment]

Act, 2023. The Assam Panchayat [Amendment] Act, 2023 received the assent of the Governor on 17.10.2023 and it was published in the Assam Gazette in Issueno. 490 dated 19.10.2023.

75. The parties are in contestation with regard to interpretation and application of certain provisions of the Assam Panchayat Act vis-à-vis the constitutional provisions and the learned counsel for the parties have extensively referred to them during the course of their submissions as can be found out from the preceding parts of the discussion, to buttress their respective points of arguments. The provisions of the Assam Panchayat Act, as amended, which have been extensively referred to are Section 3A, Section 5 and Section 6 from Chapter-IV titled 'Establishment and Constitution of Gaon Panchayat'. In addition, few of the provisions from Chapter-V titled 'Establishment and Constitution of Anchalik Panchayat' and Chapter-VI titled 'Establishment and Constitution of Zilla Parishad' have found reference in the Notification dated 03.08.2024. Few other provisions of the Assam Panchayat Act and the Assam Panchayat [Constitution] Rules, 1995 are also found of import and pertinence and they would be adverted to at places as and when deemed appropriate.
76. Prior to the Assam Panchayat [Amendment] Act, 2023, Section 5 and Section 6 of the Assam Panchayat Act read as under :-

5. Establishment of Gaon Panchayat :

[1] The State Government may by notification, declare any local area comprising a revenue village or a group of revenue villages or a Forest village or a Tea-Garden area or hamlets forming part of revenue village or Forest Village or tea garden area or other such administrative unit or part thereof to be a Gaon Panchayat with population of its territory not less than six thousand and not more than ten thousand :

Provided that, where a group of revenue villages or Forest Villages or Tea Garden areas or hamlets or other such administrative units or part thereof is declared to be a village, the village shall be known as revenue village, hamlet, administrative unit or part thereof as the case may be, having the largest population:

Provided further that the local area of Gaon Panchayats declared under the provisions of the Assam Panchayat Act, 1994 [Assam Act No. XVIII of 1994] with a population less in number or more in number than the population earmarked in this section shall continue to be valid for the purposes of this Act.

[2] After consultation with the Gaon Panchayat, if it has already been established, the Government may, by similar notification, at any time –

[a] include within or exclude from any village, any local area or otherwise, from the limit of any village; or

[b] declare that any local area shall cease to be a village and thereupon the local area shall be so excluded from the limit of the village so altered.

[3] Every Gaon Panchayat shall be a body corporate by the name of Gaon Panchayat having perpetual succession and a common seal, with power to acquire and hold property both movable and immovable, whether within or without the limits of the village over which it has authority and may be its corporate name sue and be sued.

6. Constitution of Gaon Panchayat :-

[1] The Gaon Panchayat shall consist of –

[a] ten members to be directly elected by the voters of the territorial constituencies of the Gaon Panchayat area – one from each constituency in the manner prescribed;

[b] President of the Gaon Panchayat who shall be elected directly by the voters of the territorial constituencies of the Gaon Panchayat area in the manner prescribed.

[2] For the convenience of election, the prescribed authority shall in accordance with such rules as may be prescribed in this behalf by the Government, divide the area of the Gaon Panchayat into ten territorial constituencies and allot one seat for each constituency.

[3] When the Gaon Panchayat is constituted under this Section, the Deputy Commissioner or an officer authorized by the Deputy Commissioner for this purpose shall call a meeting of the Gaon Panchayat [which shall be hereinafter called the first meeting of the Gaon Panchayat] for election of a Vice-President from amongst the members in the manner prescribed.

77. After the amendments are carried out by the Assam Panchayat [Amendment] Act, 2023, Section 5 and Section 6 of the Assam Panchayat Act, as amended, read as under :-

5. Establishment of Gaon Panchayat :

[1] The State Government may by notification, declare any local area comprising a revenue village or a group of revenue villages or a Forest village or a Tea Garden area or hamlets forming part of revenue village or Forest village or tea garden area or other such administrative unit or part thereof to be a Gaon Panchayat with population of its territory as per the category within which the district falls :

Provided that the State Government shall declare 3 [three] categories of Districts based on population density or any other relevant factor as follows :-

[a] Category 'A' district having higher population density shall have Gaon Panchayats with a population range from 10200 to 13800;

[b] Category 'B' district having medium population density shall have Gaon Panchayats with a population range from 8500 to 11500, and

[c] Category 'C' district having lower population density shall have Gaon Panchayats with a population range from 6000 to 9200.

[2] After consultation with the Gaon Panchayat, if it has already been established, the Government may, by similar notification, at any time –

[a] include within or exclude from any village, any local area or otherwise, from the limit of any village; or

[b] declare that any local area shall cease to be a village and thereupon the local area shall be so excluded from the limit of the village so altered.

[3] Every Gaon Panchayat shall be a body corporate by the name of Gaon Panchayat having perpetual succession and a common seal, with power to acquire and hold property both movable and immovable, whether within or without the limits of the village over which it has authority and may be its corporate name sue and be sued.

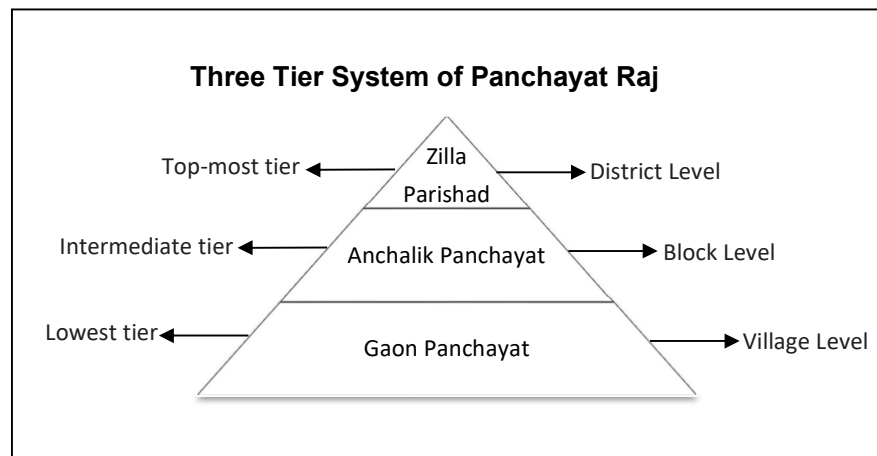
6. Constitution of Gaon Panchayat and Election of President and Vice-President :-

[1] The Gaon Panchayat shall consist of ten members to be directly elected by the voters of the territorial constituencies of the Gaon Panchayat area, one from each constituency in the manner as may be prescribed.

[2] For the convenience of election, the prescribed authority shall in accordance with such rules as may be prescribed in this behalf by the Government, divide the area of the Gaon Panchayat into ten territorial constituencies and allot one seat for each constituency.

[3] The District Commissioner or an officer authorized by the District Commissioner shall call a meeting of the Gaon Panchayat [which shall be hereinafter called as the first meeting of the Gaon Panchayat] for election of a President and a Vice-President respectively from amongst the elected members of Gaon Panchayat. The District Commissioner shall preside over the meeting in the manner prescribed. The District Commissioner may delegate the power to preside over such meeting to any Gazetted Officer serving in the district.

78. In conformity with the provisions contained in Part-IX of the Constitution, the Assam Panchayat Act has prescribed for a three-tier Panchayats at the Village level [Gaon Panchayats], Intermediate level [Anchalik Panchayats] and District level [Zilla Parishads] in the State which are pyramidically structured in the following manner :-



79. By the Assam Panchayat [Amendment] Act, 2023, a new Section, Section 3A has been inserted for constitution of a District Delimitation Commission in every District of the State. The newly inserted Section 3A reads as under :-

3A. Constitution of District Delimitation Commission :-

The Government shall constitute in every district a District Delimitation Commission *to decide* the size of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituency.

The District Delimitation Commission shall consist of the following members, namely :-

- | | | |
|---|---|------------------|
| [a] The District Commissioner | – | Chairman |
| [b] The Chief Executive Officer of Zilla Parishad | – | Member-Secretary |
| [c] The Election Officer | – | Member. |

80. Though the challenges are made in this batch of writ petitions to the delimitation of Gaon Panchayats and constituencies/wards of Gaon Panchayats or villages included in the Gaon Panchayats, a discussion is not expedient in exclusion of the matters relating to delimitation of Anchalik Panchayats and Zilla Parishads, which are the other two tiers in the hierchical Panchayati Raj Institutions. It is furthermore necessary as by the Notification dated 03.08.2024, the delimitation of Panchayats at all the said three levels and reorganization of Blocks were undertaken.
81. Section 31 and Section 32 which are in Chapter–V titled 'Establishment and Constitution of Anchalik Panchayat' in the Assam Panchayat Act mention about establishment of Anchalik Panchayat, area of Anchalik Panchayat and constitution of Anchalik Panchayat respectively. For ready reference, Section 31 and Section 32 are quoted hereinbelow :-

31. Establishment of Anchalik Panchayat and Area of Anchalik Panchayat: -

[1] For each Development Block there shall be an Anchalik Panchayat having jurisdiction save as otherwise provided in this Act, over the entire Development Block jurisdiction excluding such portion of the Block as are included in a Town Committee and as are included in a Municipality / or under the authority of Municipal Corporation, a Sanitary Board or Cantonment area or a notified area constituted under any law for the time being in force :

Provided that a Block may comprise of such villages as are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act, have not come into force.

32. Constitution of Anchalik Panchayat :-

[1] Every Anchalik Panchayat shall consist of –

[a] One member from each Gaon Panchayat to be directly elected from the territorial constituencies of the Gaon Panchayat under the jurisdiction of the Anchalik Panchayat;

[b] The Presidents of the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat;

[c] The Members of the House of people and the Members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly, the Anchalik Panchayat.

[2] Every member shall have the right to vote whether or not chosen by direct election in the meetings of the Anchalik Panchayat.

82. Section 64 which is in Chapter–VI titled 'Establishment and Constitution of Zilla Parishad' in the Assam Panchayat Act, has provided for establishment of Zilla Parishad. Section 65 has provided for constitution of the Zilla Parishad. For ready reference, Section 64 and Section 65 are quoted hereinbelow :-

64. Establishment of Zilla Parishad :-

[1] For every district there shall be a Zilla Parishad having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions of the District as are included in a Municipality or a Municipal Corporation, as the case may be, or under the authority of Town Committee or Sanitary Board or Cantonment area or any notified area contrary to it under any law for the time being in force :

Provided that a Zilla Parishad may have its office in any area comprised within the excluded portion as above of the district and in such area which is notified by Government for such office, may exercise its powers and functions over institutions under its control and management.

[2] Every Zilla Parishad shall be a body corporate by the name of ' _____ Zilla Parishad' and shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment with the capacity of suing and being sued in its corporate name, of acquiring, holding and transferring property movable or immovable, whether without or within the limit of the area over which it has authority of entering into contracts and doing all things, necessary, proper or expedient for the purpose for which it is constituted.

65. Constitution of Zilla Parishad :-

[1] The Zilla Parishad shall consists of :

[i] the members directly elected from the territorial constituencies of the district :

Provided that Government may be notification in the Official Gazette determine the territorial constituencies in the district keeping in view the overall population of the district at a rate of one member for a population not less than thirty thousand and that each territorial constituency shall elect one member to the Zilla Parishad through direct election in the manner prescribed :

Provided further that every Legislative Assembly Constituency shall have four territorial constituencies and in case of a part of the Legislative Assembly Constituency with a population less than thirty thousand falling within the district then this part shall form a territorial Constituency :

Provided further more that the Legislative Assembly Constituency which has urban population included in a Municipality or a Municipal Corporation as the case may be or under the authority of Town Committee or Sanitary Board or Cantonment area or any notified area deemed to be urban area under any law for the time being in force, may have less than four territorial constituencies and if the rural population of this Legislative Assembly Constituency is less than thirty thousand, this may form a territorial constituency.

[ii] the President of the Anchalik Panchayats;

[iii] the Members of the House of People and the Members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district.

[2] All the members shall have the right to vote except the motion of no-confidence in which only the directly elected members and members nominated by the Government shall exercise such rights.

XV. Delimitation :-

83. As per **the Oxford Dictionary of English**, Third Edition, 'delimit' means determine the limits or boundaries of. In **the Black's Law Dictionary**, Ninth Edition, the meaning ascribed to the word 'delimit' is to mark a boundary; to fix a limit. As per **the Black's Law Dictionary**, Ninth Edition, 'delimitation' is fixing of limits or boundaries. In common parlance, 'delimited' means to mark or describe the boundaries or limits of something. 'Delimitation' literally means the act or process of fixing the limits or boundaries of something. By the similar analogy, delimitation of constituencies would mean the act or process of fixing the boundaries or limits of territorial constituencies, for example, Parliamentary Constituencies for the House of the People, or Legislative Assembly Constituencies in the States or for that matter, constituencies for Panchayats.
84. It is now turn to deal with the contention canvassed by the petitioners that the procedure outlined in Section 5[1] of the Assam Panchayat Act, as amended, is the only way for delimitation at the Gaon Panchayat level. As already noted above, to canvass the point, the learned counsel for the petitioners have contended that the proviso to Section 5[1] has cast a mandatory obligation to categorize the districts on the basis of population and since it is the only way for delimitation of the Gaon Panchayats, the word, 'may' appearing in the main

enacting clause on of Section 5[1] has to be held as mandatory. It would, therefore, be apt to find out the role a proviso plays to the main enacting clause.

XVI. The role of the Proviso to Section 5[1], Assam Panchayat Act, as amended :-

85. In **Justice G.P. Singh's Principles of Statutory Interpretation**, 14th Edition, it is mentioned that the normal function of a proviso is to except something out of the enactment or to qualify something enacted therein which but for the proviso would be within the purview of the enactment.
86. In **Shah Bhojraj Kuverji Oil Mills and Ginning Factory** [supra], it has been held to the effect that as a general rule, a proviso is added to an enactment to qualify or create an exception to what is in the enactment and ordinarily, a proviso is not interpreted as stating a general rule. But, provisos are often added not as exceptions or qualifications to the main enactment but as savings clauses, in which case they will not be construed as controlled by the section. In the said case, the scope of the proviso which was added to the main enactment as a savings clause was interpreted to find out the effect of repeal of two Acts. In the case involved in this batch of writ petitions, the proviso to Section 5[1] is indubitably not a savings clause. In the Privy Council decision in **Thompson** [supra], the House of Lords had observed that a proviso must prima facie be read and considered in relation to the principal matter to which it is a proviso and it is not a separate or independent enactment. The words are dependent on the principal enacting words, to which they are tacked as a proviso and they cannot be read as divorced from their context.
87. In **Dwarka Prasad** [supra], it has been observed as a trite law that a proviso must be limited to the subject-matter of the enacting clause. It is held to be a settled rule of construction that a proviso must prima facie be read and considered in relation to the principal matter to which it is a proviso. It is not a

separate or independent enactment. The words used in provisos are dependent on the principal enacting words, to which they are tacked as provisos. They cannot be read as divorced from their context. It is prima facie a sound rule of construction that a proviso should be limited in its operation to the subject-matter of the enacting clause. To expand the enacting clause, inflated by the proviso, sins against the fundamental rule of construction that a proviso must be considered in relation to the principal matter to which it stands as a proviso. A proviso ordinarily is but a proviso, although the golden rule is to read the whole section, inclusive of the proviso, in such manner that they mutually throw light on each other and result in a harmonious construction. It has referred to **Maxwell on Interpretation of Statutes**, 10th Edition, wherein it was observed that the proper course is to apply the broad general rule of construction which is that a section or enactment must be construed as a whole, each portion throwing light if need be on the rest. The true principle undoubtedly is, that the sound interpretation and meaning of the statute, on a view of the enacting clause, saving clause, and proviso, taken and construed together is to prevail.

88. In **Adani Gas Limited** [supra], the Hon'ble Supreme Court has referred to the decision in **Dwarka Prasad** [supra] and **S. Sundaram Pillai** [supra] amongst others. The Hon'ble Supreme Court has observed that a proviso ordinarily, carves out a field of operation, but does not travel beyond the main enacted provision. Therefore, the golden rule of interpretation is to read the whole section, inclusive of the proviso, in such a manner that they mutually throw light on each other and result in a harmonious construction. A well-established rule of interpretation of a proviso is that a proviso may have three separate functions. Normally, a proviso is meant to be an exception to something within the main enactment or to qualify something enacted therein but in certain cases, the proviso could be meant to be within the purview of the enactment.
89. In **S. Sundaram Pillai and others vs. V.R. Pattabiraman and others**, reported in [1985] 1 SCC 591, the Hon'ble Supreme Court has held that the legal position

on the point a proviso serves seems well-established and the position has been summed up in the following manner :-

42.the legal position seems to be clearly and manifestly well established.

To sum up, a proviso may serve four different purposes:

[1] qualifying or excepting certain provisions from the main enactment;

[2] it may entirely change the very concept of the intendment of the enactment by insisting on certain mandatory conditions to be fulfilled in order to make the enactment workable;

[3] it may be so embedded in the Act itself as to become an integral part of the enactment and thus acquire the tenor and colour of the substantive enactment itself; and

[4] it may be used merely to act as an optional addenda to the enactment with the sole object of explaining the real intendment of the statutory provision.

90. To find out the nature, scope and ambit of a proviso, it is always necessary to read the whole section if it consists of the main enacting clause and a proviso or provisos or if consists of the main enacting clause, proviso[s] and any explanation. Then only it can be found out whether, firstly, the proviso has carved out an exception excepting something out of the main enacting clause; or secondly, the proviso is a qualifying proviso to qualify something enacted in the main enacting clause; or thirdly, the proviso is to be treated as part of the main enacting clause having umbilical link with the main enacting clause; or fourthly, the proviso insists for fulfillment of certain conditions to make the main enacting clause operational.

91. Keeping the purposes a proviso may serve in mind, sub-section [1] of Section 5 of the Assam Panchayat Act, as amended, can be looked at. The provision of Section 5[1] consists of the main enacting clause and a proviso. As per the main enacting clause, the State Government, 'may by notification', declare 'any local

area comprising a revenue village or a group of revenue village or a Forest Villages or a Tea Garden areas or hamlets forming part or revenue village or Forest Village or Tea Garden area or other such administrative unit or part thereof' to be a Gaon Panchayat 'with population of its territory as per the category within which it falls'. The proviso has provided that the State Government *shall* declare three categories of districts based on population density or any other relevant factor in the manner mentioned therein. As per the proviso, the State Government is required to declare three categories of districts as Category-'A' district, Category-'B' district and Category-'C' district and these three categories of districts shall have Gaon Panchayats in the following manner :- [a] Category-'A' district having higher population density shall have Gaon Panchayats with a population range from 10200 to 13800; [b] Category-'B' district having medium population density shall have Gaon Panchayats with a population range from 8500 to 11500, and [c] Category-'C' district having lower population density shall have Gaon Panchayats with a population range from 6000 to 9200.

92. On a plain reading of the main enacting clause and the proviso in amended Section 5[1] together, it can be noticed that [i] the State Government can declare 'any local area comprising a revenue village or a group of revenue villages or a forest village or a tea garden area or hamlets forming part of revenue village or forest village or tea garden area or other such administrative unit or part thereof' to be a Gaon Panchayat; [ii] if the State Government decides to declare a Gaon Panchayat then the population of the territory of such Gaon Panchayat has to be as per the category of the district within which the Gaon Panchayat falls, with such a meaning is being borne from the words, 'with population of its territory as per the category within which the district falls' in the main enacting clause; and [iii] Such a declaration of Gaon Panchayat is to be made by a notification in the Official Gazette. Prima facie, the proviso has provided the condition to be fulfilled for a Gaon Panchayat to be declared by the State Government by notification under the main enacting clause. What has prima facie emerged from

reading the main enacting clause and the proviso together in Section 5[1] is that if the State Government decides to declare a Gaon Panchayat under sub-section [1] of Section 5 then such Gaon Panchayat shall have to be formed with the population range indicated in Clause [a], Clause [b] and Clause [c] respectively in the proviso, depending on the category of the district wherein the Gaon Panchayat has been declared. For that purpose, the State Government has to declare the districts, category-wise, formally or officially based on population density or any other relevant factor as Category-'A' districts, Category-'B' districts and Category-'C' districts. Declare means to make known formally and officially. It is only thereafter, the main enacting clause would become workable. Admittedly, such declaration categorizing the districts based on density of population has not been made. The expression, 'any other relevant factor' has not been explained by the Legislature in the Assam Panchayat Act, as amended. In the absence of any proper definition provided by the Legislature to the said expression, it is difficult to ascribe any meaning to it. But, it is clear that population density may not be the sole criteria for categorization of the districts. The categorization of districts could be on any other relevant factor. After prima facie finding out the scope, nature and ambit of the proviso to Section 5[1] in the afore-stated manner, it is deemed proper, at this juncture, to proceed for a discussion on the point whether the procedure outlined in amended Section 5[1] of the Assam Panchayat Act is the only way to be followed for delimitation of Gaon Panchayats or not, as on this point the contesting parties are also at variance to each other.

XVII. Whether 'shall' in Section 5[1], Assam Panchayat Act is mandatory? :-

93. It is settled proposition that the use of the word, 'may' or 'shall' in a statutory provision is not always conclusive. The question whether a particular provision of a statute is directory or mandatory cannot be resolved by laying down any general rule applicable for all situations. The issue regarding its directory or mandatory nature has to be decided by ascertaining the intention of the

legislature and not by examining only at the language of the statutory provision in which the word, 'may' or 'shall' appears. It has been exposted to the effect that for finding out the legislative intent, the court may have to examine the scheme of the Act, purpose and object underlying the provision, consequences likely to ensue or inconvenience likely to result if the provision is read one way or the other and many more considerations relevant to the issue.

94. In **Montreal Street Railway Company** [supra], it was held that no general rule can be laid down to examine the question whether a particular provision in a statute is directory or imperative and in every case, the object of the statute must be looked at. It was observed that when the provisions of a statute relate to the performance of a public duty and the case is such that to hold null and void acts done in neglect of the duty would work serious general inconvenience, or injustice to persons who have no control over those entrusted with the duty, and at the same time, would not promote the main object of the Legislature, it has been the practice to hold such provisions to be directory only, the neglect of them, though punishable, not affecting the validity of the acts done.
95. In **Bachahan Devi** [supra], the following interpretation given in **Administrative Law**, 9th Edition of **Wade & Forsyth** has been referred to :-

'The hallmark of discretionary power is permissive language using words such as 'may' or 'it shall be lawful', as opposed to obligatory language such as 'shall'. But this simple distinction is not always a sure guide, for there have been many decisions in which permissive language has been construed as obligatory. This is not so much because one form of words is interpreted to mean its opposite, as because the power conferred is, in the circumstances, prescribed by the Act, coupled with a duty to exercise it in a proper case.'

96. The following discussion in **Bachahan Devi vs. Nagar Nigam, Gorakhpur, [2008] 12 SCC 372**, on the issue how to interpret a provision containing 'may' or 'shall' is of relevance and import :-

17. The question, whether a particular provision of a statute, which, on the face of it, appears mandatory inasmuch as it used the word 'shall', or is merely directory, cannot be resolved by laying down any general rule, but depends upon the facts of each case particularly on a consideration of the purpose and object of the enactment in making the provision. To ascertain the intention, the court has to examine carefully the object of the statute, consequence that may follow from insisting on a strict observance of the particular provision and, above all, the general scheme of the other provisions of which it forms a part. The purpose for which the provision has been made, the object to be attained, the intention of the legislature in making the provision, the serious inconvenience or injustice which may result in treating the provision one way or the other, the relation of the provision to other consideration which may arise on the facts of any particular case, have all to be taken into account in arriving at the conclusion whether the provision is mandatory or directory. Two main considerations for regarding a rule as directory are : [i] absence of any provision for the contingency of any particular rule not being complied with or followed, and [ii] serious general inconvenience and prejudice to the general public would result if the act in question is declared invalid for non-compliance with the particular rule.

* * * * *

21. The ultimate rule in construing auxiliary verbs like 'may' and 'shall' is to discover the legislative intent; and the use of the words 'may' and 'shall' is not decisive of its discretion or mandates. The use of the words 'may' and 'shall' may help the courts in ascertaining the legislative intent without giving

to either a controlling or a determinating effect. The courts have further to consider the subject-matter, the purpose of the provisions, the object intended to be secured by the statute which is of prime importance, as also the actual words employed.

22. '9. ... Obviously where the legislature uses two words 'may' and 'shall' in two different parts of the same provision prima facie it would appear that the legislature manifested its intention to make one part directory and another mandatory. But that by itself is not decisive.'

The power of court to find out whether the provision is directory or mandatory remains unimpaired.

97. From the above exposition, it emerges that where the legislature uses two words, 'may' and 'shall' in two different parts of the same provision prima facie it would appear that the legislature manifested its intention to make one part directory and another mandatory. But that by itself is not decisive. It is still within the domain of the court to find out whether the provision is directory or mandatory. To find out the real intent, the court has to consider the subject-matter as a whole, the purpose of the provisions, and the object intended to be secured by the statute.
98. It has not been laid down in Section 5[1] or in any other provisions of the Assam Panchayat Act as to what would be the effect if there is omission on the part of the State Government to declare a Gaon Panchayat in the manner provided in Section 5[1]. In other words, there is no other provision in the Assam Panchayat Act providing for the consequences, which would be fall if a Gaon Panchayat is not formed in terms of amended Section 5[1].
99. The provisions contained in the main enacting provision of Section 5[1] clearly gives an impression that the provision is directory in nature because of the use

of the word, 'may' therein but in view of the principles discernible from the precedents it is not to be accepted readily that the provision is directory in nature. There has been a persuasive discourse from the side of the petitioners that the provision contained in Section 5[1] despite use of the word, 'may' is mandatory in nature and therefore, it is the only way to delimit at the level of Gaon Panchayat. On the other hand, it has been contended on behalf of the State respondents that the provision contained in Section 5[1] is not the only way to delimit the Gaon Panchayats. In support, reference has been made to the provisions contained in the Assam Panchayat Act for delimitation of Panchayats at all the three levels. Therefore, an analysis of the other related provisions of the Assam Panchayat Act has become inevitable. One of the objects would be to find out about the intention behind the provision and also about any other way of meeting the situation and delimiting the Panchayats when the procedure in Section 5[1] is not followed.

XVIII. Article 243O[a] of the Constitution & Section 129[a] of the Assam Panchayat Act :-

100. Article 243O, which is in Part-IX of the Constitution, contains a bar to interference by courts in electoral matters. The Article 249O corresponds to Article 329 of Part-XV and Article 243ZG of Part-IXA. The provisions contained in Section 129 of the Assam Panchayat Act are akin to Article 243O. For ready reference, Article 243O and Article 329 of the Constitution as well as Section 129 of the Assam Panchayat Act are quoted hereinbelow :-

243O. Bar to interference by courts in electoral matters. –

Notwithstanding anything in this Constitution –

[a] the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243K, shall not be called in question in any court;

[b] no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law by the Legislative of a State.

329. Bar to interference by courts in electoral matters. –

Notwithstanding anything in this Constitution –

[a] the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 327 or Article 328, shall not be called in question in any court;

[b] no election to either House of Parliament or to the House or either by an election petition presented to such authority and in such manner as may be provided for by or under any law by the appropriate Legislative.

129. Bar to interference by Courts in electoral matters. –

Notwithstanding anything contained in this Act –

[a] the validity of any law relating to the delimitation of constituencies on the allotment of seats to such constituencies, made under Article 243 of the Constitution of India shall not be called in question in any court;

[b] no election to any Panchayat shall be called in question except by an election petition presented within sixty days from the date of declaration of election results to the Tribunal constituted under Section 127.

101. Clause [a] of Article 243O of the Constitution and Clause [a] of Section 129 of the Assam Panchayat Act, both of which operate with a non-obstante clause, have created a bar for courts to interfere with the State enactment dealing with delimitation of constituencies and allocation of seats. The process of delimitation of constituencies and finalization of electoral roll is independent from the process of election. The term, 'election' is interpreted broadly to include all steps and proceedings commencing from the date of notification of election till the date of

declaration of results. In view of Article 243O[a] of the Constitution and Section 129[a] of the Assam Panchayat Act, the validity of the relevant provisions contained in Section 5, Section 6, Section 31, Section 32, Section 64 and Section 65 of the Assam Panchayat Act concerning delimitation of Zilla Parishads, Anchalik Panchayats and Gaon Panchayats and its constituencies cannot be called in question in a court of law. Part–IX of the Constitution and the provisions of the Assam Panchayat Act, as amended, do not, however, contain anything to the effect that once an exercise is completed following them, the process so finalized would attain the force of law so as not to be questioned in a court of law.

XIX. The contents of the Notification dated 15.10.2024 :-

102. For appreciation of the issue further, it appears necessary to look into the contents of the Notifications, dated 15.10.2024, which were also published in the Assam Gazette. As a sample, the Notification no. File no. PDA.4/2024/GP/8 dated 15.10.2024 issued by the Panchayat & Rural Development Department, Government of Assam for the district of Cachar which was published in the Assam Gazette in Issue no. 526 dated 24.10.2024, is taken for analysis. For the sake of brevity, the relevant parts from the said Notification concerning Sonai Anchalik Panchayat and Banskandi Anchalik Panchayat are reproduced hereinbelow :-

GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR ::: GUWAHATI-6
ORDERS BY THE GOVERNOR
NOTIFICATION

File No. PDA.4/2024/GP/8

Dated Dispur the 15th October, 2024

In exercise of the powers conferred under sub-section [2] of Section 5 of the Assam Panchayat Act, 1994 [as amended] and in pursuance to the Cabinet decision taken in its meeting held on 08.10.2024; the Governor of Assam is pleased to notify the following Gaon Panchayats along with their corresponding villages under Cachar District :

Sl. No.	Name of the Anchalik Panchayat	Name of Gaon Panchayat	Name of Villages		
11	Banskandi	Chiripar Monipur	Chandrapur Pt. III		
			Chandrapur Pt. IV		
			Chiripar Pt. II		
			Lalong Pt. IV		
			Monipur Pt. I		
			Monipur Pt. II		
			Niz Lakhipur Pt. III		
			Ujan Tarapur[Uzan Tarapur]		
		Gobindapur Algapur	Algapur Pt. I		
			Algapur Pt. II		
			Gobindapur Pt. I		
			Gobindapur Pt. II		
		Gobindapur – Banskandi	Badripar		
			Durgapur		
			Gobindapur Pt. III		
			Niz Banskandi Pt. II		
			Niz Banskandi Pt. III		
					Ratanpur
				Krishnapur	Dakshin Krishnapur

			Dhamalia
			Saidpur Pt. I
			Uttar Krishnapur Pt. II
			Uttar Krishnapur Pt. IV
		Neairgram	Badripar Pt. IV
		Bagpur	Bagpur Pt. I
			Bagpur Pt. II
			Bagpur Pt. III
			Neairgram Pt. I
			Neairgram Pt. II
		Satkorakandi	Dhanchari Pt. I
			Dungripar Pt. I
			Jhanjarbali [Jhanjambali]
			Satkorakandi Pt. I
			Satkorakandi Pt. II
		Sibpur	Niz Rupairbali
			Sibpur Pt. I
			Sibpur Pt. II
			Singerbond Pt. I
			Singerbond Pt. II
		Sonabarighat	Barknagar Pt. I
			Saidpur Pt. II
			Sonabarighat Pt. I.
			Sonabarighat Pt. II
		West Singerbond	Singerbond Pt. III
			Singerbond Pt. IV
12	Sonai	Baorikandi	Bhaurikandi Pt. I [Bhandri]
			Bhaurikandi Pt. II

			Bidrohipar
			Kachudaram Pt. IV
			Nutun Kanchanpur
			Sundari Pt. I
			Sundari Pt. II
		Dakshin Mohanpur	Dakshin Mohanpur Pt. I
			Dakshin Mohanpur Pt. II
			Dakshin Mohanpur Pt. III
			Dakshin Mohanpur Pt. IX
			Gobindanagar Pt. I
			Gobindanagar Pt. II
			Rangirghat Pt. III
		Dakshin Saidpur	Dhancheri Pt. II
			Dhancheri Pt. III
			Saidpur Pt. III
			Saidpur Pt. IV
			Saidpur Pt. V
			Sildubi
		Didarkush	Baolihaor
			Didarkush Pt. I
			Didarkush Pt. II
			Didarkush Pt. III
			Didarkush Pt. IV
			Kachudaram Pt. III
		Kachudaram	Dakshin Mohanpur Pt. IV
			Dakshin Mohanpur Pt. V
			Dakshin Mohanpur Pt. VI
			Dakshin Mohanpur Pt. VIII
			Kachudaram Pt. I

			Kachudaram Pt. II
		Kaptanpur	Kaptanpur Pt. XVI
			Kaptanpur Pt. XII
			Kaptanpur Pt. XIII
			Kaptanpur Pt. XIV
			Kaptanpur Pt. XV
			Kaptanpur Pt. XVII
			Kaptanpur Pt. XVIII
			Nutun Ramnagar Pt. I [Nutanramnagar Pt. I]
		Kazidahar	Berabak Pt. II
			Kazidahar Pt. I
			Kazidahar Pt. II
			Kazidahar Pt. III
			Menipur Pt. II
		Nagdirgram	Berabak Pt. III
		Chandpur	Nagdirgram Pt. I
			Nagdirgram Pt. III
			Nagdirgram Pt. IV
		Swadhin Bazar	Dakshin Mohanpur Pt. VII
			Dakshin Mohanpur Pt. X
			Dakshin Mohanpur Pt. XI
			Nutun Ramnagar Pt. IV
			Nutun Ramnagar Pt. V

103. The Notifications further mentioned the names of the Gaon Panchayats which have been included within the territorial jurisdiction of each Anchalik Panchayat and also the names of the villages under each of the Gaon Panchayats. In view

of the categorical stand of the State Government that the provisions contained in amended Section 5[1] of the Assam Panchayat Act have not been resorted to in the delimitation and reorganization process undertaken pursuant to the Notification dated 03.08.2024, questions would definitely arise as to whether the State Government can do so exercising the power under Section 5[2] of the Assam Panchayat Act and whether the Notifications, dated 15.10.2024, would serve the overall object and purpose without falling foul of the amended Section 5[1] of the Assam Panchayat Act and the constitutional principle.

104. Section 141 of the Assam Panchayat Act has provided the power to make rules. As per sub-section [1] of Section 141, the State Government may make rules for carrying out the purposes and objects of the Assam Panchayat Act. The Assam Panchayat [Constitution] Rules, 1995 have been framed in exercise of the powers conferred by sub-section [1] of Section 141 of the Assam Panchayat Act. The Assam Panchayat [Constitution] Rules, 1995 [‘the Rules, 1995’ or ‘the 1995 Rules’, for short] came into force from 06.05.1994. Rule 6 of the Rules, 1995 had provided for delimitation of the constituencies in a Gaon Panchayat.
105. Sub-section [1] of Section 5 of the Assam Panchayat Act, had been amended by Section 5 of the Assam Panchayat [Amendment] Act, 2023 w.e.f. 19.10.2023. There had, however, been no corresponding changes to the related rule, that is, Rule 6[1] of the 1995 Rules simultaneously. Substitution of corresponding Rule 6[1] had only been made vide Notification no. EFC-596015/2 dated 24.12.2024, which was after the delimitation and reorganization process under reference. It means that at the time when Section 5[1] of the Assam Panchayat Act came to be amended, there was no corresponding commensurate rule in the 1995 Rules for it. Any amendment to any statutory provisions is considered, in general, to be prospective in nature, unless it is specifically stated to be operative retrospectively. Such is not the case here.

106. During the course of the hearing, it was noticed that in the Notification bearing no. E-449396 dated 03.08.2024 whereby the process of delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads in the State of Assam was commenced, it was stated therein that the ECI Notification dated 11.08.2023 would be diligently referred to for the source of Gaon Panchayats and villages falling in a Legislative Assembly Constituency [LAC] as a criteria for delimitation of Gaon Panchayats. In Clause 7 of the Standard Operating Procedure [SOP], it mentioned about delimitation of the Gaon Panchayats, Anchalik Panchayats, Zilla Parishads and Block reorganization. It was further mentioned that the LAC-wise Task Forces were to execute the delimitation and reorganization process at the LAC level and the Task Forces were to collect the LAC-wise list of villages and the names of the respective Gaon Panchayats from the concerned District Delimitation Commission, as notified by the ECI in LAC delimitation. It was further mentioned that once the village lists were collected, the Gaon Panchayats were to be assigned against each village. The Notifications, dated 15.10.2024, alone did not throw much light about delimitation of Zilla Parishads and Anchalik Panchayats and Block reorganization, other than naming the Anchalik Panchayats along with the Gaon Panchayats and the villages within them. It cannot be lost sight of the fact that in view of three-tier structure of Panchayati Raj Institutions, the process of delimitation of Zilla Parishads and Anchalik Panchayats are intricately intertwined with the delimitation process of Gaon Panchayats. As all the pieces with regard to delimitation of Panchayats at all the three levels did not seem to have fallen in places only from a perusal of the Notifications, dated 15.10.2024, this Court, to clarify the situation, had to ask the State respondents to furnish information to the Court as to whether with the delimitation process of Gaon Panchayats initiated by the Notification dated 03.08.2024 and following the Standard Operating Procedure [SOP] formulated therein reorganization of Development Blocks and delimitation of Anchalik Panchayats/Zilla Parishads were also simultaneously undertaken, as contemplated in the Notification dated 03.08.2024.

107. In response, a set of Notifications issued under sub-section [1] of Section 31 of the Assam Panchayat Act and under sub-section [1] of Section 65 of the Assam Panchayat Act by the Panchayat & Rural Development Department, Government of Assam, published in the Assam Gazette, have been placed before and brought to the notice of the Court. Another set of Gazette Notifications whereby Development Blocks throughout the State of Assam have been reorganized, have also been placed before and brought to the notice of the Court. On perusal, it is found that the Gazette Notifications were published separately for each of the districts.
108. As the issues raised in these petitions are argued by the parties on the basis of constitutional principles and statutory provisions, it was expected that the parties would place all the details which are relevant and material for adjudication of the issues in a proper manner. Though the parties have extensively argued as regard the delimitation of Gaon Panchayats, the parties should have placed all the materials as regards delimitation of Panchayats at all the three levels for a fair adjudication since the delimitation of Zilla Parishads, Anchalik Panchayats and Gaon Panchayats undertaken together along with reorganization of Development Blocks had possibility of impacting the delimitation process of the Gaon Panchayats, for the reasons already mentioned hereinabove. It should have been easily comprehensible to the parties that when the court would be faced with the task to decide on the issue of delimitation of Gaon Panchayats, it would not be possible for the court to decide the issue without having any knowledge about the delimitation process of the other two higher tiers of Panchayati Raj Institutions, that is, Anchalik Panchayat and Zilla Parishad, along with reorganisation of Development Blocks, if it had taken place simultaneously. When after delimitation of Anchalik Panchayats and Zilla Parishads, notifications were published in the Assam Gazette in exercise of statutory powers, it would have been just and fair on the part of the contesting parties to place those Gazette notifications before the court at the first instance.

109. As per Section 2[6] of the Assam Panchayat Act, 'notification' means a notification published in the Official Gazette. As defined in Section 2[33], 'State Government' means the Government in the Panchayat & Rural Development Department, Assam. The object of publication of an order in the Official Gazette is two-fold, firstly, to give information to public; and secondly, it is the official confirmation of the making of such an order. As it is published under the authority of the Government, such publication of an order is the official confirmation as regards the order and the version as printed in the Official Gazette is final. The Courts can refer to the Official Gazette whenever there arises a doubt or a situation for clarification. The Court can take judicial notice of what is published in the Official Gazette. Section 81 of the Indian Evidence Act, 1872 and Section 80 of the Bharatiya Sakshya Adhinyam, 2023 mention that the Court shall presume the genuineness of the Official Gazette.

XX. ECI's Order notified vide Notification dated 11.08.2023 :-

110. The Notification no. E-449396/18 dated 03.08.2024 had specifically mentioned that the ECI's Order notified vide Notification no. 282/AS/2023 [DEL]/Vol.V dated 11.08.2023 was to be diligently referred to for source of Gaon Panchayats and villages falling in a Legislative Assembly Constituency [LAC].

111. All the Legislative Assembly Constituencies [LACs] and Parliamentary Constituencies in the State of Assam were divided and delimited by the ECI's Order notified vide the Notification dated 11.08.2023 on the basis of the 2001 Census, as provided in Article 82 and Article 170 of the Constitution read with the Delimitation Act, 2002 and the Representation of the People Act, 1950. The Census figures of 2001, as published by the Census Commissioner, had only been considered for that purpose. The number of seats in the Legislative Assembly in the State of Assam have been kept intact as earlier at one hundred and twenty-six [126] and the number of seats allocated in the House of People [Lok Sabha] for the State of Assam have been retained as fourteen [14]. The

sole reason is that Article 82 and Article 170 have laid down that the number of seats in the Legislative Assembly of each State and the allocation of seats in the Lok Sabha to the States shall not be altered until the relevant figures for the first Census taken after the year 2026 have been published. It definitely has a connection with incorporation of Clause 4[ii] in the Notification dated 03.08.2024. Thus, it is evident that the delimitation exercise carried out by the ECI, which had culminated vide the Notification dated 11.08.2023, was on the basis of the population figures of the 2001 Census. It is not placed before this court when any delimitation process of Panchayat areas was previously undertaken.

112. In the earlier part, the facts stated in some of the writ petitions have been alluded to and one of those writ petitions is the writ petition, W.P.[C.] no. 5346/2024. In the writ petition, the petitioners have referred to [i] Sonai LAC; [ii] Barkhola LAC; and [iii] Lakhipur LAC.
113. The ECI Notification no. 282/AS/2023 [DEL]/Vol.V dated 11.08.2023, which was the basis of the Notification dated 03.08.2024 as well as the SOP, has described the extent of each of the one hundred and twenty-six [126] LACs in Table–A thereof. In order to understand the actual scenario, it appears apposite to extract the territorial extent of Sonai LAC:-

29. DISTRICT – CACHAR		
Sr.	Name of LAC	Extent
119	Sonai	Sonai M.B, <u>Banskandi Dev. Block [Part]</u> – Banskandi Dev. Block <u>excluding</u> - Palorbond G.P, Dolugram G.P., Badri Chandpur G.P. [Part] - Niz-Banskandi Pt IV, Chandrapur Pt II, Chandrapur Pt 1 [Chandrapur Pt II], Niz-Banskandi Pt I, Tarapur Monipur G.P [Part] - Tarapur Grant, Dungripar G.P. [Part] - Dungripar Pt II, Badripar G.P. [Part] - Badripar Pt 1, Badripar Pt II, Badripar Pt

		<p>III, Gangapur, Badripar Pt V [Dadripar Pt V [Badrapar V]], <u>Binnakandi Dev. Block [Part]</u>- Rupaibali G.P., Singerbond G.P.[Part] – Singerbond Pt IV, Binnakandi Bagan G.P.[Part] - Kaptanpur Pt XII, Kaptanpur G.P.[Part] - Kaptanpur Pt XIII, Kaptanpur Pt XV, Kaptanpur Pt XVI, Kaptanpur Pt XVII.Kaptanpur Pt XVIII, Kaptanpur Pt XIV, <u>Lakhipur Dev. Block [Part]</u> - Lakhipur Nayagram G.P. [Part]- Niz-Lakhipur Pt III, Chiripar Pt II, Sribar G.P. [Part] - Lalang Pt IV, <u>Narsingpur Dev. Block [Part]</u> - Chandpur G.P., Kazidahar G.P. [Part] - Berabak Pt II, Kajidahar Pt II, Kajidahar Pt III, Nagdirgram G.P. [Part] - Nagdirgram Pt III, Nagdirgram Pt IV, <u>Palonghat Dev. Block [Part]</u> - Didarkhush G.P., <u>Silchar Dev.Block [Part]</u> - Berenga G.P., Neargram Bagpur G.P., Bhagadahar Borjurai G.P., <u>Sonai Dev. Block [Part]</u> – SonaiDev. Block <u>excluding</u>-Nutan Ramnagar G.P.[Part] - Nutan Ramnagar Pt II [Nutanramnagar Pt II], Nutan Ramnagar Pt III [Nutanramnagar Pt III], Dakshin Saidpur G.P.[Part] - Menipur Pt I, Sildubi G.P.[Part] - Sildubi Grant, Dakshin Krishnapur G.P. [Part] - Uttar Krishnapur Pt III, Uttar Krishnapur G.P. [Part] -Sabashpur [Sabujpur], Sildubi G.P [Part] - Bariknagar Pt II, Uttar Krishnapur G.P.[Part] -Uttar Krishnapur Pt I [Uttar Krishnapur Part I (CT)], Sundari G.P [Part] - Sundari Pt IV. Sundari Pt III.</p>
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114. From a closer scrutiny of the territorial extent of Sonai LAC of Cachar district, it is easily discernible that after the LAC delimitation exercise carried out by the ECI, the areas of many of the erstwhile Development Blocks stood divided and got excluded from the territorial extent of Sonai LAC. Similarly, many Gaon Panchayat areas, either entirely with all the villages or partially with some of the villages, stood excluded from few erstwhile Development Blocks and got

excluded from the territorial extent of Sonai LAC. The excluded parts of these Development Block[s] and the Gaon Panchayat areas were obviously to be included in some other Development Block[s] and Gaon Panchayat[s] in other LAC[s]. Similar changes occurred in all the other LACs.

115. If the example of Banskandi Development Block within Sonai LAC is taken, it can be seen that entire areas of erstwhile Banskandi Development Block is not now part of Sonai LAC but only a part of its had been retained in Sonai LAC. The entire areas of Palorbond Gaon Panchayat and Dolugram Gaon Panchayat had been excluded from the territorial extent of Banskandi Development Block/Sonai LAC. Meaning thereby, the areas of the two Gaon Panchayats had been included in the areas of other Development Block[s] and LAC[s]. Similarly, a part of the areas of Badri Chandpur Gaon Panchayat comprising of the villages – Niz-Banskandi Pt IV, Chandrapur Pt II, Chandrapur Pt 1 [Chandrapur Pt II], Niz-Banskandi Pt I – had been excluded from the territorial extent of Banskandi Development Block/Sonai LAC and consequently, Banskandi Anchalik Panchayat. Similarly, a part of the areas of Tarapur Monipur Gaon Panchayat comprising of the village – Tarapur Grant – had been excluded from the territorial extent of Banskandi Development Block/Sonai LAC and consequently, Banskandi Anchalik Panchayat. A part of the areas of Dungirpar Gaon Panchayat comprising of the village – Dungirpar Pt II – had been excluded from the territorial extent of Banskandi Development Block/Sonai LAC and consequently, Banskandi Anchalik Panchayat. A part of the areas of Badripar Gaon Panchayat comprising of the villages – Badripar Pt 1, Badripar Pt II, Badripar Pt III, Gangapur, Badripar Pt V [Dadripar Pt V [Badripar V] – had been excluded from the territorial extent of Banskandi Development Block/Sonai LAC and consequently, Banskandi Anchalik Panchayat. Obviously, there excluded areas were included in areas in other Development Block[s] and consequently, other Anchalik Panchayat[s] and other LAC[s].

116. Similar changes and divisions had occurred in the other erstwhile Development Blocks also, as indicated for Banskandi Development Block in the manner in the Table below. The areas of erstwhile Banskandi Development Block which was earlier entirely within Sonai LAC, are now included into territorial areas of atleast three LACs [Lakhipur LAC, Udarbond LAC & Sonai LAC]. Palorbond Gaon Panchayat area has been included within Lakhipur LAC whereas Dolugram Gaon Panchayat area has been included within Udarbond LAC. In case of few Gaon Panchayats, some of the villages included earlier within those Gaon Panchayats were divided into areas of two or more LACs. Similarly, the areas of erstwhile Binakandi Development Block fell into atleast three LACs [Lakhipur LAC, Sonai LAC & Dholai (SC) LAC]. On further scrutiny, it is noticed that as a result of inclusion of areas of the Development Blocks into areas of different LACs, the areas of different Gaon Panchayats within such Development Blocks, in some cases, had also been simultaneously included in different LACs partly.

Cachar district		
Banskandi Development Block		
114 no. Lakhipur LAC	115 no. Udarbond LAC	119 no. Sonai LAC
Palorbond G.P., Badri Chandpur G.P. [Part] – Niz-Banskandi Pt I, Tarapur Monipur G.P. [Part] – Tarapur grant, Dungripar G.P. [Part] – Dungripar Pt II.	Dolugram G.P., Badripar G.P. [Part] – Badripar Pt I, Badripar Pt II, Badripar Pt III, Gangapur, Badripar Pt V [Dadripar Pt V [Badripar V]], Badri Chandpur G.P. [Part] – Niz-Banskandi Pt IV, Chandrapur Part II, Chandrapur Pt I [Chandrapur Pt II].	Banskandi Dev. Block, Block <u>excluding</u> - Palorbond G.P., Dolugram G.P., Badri Chandpur G.P. [Part] – Niz-Banskandi Pt IV, Chandrapur Pt II, Chandrapur Pt I [Chandrapur Pt II], Niz-Banskandi Pt I, Tarapur Monipur G.P. [Part] – Tarapur grant, Dungripar G.P. [Part] –

		Dungripar Pt II, Badripar G.P. [Part] – Badripar Pt I, Badripar Pt II, Badripar Pt III, Gangapur, Badripar Pt V [Dadripar Pt V [Badrapar V].
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XXI. The Delimitation of Zila Parishads:-

117. The State Government in the Panchayat & Rural Development Department had issued a Notification bearing no. PDA.7/2024/ZPC/8 dated 21.10.2024 for the district of Cachar in exercise of the power conferred by sub-section [1] of Section 65 of the Assam Panchayat Act. Similar notifications were issued in respect of the other districts. By the Notification dated 21.10.2024 [supra], which was published in the Assam Gazette in Issue no. 602 dated 14.11.2024, the State Government had notified the Zilla Parishad Constituencies [ZPCs] along with their corresponding Gaon Panchayats in each ZPC. The Notification pertained to Cachar district whereby the Zilla Parishad Constituencies [ZPCs] for all the seven Legislative Assembly Constituencies [LACs] of Cachar had been notified. The relevant excerpts of the said Notification pertaining to Sonai LAC appear as under :-

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
NOTIFICATION
The 21st October, 2024

No. PDA.7/2024/ZPC/8.– In exercise of the power conferred under sub-section [1] of Section 65 of the Assam Panchayat Act, 1994 [as amended] read with sub-rule [1] of Rule 8 of the Assam Panchayat [Constitution] Rules,

1995 [as amended] and in pursuance to the Cabinet decision taken in its meeting held on 8th October, 2024, the Governor of Assam is pleased to notify the following Zilla Parishad Constituencies [ZPC] along with their corresponding Gaon Panchayats under Cachar District.

Sl No.	Name of LAC	Name of Zilla Parishad Constituency	Name of Gaon Panchayat
6.	119 - Sonai	Bagpur Sonabarighat	Dakshin Saidpur
			Krishnapur
			Neairgram Bagpur
			Sonabarighat
		Didarkosh Nagdirgram	Baorikandi
			Didakush
			Kachudaram
			Nagdirgram Chandpur
			Swadhin Bazar
		Kaptanpur Kazidhar	Dakshin Mohanpur
			Kaptanpur
			Kazidahar
			Satkorakandi
		Sibpur Banskandi	Chiripar Monipur
			Gobindapur Algapur
			Gobindapur – Banskandi
			Sibpur
			West Singerbond

118. As per the prescription contained in sub-section [1] of Section 64 of the Assam Panchayat Act, for every district there shall be a Zilla Parishad having jurisdiction, save as otherwise provided in the Assam Panchayat Act, over the entire district.

The territorial area of a Zilla Parishad is not always co-terminus with the territorial area of the concerned district as the portions of the district which are included in a Municipality or a Municipal Corporation or under the authority of Town Committee or Sanitary Board or Cantonment area or any notified area have to be excluded. As per the first proviso to Clause [i] of sub-section [1] of Section 65 of the Assam Panchayat Act, the Government may by notification in the Official Gazette determine the territorial constituencies in the district keeping in view the overall population of the district at a rate of one member for a population not less than thirty-thousand. In the second proviso to Clause [i] of sub-section [1] of Section 65 of the Assam Panchayat Act, it is provided that every Legislative Assembly Constituency [LAC] shall have four territorial constituencies and in case of a part of the LAC with a population less than thirty-thousand falling within the district then that part shall form a territorial constituency of the Zilla Parishad. The LAC delimitation made vide ECI's Order dated 11.08.2023 had a clear connection with and effect on the delimitation of Zilla Parishad Constituencies [ZPCs] and it had obvious ripple effect also on the Gaon Panchayats, which were previously declared and established with the villages comprising within them. By the third proviso to Section 65 [1] [i] of the Assam Panchayat Act, it is laid down that if a particular LAC has urban population included in a Municipality or a Municipal Corporation or under the authority of any Town Committee or any Sanitary Board or any Cantonment or any notified area deemed to be urban area, then that LAC can have less than four territorial constituencies of Zilla Parishad and if the rural population of that particular LAC is less than thirty-thousand, it may form a territorial constituency of the Zilla Parishad.

119. The Standard Operating Procedure [SOP] set forth in the Notification dated 03.08.2024 had provided for delimitation of the Zilla Parishads. By taking into purview the provisions contained in Section 65 [1] [i] of the Assam Panchayat Act, the SOP had laid down the procedure for delimitation of territorial constituencies of a Zilla Parishad. As per the SOP, [i] A territorial constituency of

Zilla Parishad [ZPC] would belong to only one LAC, [ii] In case of 100% rural population in an LAC, the LAC shall have four territorial constituencies [ZPC] at a rate of one member for a population of not less than thirty thousand and [iii] in case of an LAC having rural and urban population, each ZPC would constitute with not less than thirty thousand rural population and that LAC may have less than four territorial constituencies and if the rural population of this Legislative Assembly Constituency was less than thirty thousand, this may form only one territorial constituency. From the above, it is discernible that the statutory provision for delimitation of territorial constituencies of the Zilla Parishad seems to have an in-built mechanism for adhering to the constitutional principle regarding maintaining of the same ratio, as far as practicable.

120. By the ECI's Order notified vide the Notification dated 11.08.2023, delimitation and division of the Legislative Assembly Constituencies [LACs] in the State of Assam was carried out. The Notification also mentioned about the nos. of LACs for each of the districts. It can be seen from the Notification dated 03.08.2024, the Panchayati Raj system is prevalent in twenty-seven nos. of districts in the State of Assam. In the Notification dated 03.08.2024, the nos. of ZPCs in each district were also mentioned.
121. It is discernible from the afore-mentioned Notification issued under Section 65[1] of the Assam Panchayat Act, the State Government while notifying and delimiting the Zilla Parishad Constituencies [ZPCs], had also notified the Gaon Panchayats, which are within each of the ZPC. As per Rule 8[1] of the 1995 Rules, the State Government after declaration of a Zilla Parishad is empowered delimit the Zilla Parishad Constituencies as per Section 65[1] of the Assam Panchayat Act. Under Rule 8[1] of the Rules, 1995, which attracts the bar under Article 243O[a] of the Constitution and Section 129[a] of the Assam Panchayat Act, the State Government has to ensure that no Gaon Panchayat falls in two ZPCs. It is obvious that the delimitation of a ZPC is not possible without mentioning the extent of the area within it and the extent of a ZPC can be best described by the Gaon

Panchayats with the villages, included within the ZPC. Therefore, in so declaring the extents of the ZPCs, the State Government is empowered also to declare the Gaon Panchayats along with the villages within them, as the Gaon Panchayats were already in existence, which would be within each of the ZPCs. In such view of the matter, it cannot be said that the act of the delimiting the ZPCs mentioning of the names of the Gaon Panchayats with the villages within them which would fall under the respective ZPC, is in breach of any statutory provision.

XXII. Delimitation of Anchalik Panchayats & Gaon Panchayats vis-à-vis the SOP :-

122. The State Government in the Panchayat & Rural Development Department had also reorganized the Development Blocks in each of the districts and notified the Development Blocks, after reorganization, along with their Head Quarters and corresponding Gaon Panchayats under each of the districts of Assam for administrative exigency and smooth implementation of the development schemes undertaken by the State as well as the Central Government. Such Notifications were published in the Assam Gazette. In respect of Cachar district, the Development Blocks, after reorganization, along with their Head Quarters and corresponding Gaon Panchayats were notified vide a Notification no. PDA.6/2024/DB/8 dated 19.10.2024 and the Notification was published in the Assam Gazette in Issue no. 608 dated 14.11.2024. The following is an extract from the said Notification regarding re-organised Banskandi Development Block and Sonai Development Block to make the situation more clear to understand the process of reorganization of the Development Blocks. :-

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

The 19th October, 2024

No. PDA.6/2024/DB/8. –For administrative expediency and smooth implementation of various rural development scheme undertaken by the State as well as Central Government and in pursuance to the Cabinet decision taken in its meeting held on 8th October, 2024; the Governor of Assam is pleased to notify the following Development Blocks along with their Head Quarters and corresponding Gaon Panchayats under Cachar District.

Sl. No.	Name of Development Block	Name of Development Block Head Quarter	Name of Gaon Panchayat
11	Banskandi	Banskandi Development Block, Village – Banskandi Pt – II, P.O. – Banskandi, Pin – 788101	Chiripar Monipur
			Gobindapur Algapur
			Gobindapur–Banskandi
			Krishnapur
			Neairgram Bagpur
			Satkorakandi
			Sibpur
			Sonbarighat
			West Singerbond
12	Sonai	Sonai Development Block, Village – Kaptanpur, Pt – XVIII, P.O. – Sonai Mukh, G.P. – Kaptanpur, Pin – 788119	Baorikandi
			Dakshin Mohanpur
			Dakshin Saidpur
			Didarkush
			Kachudaram
			Kaptanpur
			Kazidahar
			Nagdirgram Chandpur
			Swadhin Bazar

123. With the reorganization of the Development Blocks in the districts the State Government in the Panchayat & Rural Development Department had also simultaneously issued Notifications exercising powers conferred under sub-section [1] of Section 31 of the Assam Panchayat Act to notify the Anchalik Panchayats along with their corresponding Gaon Panchayats in each of the districts of Assam and these Notifications were also published in the Assam Gazette. In respect of Cachar district, the Anchalik Panchayats along with their corresponding Gaon Panchayats were notified vide a Notification no. PDA.5/2024/AP/8 dated 19.10.2024 and the Notification was published in the Assam Gazette in Issue no. 648 dated 14.11.2024. The following are the excerpts pertaining to Banskandi Anchalik Panchayat and Sonai Anchalik Panchayat from the Notification.

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

The 19th October, 2024

No. PDA.5/2024/AP/8. - In exercise of the power conferred under sub-section [1] of Section 31 of the Assam Panchayat Act, 1994 [as amended] and in pursuance to the Cabinet decision taken in its meeting held on 8th October, 2024, the Governor of Assam is pleased to notify the following Anchalik Panchayats along with their corresponding Gaon Panchayats under Cachar District.

Sl. No.	Name of the Anchalik Panchayat	Name of Gaon Panchayat
11	Banskandi	Chiripar Monipur

		Gobindapur Algapur
		Gobindapur – Banskandi
		Krishnapur
		Neairgram Bagpur
		Satkorakandi
		Sibpur
		Sonbarighat
		West Singerbond
12	Sonai	Baorikandi
		Dakshin Mohanpur
		Dakshin Saidpur
		Didarkush
		Kachudaram
		Kaptanpur
		Kazidahar
		Nagdirgram Chandpur
		Swadhin Bazar

124. In the process of such reorganization, Dolugram Gaon Panchayat which was earlier within Sonai LAC/Banskandi Development Block/Banskandi Anchalik Panchayat, has been included within Lakhipur LAC/Rongpur Development Block/Rongpur Anchalik Panchayat. Palorbond Gaon Panchayat was earlier within Sonai LAC/Banskandi Development Block/Banskandi Anchalik Panchayat. Subsequently, Palorbond Gaon Panchayat has been included in Lakhipur LAC/Lakhipur Development Block/Lakhipur Anchalik Panchayat. Similar changes had occurred in respect of many villages within the Gaon Panchayats or areas of the Gaon Panchayats. In some cases, the entire area of Gaon Panchayat was taken out of the erstwhile Development Block/Anchalik Panchayat and in some other cases, few villages from a Gaon Panchayat were taken out of the erstwhile

Development Block/Anchalik Panchayat and have been included in the areas of other Development Blocks/Anchalik Panchayats.

125. To carry out reorganization of Blocks, necessitated due to LAC delimitation carried out by the ECI vide its Order dated 11.08.2023, it was deemed necessary to delimit and reorganize the Gaon Panchayats under the respective Anchalik Panchayats as the areas of many of the existing Gaon Panchayats with entire villages or few of the villages, as a result of delimitation of LACs, had got divided and fell in different Development Blocks and LAC areas. On comparison of the areas brought within Banskandi Development Block and Banskandi Anchalik Panchayat and similarly, the areas brought within Sonai Development Block and Sonai Anchalik Panchayat, it is evident that the Gaon Panchayats which have been brought under them are same for the Development Block as well as for the co-extensive Anchalik Panchayat.

126. From the provisions of Section 31[1], it is clearly discernible that for each Development Block, there shall be an Anchalik Panchayat having jurisdiction, save as otherwise provided, over the entire Development Block jurisdiction excluding such portions of the Block as are included in a Town Committee and as are included in a Municipality or under the authority of a Municipal Corporation or a Sanitary Board or a Cantonment Board or a notified area constituted under any law for the time being in force. It is, thus, clear that any area within a Development Block, which is part of a Town Committee or a Municipal Corporation or a Sanitary Board or a Cantonment Board or a notified area constituted under any law, is not to be included within the territorial jurisdiction of a Anchalik Panchayat. After exclusion of such areas, the areas of a Development Block is co-terminus with the areas of corresponding Anchalik Panchayat. By the proviso to Section 31 [1], it has been provided that a Block may comprise of such villages which are not contiguous or which have no common boundaries and are separated by an area to which the Assam Panchayat Act does not extend or by an area in which the remaining sections of the Assam

Panchayat Act have not come into force. As per Section 32 [1][a] with the nominal heading 'Constitution of Anchalik Panchayat', every Anchalik Panchayat shall consist of one member from each Gaon Panchayat to be directly elected from the territorial constituencies of the Gaon Panchayat under the jurisdiction of the Anchalik Panchayat. An Anchalik Panchayat being co-terminus to a Development Block shall have an Executive Officer appointed by the Government, who shall be the ex-Officio Secretar, provided that the Block Development Officer or such other officer as may be appointed by the Government shall hold the post of Executive Officer and Secretary of the Anchalik Panchayat [Section 62].

127. From a conjoint reading of Section 31 and Section 32 of the Assam Panchayat Act, it would emerge that it is the State Government which requires to make the declaration of the Anchalik Panchayats by issuance of a notification under sub-section [1] of Section 31 of the Assam Panchayat Act. It has been further provided that immediately after such declaration by the State Government, the constituencies of the Anchalik Panchayats can be delimited as per sub-section [1] of Section 32 of the Assam Panchayat Act. Section 31[1][a] of the Assam Panchayat Act has prescribed that every Anchalik Panchayat shall inter-alia consist of one member from each Gaon Panchayat to be directly elected from the territorial constituencies of the Gaon Panchayat under the jurisdiction of the Anchalik Panchayat. Thus, the power is inherent in Section 31 and Section 32 for the State Government to decide and declare about the Gaon Panchayats included in the territorial jurisdiction of each of the Anchalik Panchayats.
128. The SOP, notified vide the Notification dated 03.08.2024, by taking into purview the provision of Section 31 of the Assam Panchayat Act, had stipulated that the Anchalik Panchayats are co-terminus with the Development Blocks and re-organization of the Development Blocks would automatically delimit the Anchalik Panchayats.

129. The Notifications, dated 15.10.2024, of the Panchayat & Rural Development Department, Government of Assam, which are the subject-matter of challenge in this batch of writ petitions, are to be looked at in the context of such vital developments, which developments were not brought to light by the parties at the first instance. The Notifications were issued by the State Government exercising powers conferred under sub-section [2] of Section 5 of the Assam Panchayat Act notifying the Gaon Panchayats along with their corresponding villages in each of the districts. The relevant Notification pertaining to Cachar district was the Notification no. PDA.4/2024/GP/8 dated 15.10.2024. The relevant excerpts from the said Notification pertaining to Cachar district and Banskandi Anchalik Panchayat and Sonai Anchalik Panchayat are already extracted hereinabove.
130. What has emerged from the Notifications issued for reorganization of the Development Blocks; the Notifications issued under Section 65[1] and Section 31[1] of the Assam Panchayat Act; and the Order dated 11.08.2023 of the ECI is that as a result of determining and delimiting the extent of each of the LACs, there arose the necessity to revisit the territorial extents of the existing Gaon Panchayats and the villages included within them prior to the process of reorganization of the the Development Blocks, delimitation of the Anchalik Panchayats and Zilla Parishads. As discussed above, by the ECI's Order dated 11.08.2023, parts of some of the existing Gaon Panchayats with villages stood excluded from its erstwhile Development Block/Anchalik Panchayat/LAC. In some cases, the entire area of the Gaon Panchayat with all the villages stood excluded from the area of the erstwhile Development Block/Anchalik Panchayat/LAC. It is easily noticeable from the Order dated 11.08.2023 that the ECI while deciding the extents of the LACs had included parts of a nos. of existing Gaon Panchayats with some of the villages in more than one LACs and as a result, the areas of those Gaon Panchayats/Anchalik Panchayats got divided into two or more parts and therefore, the territorial extents were required to be revisited and remedied for the purpose of Part-IX and the Assam Panchayat Act.

The territorial extents of a nos. of erstwhile Development Blocks got divided into more than LAC. Such inclusion of areas of the erstwhile Development Blocks, which were co-extensive with the erstwhile Anchalik Panchayats, in more than one LAC was not conducive for the impending Panchayat election. In order to carry out the reorganization and delimitation process of the Anchalik Panchayats and Zilla Parishads, concomitant changes in the extent of some of the Gaon Panchayats were necessary. There arose the necessity to notify the Gaon Panchayats and the corresponding villages which got included in the respective Anchalik Panchayats in the process by operation of law. In such backdrop, the stand of the State respondents that it has become imperative to carry out the process of delimitation of Zilla Parishads, Anchalik Panchayats and Gaon Panchayats and reorganisation of Development Blocks in the State following the delimitation of LACs of the State as per the ECI's Order dated 11.08.2023 is found justified.

131. As necessity arose for the State Government to reorganize the Development Blocks and delimitation of the Zilla Parishads, Anchalik Panchayats and Gaon Panchayats, the Notification dated 11.08.2023 of the ECI was incorporated in Clause 4[i] of the SOP as the basis for the clauses following it, as in ignorance of it the process would run into rough weather. Therefore, Clause 4[ii] onwards of the SOP are to be looked at qua the challenges mounted by the petitioners.
132. From Clause 7 of the SOP, it could be found that there were two proposals, [i] delimitation of Gaon Panchayats, Anchalik Panchayats & Zilla Parishads; and [ii] Block reorganization. It was mentioned in the SOP that the process would involve collection of LAC-wise list of villages and respective Gaon Panchayat's name, as notified by the ECI in LAC delimitation and thereafter, assignment of the Gaon Panchayat against each village. The LAC-wise Task Force was given the task to execute the delimitation and reorganization process at the LAC level. The LAC-wise Task Force was asked to collect the LAC-wise list of villages and respective Gaon Panchayat's name from the District Delimitation Commission, as notified

by the ECI in LAC Delimitation. After collection of the villages list LAC-wise, a Gaon Panchayat was to be assigned against each village. The Circle Officer whose maximum area fell in the concerned LAC was the team leader in the LAC-level Task Force. The BDO whose maximum area fell in the LAC and one official who had good understanding of the Gaon Panchayat/Block boundaries were made members of the LAC-level Task Force. By the Notification dated 03.08.2024 and by laying down the Standard Operating Procedure [SOP], reorganization of the erstwhile Development Blocks in the State was also envisaged. As per Section 31 of the Assam Panchayat Act, the areas of each of the Anchalik Panchayats is to be co-terminus and same with a Development Block.

133. Clause 4[ii] mentioned that there shall be no changes in the number of Gaon Panchayats before the LAC delimitation and after the LAC delimitation in a district and it would remain the same as that of the then existing number of Gaon Panchayats in the district. In Clause 4 [ii] of the SOP, the State Government had made its intention clear that there would not be, ordinarily, declaration of a Gaon Panchayats under the amended Section 5[1] and the process would be undertaken on the basis of the then existing Gaon Panchayats. In essence, the extents of the existing Gaon Panchayats and the corresponding villages would be revisited for adjusting the villages, by way of inclusion or exclusion, into the already established Gaon Panchayats., necessitated due to the afore-sated reasons and situations.
134. It was further decided in Clause 4[iii] that one Gaon Panchayat shall belong to only one LAC, meaning thereby, the territorial jurisdiction of a Gaon Panchayat shall not be shared with more than one LAC. By Clause 4[iv] of the SOP, it was laid down that if a Gaon Panchayat after LAC delimitation, was not shared among more than one LAC, then preferably the Gaon Panchayat boundary would be retained. It emerges from Clause 4[iii] that if a Gaon Panchayat after LAC

delimitation was shared among more than one LAC, then changes would be made in terms of Clause 4[v] and Clause 4[vi].

135. It was further proposed by Clause 4[vii] that a census village shall not be bifurcated into two or more Gaon Panchayats. Meaning thereby, a census village is to be a part of only one Gaon Panchayat area.
136. Clause 4[viii] made a provision that as per LAC delimitation, if a Gaon Panchayat was divided between two districts, then that Gaon Panchayat would be considered in the district having the Gaon Panchayat Head Quarter. No instance of the kind, covered by the Clause 4[viii], has been brought to light in this batch of writ petitions.
137. Clause 4[ii], Clause 4[iii], Clause 4[iv], Clause 4[vii] and Clause 4[viii] did not speak about formation of any new Gaon Panchayat. No instance regarding violation of these clauses of the SOP have been urged by the petitioners' sides. It is also pertinent to mention that these clauses were about Gaon Panchayats, which were in existence on 03.08.2024.
138. In Clause 4[v], it was provided that if a Gaon Panchayat after LAC delimitation had been shared among more than one LAC, then the villages under the respective LACs either may be grouped together to form a new Gaon Panchayat or the villages were to be accommodated in the nearby existing Gaon Panchayat, subject to compliance of the criteria given in Clause 4[ii]. Clause 4[v] had provided, as an option, for formation of a new Gaon Panchayat with villages if the areas of a then existing Gaon Panchayat of which these villages were earlier part, got included in more than one LAC, subject to compliance of the criteria given in Clause 4[ii]. The other option provided in Clause 4[v] was that if a Gaon Panchayat after LAC delimitation had been shared among more than one LAC, then the villages were to be accommodated in the nearby existing Gaon Panchayat, subject to compliance of the criteria given in Clause 4[ii]. Clause 4[vi]

was a follow up provision for the first option in Clause 4[v]. It provided for formation of a new Gaon Panchayat by taking into consideration the factors like the population, natural boundary and category of the district, as per amended Section 5[1] of the Assam Panchayat Act. Renaming of an existing Gaon Panchayat after accommodating the villages as per the second option would not amount to formation of a new Gaon Panchayat. Other than formation of a new Gaon Panchayat in the afore-stated exigency mentioned in Clause 4[v] of the SOP, the clauses in the SOP mentioned about Gaon Panchayats, which were in existence as on the date of the SOP.

139. From the above, it is evidently clear that as a result of delimitation of the LACs in Assam vide the ECI's Order dated 11.08.2023, which has the force of law, the extent of LAC stood divided and changed in terms of Table-A therein for the purpose of election to the Lok Sabha and Legislative Assembly. It did not, however, result in any changes in the territorial limits of the districts in Assam. It can be iterated that the Order dated 11.08.2023 had delimited the LACs and while delimiting the LACs, it mentioned the extents of the the Development Blocks and the Gaon Panchayats as well, which were made part of each of the LACs. As a result of delimitation of the LACs, the Order dated 11.08.2023 included a part of one Development Block in one LAC and part[s] of the said Development Block in other LAC[s]. Similarly, the Order dated 11.08.2023 included a part of a nos. of Gaon Panchayats in one LAC and part[s] of the same Gaon Panchayats in some other LAC[s]. In view of the ECI's Order dated 11.08.2023, the State Government started the delimitation process of the Zilla Parishads and the reorganization of Development Blocks together with delimitation of Anchalik Panchayats and the Gaon Panchayats together. The power and authority to do so is available in the provisions of Section 5, Section 6, Section 31, Section 32, Section 64 and Section 65 of the Assam Panchayat Act.

140. The unamended Section 5[1] of the Assam Panchayat Act provided that the State Government can declare 'any local area' comprising of a revenue village or a group of revenue villages or a Forest village or a tea garden area or hamlets forming part of revenue village or Forest village or tea garden area or other such administrative unit or part thereof to be 'a Gaon Panchayat' with population of its territory not less six thousand and not more than ten thousand. Hamlet usually means a small settlement or a small populated area. The amended Section 5[1] of the Assam Panchayat Act has provided that the State Government can declare 'any local area' comprising of a revenue village of a group of revenue villages or a Forest village or a tea garden area or hamlets forming part of revenue village or Forest village or tea garden area or other such administrative unit or part thereof to be 'a Gaon Panchayat' with population of its territory as per the category within which the district falls. On a comparative analysis of unamended Section 5[1] and amended Section 5[1] what is borne out is that the State Government can declare 'any local area' comprising of a revenue village of a group of revenue villages or a Forest village or a tea garden area or hamlets forming part of of revenue village or Forest village or tea garden area or other such administrative unit of part thereof to be 'a Gaon Panchayat'. The only difference in the two sections lies in the part relating to the population range within the territory of the Gaon Panchayat. The Assam Panchayat Act has not provided for the definition of 'local area'.
141. As per the definition provided by Section 2[9] of the Assam Panchayat Act, 'village' means 'any local area', recorded as a village in the revenue record of the District in which it is situated and includes any areas which the State Government may, by general order or special order, declare to be a village for the purpose of the Assam Panchayat Act. Article 243[g] of the Constitution has defined 'village' to mean a village specified by the Governor by public notification to be village for the purposes of Part-IX and includes a group of villages so specified. 'Panchayat area', as defined by Article 243[e], means the territorial area of a Panchayat. In respect of a Gaon Panchayat, which is the Panchayat at the village

level, the 'Panchayat area' of a Gaon Panchayat is the territorial area of the Gaon Panchayat.

142. In **Pradhan Sangh Kshettra Samiti** [supra], the Hon'ble Supreme Court on Article 243 [g] has observed that any existing village or a group of villages may be specified by the Governor as a village for the purposes of organizing a village panchayat. There is nothing wrong if the Governor specifies the revenue village as villages and in addition also those villages and settlements which are not so recorded in the revenue records as villages for the purpose of constituting village panchayats. No restriction has been placed by Article 243 [g] on the Governor for accepting the revenue village as a village for the purpose of constituting village panchayats. In fact, the Governor has been empowered by the said constitutional provision to declare even a group of villages as a village.
143. After the Assam Panchayat Act was enacted the Gaon Panchayats were established under the provisions of unamended Section 5[1] by declaration of local areas with defined limits as Gaon Panchayats. At the time amended Section 5[1] came to be inserted the Gaon Panchayats were already established and in existence. Those Gaon Panchayats were deemed to be established taking into consideration the population range mentioned in unamended Section 5 [1].
144. Section 5[2][a] has provided that the Government may, by similar notification, at any time, include within or exclude from any village, any local area or otherwise, from the limit of any village, after consultation with the Gaon Panchayat, if it has already been established. Section 5[2][b] has provided that the Government may, by similar notification, at any time, declare that any local area shall cease to a village and thereupon the local area shall be so excluded from the limit of the village so altered, after consultation with the Gaon Panchayat, if it has already been established. From Chapter-IV, 'Establishment and Constitution of Gaon Panchayat', it is beyond any scintilla of doubt that such

inclusion or exclusion of any village or local area is meant to be in or from a Gaon Panchayat area already established.

145. The applicability of Section 5[2] is clearly in a situation where a Gaon Panchayat has already been established. The use of the word, 'any local area' is also found mentioned in Section 5[2], like Section 5[1]. It has been manifested from both pre-amended Section 5[1] and amended Section 5 [1] that a 'local area' can comprise of [i] a revenue village, or [ii] a group of revenue villages, or [iii] a Forest village or [iv] a tea garden area, or [v] hamlets forming part of revenue village, or [vi] hamlets forming part of Forest village or [vii] hamlets forming part of tea garden area or [viii] other such administrative unit, or [ix] part of such administrative unit. From the definition and interpretation of 'village' from Article 243[g] and Section 2[9], the State Government is empowered to specify the revenue village as villages and in addition also those villages and settlements which are not so recorded in the revenue records as villages for the purpose of constituting village panchayats. No restriction has been placed by Article 243[g] on the Governor for accepting the revenue village as a village for the purpose of constituting village panchayats.
146. The elasticity in the provisions defining 'local area' and 'village' in the Constitution and the Assam Panchayat Act, in the considered view of the court, had permitted the State Government to issue the Notifications, dated 15.10.2024, under Section 5[2] of the Assam Panchayat Act to exclude any village or any local area from an already established Gaon Panchayat and include any village or any local area in an already established Gaon Panchayat to facilitate the demilitation process of the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads in the State as well as for reorganization of the Development Blocks. One of the main objects behind the process was to delimit and readjust the territorial extents of the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads in conformity with the delimitation of the LACs. The elected bodies of the Gaon Panchayats stood dissolved much earlier to initiation of the process of delimitation of Panchayats

and reorganisation of Development Blocks because of expiry of their five-year tenure under Article 243E. Section 5[2] has envisaged for a consultation with the Gaon Panchayat, if it has already been established, prior to issuance of a notification under it by the State Government. The word, consultation has to be interpreted qua the object and purpose for which the provision for consultation is made. As the power and authority to declare, constitute and notify a Gaon Panchayat stand vested with the State Government, the State Government has the primacy over the matter. If there is no elected body of the Gaon Panchayat, then consultation with such body is not possible and in such an eventuality, consultation is also not required. In such situation, the State Government, in the Notification dated 03.08.2024, had inducted an official who had good understanding of the Gaon Panchayat/Block boundaries as a member of the LAC-level Task Force to render assistance to the State Government in the decision-making process. The process so adopted cannot be termed as one in derogation of the provision of the Assam Panchayat Act.

147. From the discussion made above, it is found that there are statutory provisions in the Assam Panchayat Act which provide for delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads. In the process of delimitation of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads, attributable also due to delimitation of LACs having the force of law, the process also resulted into inclusion and exclusion of Gaon Panchayats, either fully or partly, with all the villages or with few of the villages, within one Anchalik Panchayat/ Development Block or the other. It is also not inconceivable to maintain the same ratio, so far as practicable as envisaged in Article 243C, without categorising the districts on the basis of population density. In the facts and circumstances of the case in hand, the provisions contained in amended Section 5[1] cannot be construed as an imperative obligation. For the afore-stated reasons, no infirmity is found in issuance of the Notifications, dated 15.10.2024, which calls for any interference on the ground of want of power and authority on the part of the State Government. As a corollary, the grounds on which challenge has been made to

the actions taken through the Notifications, dated 15.10.2024, to notify the Gaon panchayats along with their correspondending villages in each of the districts are found lacking credence.

XXIII. The role of District Delimitation Commission :-

148. By the Notification dated 03.08.2024, the State Government had constituted District Delimitation Commission with the members, as mentioned in Clause 3 thereof. The three-member District Delimitation Commission had been constituted with [i] the jurisdictional District Commissioner as the Chairman; [ii] the Chief Executive Officer of the jurisdictional Zilla Parishad as the Member Secretary; and [iii] the Election Officer[s] as the third member. The constitution of the District Delimitation Commissions is found to be in conformity with the provision of Section 3A of the Assam Panchayat Act. This Court is not persuaded to accept the submission advanced by the petitioners' sides that the District Delimitation Commission in each district had to be constituted by naming the individuals, who would constitute the Commission. As the State Government had constituted the District Delimitation Commissions in each district with the incumbents of the offices on ex-officio basis, it cannot be said that there had been infraction of the provisions of Section 3A of the Assam Panchayat Act, as amended. Rather, the constitution of the Commissions with the officials on ex-officio basis had facilitated smooth continuance and completion of the delimitation and reorganization process.

149. On perusal of the provision of Section 3A of the Assam Panchayat Act, as amended, it is noticeable that the District Delimitation Commissions are entrusted to decide the size of the Gaon Panchayats, Anchalik Panchayats and Zilla Parishad Constituencies. In the statute, power has not been given to the District Delimitation Commission specifically to issue a notification under Section 2[6] of the Assam Panchayat Act. By the Notification dated 03.08.2024 and the SOP, the District Delimitation Commissions was given the task to form the LAC-

level Task Forces from the respective LAC of the district. The LAC-level Task Force was to execute the delimitation and reorganization process at the LAC level. The LAC-level Task Forces were asked to collect the LAC-wise lists of villages and the respective Gaon Panchayats from the District Delimitation Commission, as notified by the ECI in LAC Delimitation. The District Delimitation Commission was reporting authority for the LAC-level Task Forces. The public hearings were to be conducted under the aegis of the District Delimitation Commission. As the public hearings were conducted by LAC-wise Task Forces chaired by jurisdictional District Commissioners nominated by the District Delimitation Commission the point urged on behalf of the petitioners that the claims and objections were not heard by the District Delimitation Commission does not deserve acceptance. After completion of the public hearings, relevant records and proposals were submitted by the District Delimitation Commission before the State Government in the Panchayat & Rural Development Department through the Commissioner, Panchayat & Rural Development, Assam. The final decision on the relevant records and proposals rested on the State Government. It was after decision of the State Cabinet, the Notifications deciding about the extents/areas of the Anchalik Panchayats and Zilla Parishads were published and notified by the State Government. As with the process of redefining the extents/areas of Anchalik Panchayats/ Development Blocks, the process of the inclusion or exclusion of Gaon Panchayats as constituencies of the Anchalik Panchayats were intricately involved, the State Government in order to facilitate the same had decided on the extents/areas of the already existing Gaon Panchayats by including or excluding local areas or villages under Section 5[2] and also delimited the Anchalike Panchayats under Section 31 and Section 32, as deemed necessary and expedient.

150. As per sub-section [2] of Section 6 of the Assam Panchayat Act, the prescribed authority shall, for the convenience of election, in accordance with such rules as may be prescribed in that behalf by the Government, divide the area of the Gaon Panchayat into ten territorial constituencies and allot one seat for each

constituency. Rule 6 of the then extant 1995 Rules has inter-alia provided that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall immediately after declaration of a Gaon Panchayat under unamended sub-section [1] of Section 5 of the Assam Panchayat Act, delimit the number of constituencies as per sub-section [2] of Section 6 of the Assam Panchayat Act. There was no bar in Clause 4[vii] for dividing a census village into two or more Gaon Panchayat Constituencies [Wards]. It was provided in Clause 4[ix] of the SOP that after delimitation of the Gaon Panchayats, the delimitation of Gaon Panchayat Constituencies [i.e. ten nos. of wards] within the Gaon Panchayats shall be done as per Section 6[2] of the Assam Panchayat Act, without specifically mentioning about the prescribed authority. By Section 2 of the Assam Panchayat [Amendment] Act, 2023, sub-section [46] in Section 2 has been inserted providing for the definition of 'ward'. As per Section 2[46], 'ward' means any territorial constituency recorded as a ward in the revenue record of the 'Gaon Panchayat' in which it is situated and includes any areas which the State Government may by general or special order, declare to be a 'ward' for the purpose of the Assam Panchayat Act.

151. It has been brought to notice that after issuance of the Notifications dated 15.10.2024 by the State Government in the Panchayat & Rural Development Department for delimitation of the Gaon Panchayats in the afore-stated manner, the District Commissioner of the respective district as the Chairman, District Delimitation Commission, had brought out notifications in exercise of powers under sub-section [2] of Section 6 of the Assam Panchayat Act, 1994 delimiting the constituencies [wards] of the respective Gaon Panchayats, as mentioned in Clause 4[ix] of the SOP. With no corresponding changes brought in Rule 6 of the 1995 Rules with regard to the prescribed authority and the State Government being empowered declare to be a 'ward' for the purpose of the Assam Panchayat Act by a general or special order under Section 2[46], the State Government is denuded of its power to delegate the function of declaring the wards of the Gaon

Panchayats to the the Chairman of the jurisdictional District Delimitation Commission-cum-District Commissioner.

152. From the above discussion, this Court has reached a view that it is within the domain of the State Government to issue notifications like the Notifications dated 15.10.2024 under Section 5[2] combined with the power, authority and jurisdiction vested by the other provisions of the Assam Panchayat Act.
153. The petitioners in this batch of writ petition have not cited any instance of formation of a new Gaon Panchayat, as indicated in Clause 4[v] of the SOP. From the synopses of the pleadings of the writ petitions, as limned in paragraph 4 to paragraphs 13 above, it is found that the petitioners have essentially contended on the inclusion of village[s] from one Gaon Panchayat area in other Gaon Panchayat area[s]. The legality and validity of such an exercise has already been addressed hereinabove. There was, thus, no occasion for operationalise Clause 4[x] in absence of any occasion for formation of a new Gaon Panchayat exercising the option under Clause 4[v] read with Clause 4[vi] of the SOP. Therefore, this court is of the considered view that the submissions advanced by the petitioners on this front cannot be carried forward in their favour. When there is no necessity for declaration about formation of new Gaon Panchayats, as engaged by amended Section 5[i] of the Assam Panchayat Act, the power under Section 5[2] of the Assam Panchayat Act is exercisable for readjustment of the existing Gaon Panchayat areas.

XXIV. Right to vote; Right to contest; General inconvenience, injustice, etc. arising from non-compliance of amended Section 5[1] :-

154. It is, therefore, necessary to find out about the rights of the petitioners associated with the delimitation of Panchayats and election to the Panchayats and other related issues and whether any of such rights have been infringed and/or the petitioners have suffered any serious inconvenience, hardship, etc.

155. Two rights – the right to vote and the right to contest – of the citizens-electors are found associated with the election to the Panchayati Raj Institutions and the process of delimitation is a precursor to an election. The first right of the citizens is the right to vote in a Panchayat election to elect the representatives to the Panchayats at the three levels and the other right is the right to contest to get elected as a representative to the Panchayats at the three levels. Part-IX of the Constitution does not contain any provision about the stipulations to be a voter at elections to the Panchayats. There is no provision in Part-IX of the Constitution laying down the qualifications required for a citizen to be a candidate for election to the Panchayats. All Indian adult citizens have the right to vote irrespective of their caste, creed, race, gender, ethnicity, etc. on the principle of universal adult franchise. Article 243F has, however, mentioned about disqualifications for membership. The legislature of the concerned State may, by law, provide for the disqualifications for membership. There are provisions in the Assam Panchayat Act for disqualification of membership to the Panchayats.
156. When the two rights of the citizens – the right to vote and the right to contest – came up for consideration before the Hon'ble Supreme Court of India in **Javed vs. State of Haryana, [2003] 8 SCC 369**, it has been held by a three-Judge Bench that the right to contest an election is neither a fundamental right nor a common law right. It is a right conferred by a statute and at the most, in view of Part-IX of the Constitution, a right to contest election for an office in Panchayat may be said to be a Constitutional right – a right originating in the Constitution and given shape by statute. But even so, it cannot be equated with a fundamental right. A subsequent two-Judge Bench in **Rajbala and others vs. State of Haryana and others, [2016] 2 SCC 445**, following **Javed** [supra], has held that the right to vote at and the right to contest an election to a Panchayat are constitutional rights subsequent to introduction of Part-IX in the Constitution and both the rights can be regulated or curtailed by the appropriate legislature.

157. Rule 13 of the Rules, 1995 has inter-alia stipulated that no person shall, in case of election of member of Gaon Panchayat, member of Anchalik Panchayat and member of Zilla Parishad from the Gaon panchayat area and from the Zilla Parishad area, exercise his right to vote except in the particular constituency of the Gaon Panchayat and the district, in the electoral roll of which his name has been entered. No person shall exercise his right to vote in more than one Gaon Panchayat or Zilla Parishad constituency. As per Rules 14, every voter of Gaon Panchayat constituency is entitled to have and cast one vote for electing a member of the Gaon Panchayat, one member of Anchalik Panchayat and one member of Zilla Parishad. Every voter of a Zilla Parishad Constituency is entitled to have and cast one vote for electing a member of the Zilla Parishad. Under Rulee 22, any person whose name appears in the list of voters of any of the constituencies of a Gaon Panchayat or Zilla Parishad and who is not disqualified under the prescribed rules can be nominated as a candidate from the concerning Gaon panchayat or Zilla Parishad Constituency for election as a member of the Gaon Panchayat and a member of Anchalik Panchayat and for election as member of the Zilla Parishad Constituency in whose jurisdiction the Gaon Panchayat, Anchalik Panchayat or the Zilla Parishad, as the case may be, falls.
158. The demilitation process initiated by and completed after the the Notification dated 03.08.2024 has not impinged upon any of the said two rights of the petitioners.
159. From the contentions raised on behalf of the petitioners in this batch of writ petitions, it seems to have emerged that in view of delimitation of territorial constituencies of the Panchayats, especially at the Gaon Panchayat level, the petitioners' would face inconvenience to exercise the right to vote at the ensuing Panchayat election. Some of the petitioners have contended that their village[s] is/are situated at a greater distance from the polling station[s] than the previous Panchayat election. For another set of petitioners, the grievances are to the effect that the office[s] of the Gaon Panchayat[s] is/are situated at a far distance

now than earlier and the mode of communication or the geographical terrain between their respective village[s] and the Gaon Panchayat office[s] is not convenient and conducive for their effective participation. Such factors cannot be held to have wiped out either of the two rights - the right to vote at the Panchayat election and the right to contest election to an office in Panchayat at any of the three levels. It has been the stand of the State respondents that the delimitation process was carried out by maintaining contiguity considering the population density, geographical accessibility, administrative convenience, communication and public convenience, contiguity of the areas and other relevant factors so as not to affect the objects of rural self-governance envisaged in Part-IX of the Constitution.

160. In the process followed after the Notification dated 03.08.2024, the SOP and the Addendum Notification dated 05.09.2024, the dates were fixed for filing of representations/suggestions/objections by electors, civil society organizations and recognized political parties. The dates of public hearings were notified and on those dates, public hearings were held. The representations/suggestions/objections were considered and disposed of by passing orders on them. The process followed during the delimitation process can be found out from the narration made in the previous part of this order and the same are not repeated herein, for the sake of brevity.
161. It has been observed in **Pradhan Sangh Kshetra Samity** [supra] to the effect that it is obligatory on the part of the State Government to hear objections before finalization of the Panchayat areas on the premises that change in the areas would result in civil consequences. Holding that an action of bringing more villages than one under village panchayat when they were earlier under separate village panchayats involves civil consequences, it has been observed that such a contemplated action calls for grant of reasonable opportunity for raising objections and of hearing to the citizens-electors. Such a procedure is required to be followed with a view to remove the grievances, if any, with regard to the

difficulties, inconveniences and hardships, likely neglect of the electors' interests, remoteness of the seat of administration, domination of certain sections and forces, want of proper transport and communication facilities, etc. The opportunity will also provide an occasion for the people to come forward with suggestions for better and more viable, compact and cohesive regrouping of the villages for efficient administration and economic development. The Hon'ble Supreme Court has further held that the objections are not to be invited to enable the people to exercise some sort of a right of self-determination. The final decision with regard to the delimitation of the Panchayat areas, after hearing the objections and suggestions, will be that of the State Government.

162. The decision in **Assn. of Residents of Mhow [ROM] vs. Delimitation Commission of India, [2009] 5 SCC 404** pertained to readjustment of Parliamentary and Legislative Assembly Constituencies in the State of Madhya Pradesh by the Delimitation Commission as per the provisions of the Delimitation Act, 2002. The Hon'ble Supreme Court has observed therein that determining the delimitation of Parliamentary and Legislative Assembly Constituencies is a very complex and lengthy process. In the matter of considering the objections and suggestions, the Hon'ble Supreme Court has observed in the following manner :-

25. It is true, determination of the delimitation of parliamentary constituencies and assembly constituencies, as the case may be, shall be only after consideration of all the objections and suggestions which may have been received by the Commission before the specified date for which purposes the Commission may hold one or more public sittings at such place or places in each State as it thinks fit. The Commission is not required to hold public meeting in each and every parliamentary constituency. What the Commission required is to consider the objections and suggestions for its proposals before determining the delimitation of the constituencies in the entire State.

26. The proposals cannot emanate from any interested person. The distinction between the Commission's proposals and the objections and suggestions in response to such proposals is to be borne in mind. Every suggestion or objection cannot ultimately result in any fresh proposal by the Commission. The Commission is not under any legal or constitutional obligation to go on issuing any revised proposals depending upon every objection and suggestion as may be received by it in response to its proposals. Since the exercise of the delimitation is not with reference to any particular constituency, the suggestions or objections, as the case may be, in respect of one constituency may have their impact at least on one or more of the adjoining constituencies.

163. One cannot be oblivious of the situation that determining the delimitation of panchayats at all the three levels and readjustment is a complex and arduous process involving various stages including receipt of representations/suggestions/objections and their consideration after holding public hearings. Taking a cue from the above observations and the process undertaken subsequent to the Notification dated 03.08.2024, it cannot be said in the case in hand that the State respondents did not provide opportunity of filing representations/suggestions/objections. The State respondents had held public hearings and considered the representations/suggestions/objections and passed orders on them. In the process of delimitation of Panchayats for any of the three levels, right of self-determination has not been vested on the citizens-electors either by the Constitution or by the Assam Panchayat Act. The State authorities are also required to consider the effect and impact of implementing one proposal/suggestion received in respect of one constituency of one Gaon Panchayat or Anchalik Panchayat or Zilla Parishad on other or adjoining constituencies of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad. It is after such consideration, the State authorities are to take decisions in the matter

of delimitation of the Panchayats and their constituencies. The final decision taken by the State Government in the matter of delimitation of Panchayats through the Notifications under reference cannot, thus, be faulted on such count and this Court does not, therefore, find any ground to interdict with those Notifications on that count.

XXV. Article 243C of Part-IX of the Constitution:-

164. As a result, the only legal issue which is left for consideration is whether there has been a breach of the constitutional provision in following the process of the delimitation, as discussed, and in not following the procedure outlined in amended sub-section [1] of Section 5 of the Assam Panchayat Act.
165. What is contained in Article 243C is already referred to in a previous paragraph. It speaks about two ratios : firstly, the ratio between the population of the territorial area of a Panchayat at any level of the three levels and the number of seats in each of such Panchayats to be filled by election; and secondly, the ratio between the population of each Constituency in each Panchayat area and the number of seats allotted to it. In both the cases, the ratio should be the same, so far as practicable.
166. The meaning ascribed to the word, 'practicable', adj. [of a thing] in **Black's Law Dictionary, Seventh Edition** is reasonably capable of being accomplished; feasible. As per the **Chambers 21st Century Dictionary**, 'practicable' means capable of being done or used or successfully carried out; feasible. The use of the phrase 'so far as' before the word 'practicable' goes to indicate that the ratio indicated is required to be achieved to the extent feasible or possible to achieve. It indicates to a situation of maintaining the same ratio is a desirable one but only if it is feasible or possible to be achieved. The feasibility of achieving it is dependent upon various constraints, limitations and other relevant factors, which cannot be exhaustively enumerated. Thus, the use of the expression, 'so far as

practicable' as regards the ratio in Article 243C requires endeavours on the part of the State to achieve it but if it is not feasible and impracticable for the State then the discretion is available to the State to achieve it to the extent administratively feasible and practicable.

167. In most of the writ petitions, the petitioners have conspicuously, not brought any challenge to the Notifications published in the Official Gazette delimiting the Zilla Parishads and Anchalik Panchayats along with their corresponding Gaon Panchayats. Effectively, there is no challenge on the breach of the principle mentioned in the proviso to Clause [1] of Article 243C of the Constitution. An issue not raised in a writ petition is not to be adjudicated. It is, therefore, not necessary to discuss further on the aspect of the ratio embedded in the proviso to Clause [1] of Article 243C of the Constitution.
168. Submissions have been advanced with regard to the first proviso to Clause [1] of Article 243C and Clause [2] of Article 243C to canvass that the Standard Operating Procedure [SOP] laid down in the Notification dated 03.08.2024 and the Notifications, dated 15.10.2024, issued by the Panchayat and Rural Development Department notifying the Gaon Panchayats along with their corresponding villages in each of the districts are not in harmony with the constitutional principle of maintaining the same ratio, so far as practicable, throughout the Panchayat area.
169. In this connection, it is pertinent to note that such a point of law is to be backed by facts and data. The pleadings in this batch of writ petitions are not premised on the aspect of violation of the constitutional principle about maintaining the same ratio, so far as practicable, throughout the Panchayat area in terms of Clause [2] of Article 243C of the Constitution. The basis of determining the areas of the Panchayats is the 2001 Census. Therefore, the point of law regarding the obligation to maintain the same ratio, so far as practicable, throughout the Panchayat area ought to have been made on the basis of the identified data

from the 2001 Census. After perusal of the pleadings, this Court is of the considered view that the submissions made during the hearing regarding the constitutional principle embodied in Clause [2] of Article 243C are not backed by any factual foundation, much less solid factual foundation. There cannot be any superstructure in the absence of a solid foundation. By the same analogy, submissions made on a law point loses much of its force if there is no factual foundation laid in the pleadings of the writ petition to buttress such law points, however strong it may be. There is another vital aspect, which is associated with it and which is harped on by the learned Advocate General during his submissions. Had the required facts been pleaded and the specific data been placed for raising a law point like the ones agitated on the basis of Article 243C then the respondents would have got the opportunity to traverse such facts in their counter affidavits by placing the specific facts/data from their standpoints.

170. Section 65[1] of the Assam Panchayat Act appears to have contained the mechanism to determine the territorial constituencies geared towards meeting the constitutional principle mentioned Clause [2] in Article 243C of the Constitution. The ECI's Order dated 11.08.2023 also mentioned about the same. In the considered view of this Court, the reason behind the provision for maintaining the ratio, so far as practicable, is for providing fair and equitable representation to an elector in the democratic process of election to the Panchayats irrespective of the constituency to which the elector belongs. Its purpose is to give equal significance to each elector's vote. The unamended Section 5[1] provided for declaration of Gaon Panchayats with population in their territories not less than six thousand and not more than ten thousand and it can be presumed that the existing Gaon Panchayats, as on 03.08.2024, had fulfilled the criterion on population range. There is no utterance from the petitioners that the population range of not less than six thousand and not more than ten thousand had the propensity to breach the constitutional principle embedded in Clause [2] of Article 243C as regards maintaining the same ratio, so far as practicable. The amended Section 5[1] has provided for a population range of

six thousand to thirteen thousand eight hundred, divided into three sub-categories on the basis of districts, for maintaining the same ratio, so far as practicable. It is also the stand of the State respondents that the delimitation exercise was done keeping in view the population density as per village population census and as per geographical accessibility, contiguity and administrative convenience, after adequate public consultations. The petitioners have not been able to show any statutory provision casting obligation to publish the ratio.

171. In this connection, it appears relevant to refer to the following observations made by the Hon'ble Supreme in **State of Uttar Pradesh vs. Pradhan Sangh Kshettra Samiti, 1995 Supp [2] SCC 305, :-**

43. Article 243[e] defines 'panchayat area' to mean 'territorial area of a panchayat' and Article 243-C speaks about the composition of panchayats and leaves it to the legislature of a State to make provisions with respect to it. The only conditions that the latter article imposes on the composition of panchayat are firstly, the ratio between the population of the territorial area of the panchayat at any level and the number of seats in the panchayat to be filled by election shall, as far as practicable, be the same throughout the State. Secondly, the seats in the panchayat have to be filled by direct election from the territorial constituencies in a panchayat area and for this purpose the panchayat area has to be divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it have as far as practicable to be the same throughout the panchayat area. So long as these conditions are complied with, the composition of the panchayat that may be evolved by the State legislature cannot be faulted. We do not see any material before us to suggest that these two criteria are breached or are sought to be breached.....

44. It is for the Government to decide in what manner the panchayat areas and the constituencies in each panchayat area will be delimited. It is not for the court to dictate the manner in which the same would be done. So long as the panchayat areas and the constituencies are delimited in conformity with the constitutional provisions or without committing a breach thereof, the courts cannot interfere with the same.....

172. There is always a presumption that official acts have been regularly performed and the common course of business has been followed in particular cases. The presumptions are rebuttable. The responsibility to rebut is on the person who claims otherwise. In absence of any materials presented by the petitioners for rebuttal, it is not for the Court to embark on any roving enquiry to find out the ratio to be maintained qua Clause [2] of Article 243C of the Constitution, which is only to be maintained as far as practicable. Therefore, on the allegation of breach of the constitutional principle embedded in Clause [2] of Article 243C of the Constitution, this Court is not in position to hold that the petitioners have been able to place sufficient materials to decide on the issue and in view of non-success on that front, the challenge is bound to fail. Therefore, it is accordingly observed.

XXVI. Maintainability or non-maintainability of Writ Petitions on the ground of

Locus :-

173. In so far as the writ petition, W.P.[C] no. 48/2025 is concerned, an objection has been raised on the point of maintainability of the writ petition. The writ petition, W.P.[C] no. 48/2025 is filed by one 'Nagarik Adhikaar Suraksha Mancho'. The issue of maintainability has been raised on the premise that the petitioner, 'Nagarik Adhikaar Suraksha Mancho' is only an unregistered association of persons and not a registered association of persons. In such scenario, the association, 'Nagarik Adhikaar Suraksha Mancho' cannot have the locus standi

to file the writ petition as it cannot allege violation of any fundamental right. Similarly, the writ petitions – W.P.[C] no. 5771/2024 & W.P.[C] no. 6829/2024 – are also filed by unregistered associations.

174. On perusal of the Order dated 10.01.2025, which was passed at a previous stage of the present proceedings after hearing the learned counsel for the parties on the prayer for interim relief, it is noticed that the issue of maintainability of the writ petition on the point of locus standi of the petitioner, 'Nagarik Adhikaar Suraksha Mancho' was raised on behalf of the State respondents and it was responded to on behalf of the writ petitioner.

175. The principle of res judicata is engrafted in Section 11 of the Code of Civil Procedure, 1908 and it bars the Court from deciding issues which have been directly or indirectly in issue in an earlier proceeding between the same parties or parties claiming under the same title and have been finally decided. It is well established that the principle of res judicata, which Section 11 of the Code of Civil Procedure, 1908 embodies, is also applicable to writ petitions under Article 226 of the Constitution of India. It is held in **Satyadhyan Ghosal and others vs. Deorjin Debi [Smt.] and another**, reported in **AIR 1960 SC 941**, that the principle of res judicata applies also as between two stages in the same litigation to the extent that a Court, whether the trial court or a higher court having at an earlier stage decided a matter in one way will not allow the parties to re-agitate the matter again at a subsequent stage of the same proceedings. Reiterating the same principle, it is held in **U.P. State Road Transport Corporation vs. State of Uttar Pradesh and another**, reported in **[2005] 1 SCC 444**, that the principle of res judicata is based on the need of giving a finality to judicial decisions. The principle which prevents the same case being litigated is of general application and is not limited by the specific words of Section 11 of the Code of Civil Procedure in this respect.

176. In view of the above exposition on the principle of *res judicata*, made applicable also to the writ petitions, the Order dated 10.01.2025 passed at an earlier stage of the present proceedings is examined to find out whether the Court had rendered any opinion on the issue of maintainability raised during the course of previous hearing, which culminated into the Order dated 10.01.2025. On such examination, it is found that no opinion had been recorded by the Court in the Order dated 10.01.2025 on the issue of maintainability, addressed by the learned counsel for the parties. The Order dated 10.01.2025 was not assailed by the writ petitioner, 'Nagarik Adhikaar Suraksha Mancho' by way of any intra-court appeal. Thus, the issue of maintainability of the writ petition *qua* the *locus standi* of the writ petitioner is open for examination by this Court as the principle of *res judicata* is not applicable. The contention raised on behalf of the State respondents that the writ petitioner, 'Nagarik Adhikaar Suraksha Mancho' is not a registered association, but an unregistered association, is not rebutted since then with the support of any documentary evidence with regard to registration of the association under any statute.
177. The fact that an association is a registered one can be best demonstrated by its registration certificate issued under the concerned statute. To buttress the issue of maintainability on the ground of *locus*, reliance has been placed in the decisions of this Court in **Narsingarh Mini Bus Owner's Syndicate and another vs. State of Tripura, 1998 [4] GLT 162; All Manipur DIC Supervisors' Association vs. State of Manipur and others, [2000] 1 GLR355; Rangapara Development Circle vs. State of Assam and others, 2007 [3] GLR 805; State of Manipur and others vs. State Land Use Board Casual Employees' Association and another, [2007] 2 GLR 56; and Meghalaya Wine Dealers Association and another vs. State of Meghalaya and others, 2010 [2] GLT 673.** On the other hand, the learned counsel for the petitioner has referred to a three-Judge decision of the Hon'ble Allahabad High Court titled **Umesh Chand Vinod Kumar and others vs. Krishi Utpadan Mandi Samiti, Bharthana and another, AIR 1984 All 46;** and the seven-Judge Bench decision of the Hon'ble

Supreme Court of India in **S.P. Gupta vs. Union of India and another, 1981 [Supp] SCC 87.**

178. The Hon'ble Supreme Court of India in **S.P. Gupta** [supra] has accepted poverty, helplessness and disability or social or economic disadvantaged position as a sufficient ground for maintaining a writ petition. It has inter-alia observed that if the State or any public authority acts beyond the scope of its power and thereby causes a specific legal injury to a person or to a determinate class or group of persons, it would be a case of private injury and it would give rise to a corresponding right in such person or determinate class or group of persons and they would be entitled to maintain an action for judicial redress. But if no specific legal injury is caused to a person or to a determinate class or group of persons by the act or omission of the State or any public authority which is contrary to the Constitution or the law and the injury is caused only to public interest, any member of the public acting bona fide and having sufficient interest can maintain an action for redressal of such public wrong or public injury. In such a situation, the strict rule of *locus standi* is relaxed and any member of the public who is not a mere busybody or a meddling interloper can maintain an action for judicial redress.
179. The Full-Bench of the Allahabad High Court in **Umesh Chand Vinod Kumar** [supra] has answered the question whether an association of persons, registered or unregistered, can maintain a writ petition under Article 226 of the Constitution for enforcement of the rights of its members as distinguished from the enforcement of its own rights. The question has been answered by stating that the position appears to be that an association of persons, registered or unregistered, can file a writ petition under Article 226 of the Constitution for enforcement of the rights of its members as distinguished from the enforcement of its own rights in case members of such an association are themselves unable to approach the Court by reason of poverty, disability or socio-economically disadvantaged positions ['Little Indians']. In other cases, an association, whether

registered or unregistered, cannot maintain a writ petition under Article 226 of the Constitution for the enforcement or protection of the rights of its members, as distinguished from the enforcement of its rights. It is not the pleaded case of the writ petitioner, 'Nagarik Adhikaar Suraksha Mancho' that its members fall in the category of 'Little Indians'.

180. In **Mani Subrat Jain** [supra], it has been held that there must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal duty to do something or to abstain from doing anything. From the other decisions referred to on behalf of the State respondents, it is discernable that it is a well settled proposition that an unregistered association of person is not a juristic person and a writ petition filed by an unregistered association is not maintainable. It has been held that members forming an association to protect their interests, cannot file a writ petition unless the association attains the character of a juristic person or a legal person by registering it under a statute. An unregistered association has no fundamental right to approach the High Court under Article 226 of the Constitution of India. It has been observed that where a number of individuals are affected by an official act, they can ordinarily bring a legal proceeding to challenge that act only if all such persons join in the proceedings by name and an unregistered association, in such a case, cannot maintain a writ petition under Article 226 of the Constitution or other legal proceeding in its own name.
181. In **State Land Use Board Casual Employees' Association** [supra], a Division Bench of this Hon'ble Court has held that an unregistered association is not juristic person. That apart, no legal or any other right of such an association can be said to be violated. When the association is not an aggrieved person, it could not have maintained a writ petition. If the grievances of the members of an unregistered association are individual grievances, the writ petition should be

filed by the persons aggrieved and not by an association, whose rights, if any, cannot be said to be infringed.

182. In **All Manipur DIC Supervisors' Association** [supra], the Hon'ble Court recorded that the petitioner association was not registered under the Societies Registration Act or under any other statute and the writ petition it filed was not a public interest litigation. It was stated in the affidavit by the petitioner association that 'the petitioner association having disclosed the names and service particulars of its members in an appendix to the writ petition, has got legal entity to sue and be sued in law, though it has not been registered'. The Hon'ble Court held that such disclosure did not confer any legal entity on the petitioner association to maintain a legal proceeding. The Hon'ble Court took note of the decision of the Allahabad High Court in **Umesh Chand Vinod Kumar** [supra] vis-à-vis the factual foundation laid in that case. The Court has, thereafter, proceeded to hold that there is nothing on record to show that the members of the petitioner association are unable to approach the Court by reason of poverty, disability or a socially or economically disadvantageous position ['Little Indians']. Finding the writ petition as well as rejoinder affidavit filed by the petitioner silent on the aspect, the Court held that the writ petition filed by the petitioner association was not maintainable and on that count, the writ petition was dismissed without entering into its merits.
183. In **Meghalaya Wine Dealers Associaton** [supra], a Division Bench of this Court held that though members formed an association to protect their interest, but as association, it cannot file a writ petition unless it attains the character of a juristic person or a legal person by registering it under a statute. It was held that the association, an unregistered one, cannot have locus standi to file a writ petition inasmuch as it cannot be branded as an aggrieved person.
184. It is also settled that a decision of a larger Bench or a coordinate Bench of the same Court is binding on a Bench of lesser strength or equal strength. Thus, the

proposition laid down in the decisions, quoted above, that an unregistered association of person cannot maintain a writ petition under Article 226 of the Constitution is to be followed by this Bench.

185. It is discernible from the above decisions that an unregistered association has otherwise, no fundamental or legal right to approach to a writ petition under Article 226 of the Constitution. There is no averment in the writ petition to the effect that the factors like poverty, illiteratness, helplessness and disability or social or economic disadvantageous positions of the members of these unregistered associations have prevented the members to approach the Court in their individual capacity. There is nothing on record for the Court to hold that the members of these unregistered associations are 'Little Indians'. The other decisions cited by the learned counsel of the petitioners in the afore-mentioned writ petitions are not discussed as they are also found to be of no assistance to the case of these petitioners.

186. In the above obtaining fact situations and in view of the settled proposition of law, the writ petitions, W.P.[C] no. 6829/2024 & W.P.[C] no. 48/2025, both filed by unregistered associations, are found to be not maintainable and the issue of locus standi is decided against the writ petitioners therein. At the time of preferring the writ petition, W.P.[C] no. 5771/2024, the petitioner was an unregistered association. Though it has been stated that the petitioner had registered itself subsequently under the Societies Registration Act, 1860 on 06.01.2025, that is, during the pendency of the writ petition, non-maintainability of the writ petition on the point of lack of locus standi at the time of institution of the writ petition cannot be remedied subsequently as the issue of maintainability of a writ petition is to be examined in reference to the time of its institution. Therefore, the issue of maintainability of the writ petition, W.P.[C] no. 5771/2024 is decided in the same manner as like the afore-mentioned two writ petitions, W.P.[C] no. 6829/2024 & W.P.[C] no. 48/2025. In any view of the

matter, the points agitated in these three writ petitions are no different from the other writ petitions of this batch.

XXVII. Scope of Judicial Review in matter relating to delimitation of constituencies :-

187. Lastly, it is necessary to make a survey of the decisions cited by the parties with regard to the ambit and scope of interference by the High Court in delimitation matters exercising the power of judicial review under Article 226 of the Constitution.

188. Before a five-Judge Bench in **Meghraj Kothari vs. Delimitation Commission and others**, reported in **AIR 1967 SC 669**, a challenge was made to a notification of the Delimitation Commission whereby a city, Ujjain which had been a general constituency, was notified as reserved for Scheduled Castes by the appellant-petitioner. The Delimitation Commission had delimited the Parliamentary and Assembly Constituencies in the State of Madhya Pradesh in exercise of powers under Section 10[1] of the Delimitation Commission Act, 1962 and the same was published in the Gazette of India on 15.10.1963 and also in the Official Gazette of the State of Madhya Pradesh, after considering all objections and suggestions. The petitioner alleged many acts of omission and commission on the part of the Delimitation Commission. The ground of challenge for the petitioner was that Ujjain City was a general constituency from the inception of the Constitution of India and by the fact of the city being converted into a reserved constituency his right to be a candidate for Parliament from the said Constituency had been taken away. The Hon'ble Supreme Court had held that the impugned Notification was a law relating to delimitation of the constituencies or the allotment of seats to such constituencies made under Article 327 of the Constitution and that an examination of Section 8 and Section 9 of the Delimitation Commission Act showed that the matters therein dealt with not subject to scrutiny of any court of law. It was observed that the Parliament by enacting Section 10[2] wanted to

make it clear that orders passed under Section 8 and Section 9 were to be treated as having the binding force of law and not mere administrative directions. Although the impugned Notification was not a statute passed by Parliament, it was still a law relating to the delimitation of constituencies or the allotment of seats to such constituencies made under Article 327 of the Constitution. The Hon'ble Court had held that if the orders made under Section 8 and Section 9 of the Delimitation Commission Act were not to be treated as final, the results would be that any voter, if he so wished, could hold an election indefinitely by questioning the delimitation of the constituencies from court to court. It was held that although an order under Section 8 or Section 9 of the Delimitation Commission Act and published under Section 10[1] of that Act is not part of an Act of Parliament, its effect is the same. Section 10[4] of that Act puts such an order in the said position as a law made by Parliament itself which could only be made by it under Article 327 of the Constitution. The Hon'ble Court had taken note of the position that the Constitution has provided under Article 329[a] that notwithstanding anything in the Constitution, the validity of any law relating to the delimitation of constituencies or the allocation of seats to such constituencies, made or purporting to be made under Article 327 or Article 328, shall not be called in question in any court. The Hon'ble Court had proceeded to hold that therefore, an order under Section 8 or Section 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 also for the fact that by the publication of the order in the Gazette of India it is to be treated as law made under Article 327 and Article 329 would prevent any investigation by any court of law.

189. In **Pradhan Sangh Kshettra Samity** [supra], the Hon'ble Supreme Court has observed as under :-

45.If we read Articles 243-C, 243-K and 243-O in place of Article 327 and Sections 2[kk], 11-F and 12-BB of the Act in place of Sections 8

and 9 of the Delimitation Act, 1950, it will be obvious that neither the delimitation of the panchayat area nor of the constituencies in the said areas and the allotments of seats to the constituencies could have been challenged nor the court could have entertained such challenge except on the ground that before the delimitation, no objections were invited and no hearing was given. Even this challenge could not have been entertained after the notification for holding the elections was issued.....

190. Before a three-Judge Bench in the case titled **Dravida Munnetra Kazhagam [DMK] vs. Secretary, Governor's Secretariat and others**, reported in [2020] 6 SCC 548, the appellant had inter-alia challenged the alleged unconstitutionality of altering constituencies on grounds of violation of the mandates contained in Article 243D and Article 243T regarding delimitation of constituencies which exercise was to be conducted after every decadal census and concomitant reservation to be effected for Scheduled Caste and Scheduled Tribes on rotation basis. The Delimitation Commission, constituted under the Tamil Nadu Delimitation Commission Act, 2017, initiated an exercise of delimitation on 25.07.2017 and finally, formulated a draft ward limitation proposal on 20.09.2017. Written objections were thereafter, invited from the public, various political parties and organizations between 20.12.2017 and 18.01.2018. After considering such objections/suggestions and the revised proposals received from District Delimitation Authorities, the Delimitation Commission sent its final recommendation to the State Government on 31.08.2018. Thereafter, a Notification was issued by the State Government on 14.12.2018, whereby, the wards of Panchayats newly delimited as per the 2021 Census figures were notified. Thereafter, on 20.02.2019, the Delimitation Commission forwarded proposal for reservation, whereupon post consideration, the State Government vide Notifications – dated 20.05.2019, dated 21.05.2019 & dated 24.05.2019 – notified reserved seats for rural and urban local bodies in the State. On 12.11.2019, the State Government issued a Notification dividing

four existing districts of Tamil Nadu to create nine new districts. Resultantly, some talukas were also restructured with certain revenue villages either being added or removed. The Hon'ble Supreme Court had observed that before the election process could begin as per the State Election Commission's Press Release dated 02.12.2019, the State of Tamil Nadu increased the number of districts from 31 to 39 and also restructured various talukas.

190.1. The Hon'ble Supreme Court after an analysis of the various statutory provisions and the constitutional scheme embodied in Part-IX of the Constitution and in the backdrop of the preceding events including creation of nine new districts out of four earlier districts, observed that the constitutional object of Part-IX cannot be effectively achieved unless the delimitation exercise for constitution of local bodies is properly undertaken. The Hon'ble Supreme Court took note of the fact that at the completion of delimitation process, there were only 31 revenue districts. It had been observed that despite a subsequent increase in number of districts to 39, no fresh delimitation exercise was undertaken. It is in such backdrop, the Hon'ble Supreme Court had held that the State Government cannot fulfill the constitutional mandate since there was no identified data elucidating population proportions and hence, requisite reservation for Schedule Castes and Scheduled Tribes cannot be provided for, both in respect of village panchayat wards or in district bodies. It was held that though the election process was notified by the State Election Commission on 02.12.2019, the election in respect of the newly created nine districts cannot be held unless fresh delimitation exercise in respect thereto was first completed. In the said context, the Hon'ble Supreme Court did not accept the plea of non-maintainability qua the constitutional embargo contained in Article 243O and Article 243ZG of the Constitution which bars 'calling in question an election'. The respondents were directed to delimit the nine newly constituted districts in accordance with law and, thereafter, to hold election for their panchayats at the village, intermediate and district levels within a period of four months. The Hon'ble Supreme Court has further observed that there is no legal impediment against holding election

for the panchayat at the village, intermediate and district levels for rest of the districts in Tamil Nadu.

191. In **Kishorchandra Chhaganlal Rathod vs. Union of India and others, 2024 INSC 579**, the writ petition preferred by the appellant before the High Court challenging the delimitation exercise, which resulted into reservation of Bardoli Legislative Assembly Constituency, Gujarat for Scheduled Caste community was dismissed. The constituency was reserved by the Delimitation Commission in exercise of its powers under the Delimitation Act, 2002. The High Court relied upon Article 329 of the Constitution to hold that there is a bar to interference by the Court in the electoral matters and as such, the appellant's challenge to the Delimitation Commission's order, which had received the assent of the President of India, could not be called in question in any court of law. The High Court dismissed the writ petition at the threshold for the bar to interference by Courts in electoral matters embodied in Article 329[a] of the Constitution. The Hon'ble Supreme Court has not, however, approved the view taken by the High Court that the delimitation of constituencies, issued in exercise of statutory powers under the Delimitation Act, is entirely unsusceptible to the powers of judicial review exercisable under Article 226 of the Constitution of India. The Hon'ble Court had proceeded to observe as under :-

5.Although Article 329 undeniably restricts the scope of judicial scrutiny re: validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, it cannot be construed to have imposed for every action of delimitation exercise. If judicial intervention is deemed completely barred, citizens would not have any forum to plead their grievances, leaving them solely at the mercy of the Delimitation Commission. As a constitutional court and guardian of public interest, permitting such a scenario would be contrary to the Court's duties and the principle of separation of powers.

* * * * *

7. Therefore, while the Courts shall always be guided by the settled principles regarding scope, ambit and limitations on the exercise of judicial review in delimitation matters, there is nothing that precludes them to check the validity of orders passed by Delimitation Commission on the touchstone of the Constitution. If the order is found to be manifestly arbitrary and irreconcilable to the constitutional values, the Court can grant the appropriate remedy to rectify the situation.

8. In order to prove that any kind of judicial intervention is fully prohibited, the respondents relied upon a Constitution Bench decision of this Court in *Meghraj Kothari vs. Delimitation Commission and others*. A closer examination of the aforementioned case, however, would show that the Court in that case restricted judicial intervention when the same would unnecessarily delay the election process. This is writ large from the following paragraph, where the Court explicated the reason behind adopting the hands-off approach :

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.

[emphasis supplied]

9. Hence, the aforementioned judgment does not support the respondents' contention regarding complete restriction on judicial review. A constitutional court can undertake the exercise of judicial review within the limited sphere at an appropriate stage.

192. In the cases in hand, no situations like the ones involved in **Dravida Munnetra Kazhagam** [supra] have arisen. Having analysed the the contentions put forward by the petitioners and the stand of the State respondents along with the overall procedure adopted for demitaton of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads and recorganisation of Development Blocks and the reasons for adopting the procedure vis-à-vis the statutory and constitutional provisions, the notifications issued for delimitation of the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads cannot be found to be manifestly arbitrary and irreconcilable to the constitutional values.

XXVIII. Conclusion :-

193. In the light of the above discussion, the legality and validity of the actions followed during the delimitation process of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads and reorganization process of Development Blocks qua the challenges made by the petitioners have been examined in the backdrop of the provisions contained in the Assam Panchayat Act, as amended. For the reasons assigned at the appropriate places, the assail made taking resort to amended Section 5[1] of the Assam Panchayat Act has been found to be not acceptable in view of the finding reached that it is permissible for the State Government to adjust the extent of existing Gaon Panchayats by inclusion or exclusion of villages or local areas in the backdrop of developments, which took

place due to ECI's delimitation Order dated 11.08.2023, giving rise to the necessity to reorganize the Development Blocks as well as the limits of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads and their constituencies. The findings reached as regards the assail made qua the constitutional provision contained in Article 243C have already been recorded hereinabove. The issue of infringement of the petitioners' rights associated with the delimitation process of Panchayats and election to the Panchayats have been examined by taking into consideration the facts and circumstances stated in these writ petitions and on analysis, this Court is not persuaded to hold that any of the petitioners' rights associated with the delimitation process of Panchayats and election to the Panchayats have been seriously infringed. Therefore, for the observations made, the findings reached at and the reasons assigned hereinabove, this Court is of the considered view that the prayers made and the directions sought for in this batch of writ petitions are not ones which can be allowed. As a result, the answers to the challenges made in these writ petitions are not in the affirmative. Therefore, these writ petitions are to be dismissed. It is accordingly ordered. There shall be no order as to costs.

JUDGE

Comparing Assistant