

Church or Mission. Such sponsoring body should be represented on the Governing body of the Christian Medical College, Ludhiana. According to the stipulation in the Prospectus, the letter of sponsorship "had to be submitted along with the application form to the Registrar of the College, on or before June 15, 1996." It is not disputed that the petitioner had not submitted a sponsorship letter with her application form. She had only produced a letter from Dr. A. C. Lal 'commending' her for admission to the MBBS Course. Even on being asked, she could not submit the requisite letter of sponsorship. In this situation, the respondents cannot be blamed for not accepting her candidature.

(61) The petitioner alleges that the respondents have taken a hyper-technical view. She is a *bona fide* Christian. The grievance is misconceived. She was present in court. She was briefly questioned. It appeared that the act of conversion was only to ensure admission. She did not appear to have been nodding familiarity with what happens in a Church.

(62) In the circumstances of the case, we are unable to hold that the petitioner was eligible to be considered for admission against a seat reserved for "candidates who are christians, Indian Nationals and officailly sponsored by a Church or a Mission." Consequently, the petitioner has no cause for grievance which may be remediable through the present proceedings. Thus, while rejecting the preliminary objection raised on behalf of the respondents regarding the maintainability of the writ petition, we find that on merits, the petitioner is not entitled to the issue of a *mandamus* directing the respondents to admit her to the MBBS Course. The writ petition is, accordingly, dismissed. However in the circumstances of the case, there will be no order as to costs.

R.N.R.

Before Ashok Bhan & K. S. Kumaran, JJ.

PRAN NATH BHATIA AND OTHERS,—Petitioner.

versus

STATE OF PUNJAB AND ANOTHER,—Respondents.

CWP 3050 of 97.

21st March, 1997.

Constitution of India, 1950—Arts. 243 (ZG) & 327—Punjab Municipal Corporation Act, 1976—Ss. 8 & 9—Delimitation of Wards of

Municipal Corporation Order, 1995—Cls. 3, 6, 7 & 8—Delimitation of wards—Delimitation order not lay down the final order force of law—Challenge to delimitation order—Jurisdiction of the Court.

Held, that Section 8 of the Act of 1976 dealing with delimitation of wards and clause 8 of the order of 1959 does not lay down that an order made under clause 8 of the order of 1995 upon reaching finality will have the force of law and shall not be questioned in any court of law. The order issued under clause 8 of the order of 1995 is not beyond challenge by virtue of Article 243-ZG of the Constitution of India, but such a challenge can be made before the process of elections is put into motion and soon after the final order is passed.

(Para 22)

Punjab Municipal Corporation Act, 1976—S. 8—Delimitation of Wards of Municipal Corporation Order, 1995—Cl. 8—Publication of scheme for delimitation of wards—Objections/suggestions invited—Consideration of the said objections/suggestions—Failure to grant personal hearing—Effect of.

Held, that delimitation of wards for which objections and suggestions were invited and after considering the objections and suggestions, final order of delimitation of wards was published in the official gazette. Principles of natural justice are not embodied rules and they cannot be imprisoned within the strait jacket of a rigid formula. Principles of natural justice vary with the nature of the enquiry, the object of the proceedings, the scheme and policy of the statute, the nature of the power conferred upon the authorities and the right or interest sought to be affected. For delimitation of wards, Scheme and Policy has been framed under the statute, right to file objections and suggestions has been given to the residents of the Municipal area. After consideration of the objections, final notification has been issued. Personal hearing was not required to be given under the statute. In these circumstances, principles of natural justice would not require personal hearing to be given especially when all relevant circumstances were taken into consideration before issuing final notification of delimitation of wards.

(Para 26)

O. P. Goyal, Sr. Advocate with Sandeep Kumar, Advocate, for the Petitioner.

G. S. Grewal, AG (P) with P. S. Chhina, Sr. DAG (P), for the Respondent.

JUDGMENT

Ashok Bhan, J.

(1) This order shall dispose of Civil Writ Petitions, 2992, 3050 and 3689, of 1997, as common questions of law and fact are involved in all these petitions.

(2) Facts, as stated below, have been taken from Civil Writ Petition 3050 of 1997 :—

(3) Petitioner No. 1 who was a Municipal Councillor of the Municipal Corporation, Ludhiana, and petitioners 2 and 3 who are members of the Punjab Legislative Assembly from Ludhiana, belonging to the Bhartiya Janta Party, have filed this petition for issuance of a writ in the nature of *certiorari* quashing the notification, Annexure P-3, published in the Punjab Government (Extra Ordinary) Gazette dated 12th November, 1996, delimiting the wards of the Municipal Corporation, Ludhiana, without considering their objections, being illegal and arbitrary and for issuance of a writ of *mandamus* directing the respondents to consider their objections and also for any other writ, order or direction which this court may deem fit in the circumstances of the case.

(4) Elections to the Municipal Corporation, Ludhiana (hereinafter referred to as 'the Corporation') were held in 1991 for a term of five years. At that time, there were 50 wards. Petitioners 1 and 2 represented wards No. 37 and 34, respectively, in the Corporation. Ludhiana Municipal Area had been earlier divided in 50 wards, namely, Ludhiana (East) consisting of 12 wards, Ludhiana (West) consisting of 13 wards, Ludhiana (North) consisting of 13 wards and Ludhiana (South) consisting of 12 wards.

(5) Punjab Municipal Corporation Act, 1976 (hereinafter referred to as 'the Act of 1976') was amended by the State Legislature by passing Act No. 8 of 1996, wherein the maximum number of wards from 50 was increased to 70 in Ludhiana, 60 in Amritsar and 55 in Jalandhar. A Division Bench of this Court in CWP 8697 of 1996 (*Gulwant Singh v. State of Punjab etc.*) issued a direction to the State of Punjab to complete the process of elections of Ludhiana, Amritsar and Jalandhar Municipal Corporations within three months on 19th September, 1996. Subsequently, the time was extended upto 31st March, 1997.

(6) Punjab Government in supersession of Government of Punjab, Department of Local Government, Notification No. G.S.R. 28/P.A.—43/76/S. 34/85, dated 8th June, 1995, and in exercise of the powers conferred by section 8 of the Punjab Municipal Corporation Act, 1976 (Punjab Act No. 42 of 1976), and all other powers enabling it in this behalf, issued the Delimitation of Wards of Municipal Corporation Order, 1995 (hereinafter referred to as 'the Delimitation

Order of 1995), to determine the delimitation of wards in the Municipal Corporations. Under this order, a Delimitation Board is required to be constituted under Clause-3 of the Delimitation Order of 1995, which reads as under :—

“3. Constitution of Board.—(1) For the purpose of carrying out the provisions of this order the Government shall constitute a Board for each Municipal Corporation consisting of the following members; namely :—

- (i) the Commissioner of the Division in which the Municipal Corporation is situated or any other officer nominated by him in this behalf ;
- (ii) the Director or any other officer nominated by him in this behalf ;
- (iii) the Mayor or in his absence the Senior Deputy Mayor and in the absence of both, the Deputy Mayor of the Corporation concerned, as the case may be ;
- (iv) the Commissioner of the Municipal Corporation concerned ;
- (v) the Deputy Director, Local Government (Regional); and
- (vi) the Executive Officer of the Municipal Corporation concerned.

(2) The Board shall associate with itself for the purpose of assisting in the performance of its functions not more than five councillors of the Corporation having due regard to the representation of various political parties and groups in the composition of the Corporation :

Provided that nothing contained herein before shall apply to a Corporation which has been dissolved.”

Clause-6, which lays down the principles for delimitation of wards of a City, reads as under :—

“6. Principles for delimitation of wards of a City.—The following principles shall be observed by the Board in the delimitation of wards of a city, namely :—

- (a) All wards shall as far as practicable, be geographically compact areas, and in delimiting them, due regard

shall be had to the physical features like facilities of communication and public convenience ;

- (b) Wards in which seats are reserved for the Scheduled Castes, shall be located, as far as practicable, in those areas where the proportion of their population to the total population of the City, is the largest and such seats shall be allotted by rotation to different wards in the City ;
- (c) Seats numbers reserved for women (including number of seats reserved for women, if any, belonging to Scheduled Castes) by the Government shall, be kept reserved for women, and such seats shall be allotted by rotation to different wards in the Corporation ;
- (d) Two seats reserved for Backward Classes, by the Government, shall be kept reserved for the Backward Classes, and such seats shall be allotted by rotation to different wards in the Corporation ; and
- (e) Each Corporation shall be divided into wards in such manner that the population of each ward as far as practicable, is the same throughout the Corporation, with a variation up to ten per cent above or below the average population figures."

(7) Under clause-7, the Board, as soon as may be, after it has prepared the Scheme for the delimitation of the ward of the City, is required to send the same to the Government for consideration.

(8) Clause-8 deals with publication of scheme for delimitation of wards by inviting objections, suggestions and publication of the final order in the official Gazette after considering the objections and suggestions received. Clause-8 reads as under :—

"8. Publication of scheme for delimitation of wards.—(1) The Government shall,—

- (a) publish in the official Gazette the scheme for the delimitation of the wards received by it under clause 7 for inviting objections or suggestions from the affected persons of the City ;

(b) Specify a date on or after which the scheme alongwith objections or suggestions, if any, shall be considered by it ; and

(c) consider all objections and suggestions which may have been received by it before the specified date.

(2) The Government after considering the objections and suggestions under sub-clause (1), shall make its final order and shall get the same published in the Official Gazette.”

(9) Part IX-A consisting of articles 243(P) to 243(ZG) were inserted by the Constitution (74th Amendment) Act, 1992. Local Government including Self Government institutions in both urban and rural areas is an exclusive State subject under the VIIth Schedule. Union cannot enact any law, create rights and liabilities relating to these subjects. Union by inserting Part IX and Part IX-A of the Constitution has outlined the scheme which would be implemented by the States by making laws or amending their own existing laws to bring them in conformity with the provisions of the Constitution (74th Amendment) Act, 1992.

(10) Part IX-A of the Constitution provides that in every State there shall be constituted; (a) a Nagar Panchayat (b) a Municipal Council and (c) a Municipal Corporation, in accordance with the provisions of Part IX-A of the Constitution. “Municipal Area” means the territorial area of the municipality as is notified by the Government. “Municipality” has been defined to mean “an institution of self Government constituted under Article 243-Q”. Composition of Municipalities has been dealt with in article 243-R. It provides that all the seats in the Municipalities shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards. Article 243-S deals with the constitution and composition of Wards Committees and provides that the Legislature of a State may pass suitable legislation in respect of matters enumerated therein.

(11) Article 243-T provides for reservation of seats for Scheduled Castes and Scheduled Tribes on the basis of their population and the population of the Municipalities at each level in proportion to their population and the number of seats to be allotted in the wards having majority population of these castes. It also provides for representation for women including Scheduled Castes women (equal to 1/3 seats of the total seats) in the Municipality at each level.

(12) Three Municipal Corporations in the State of Punjab i.e. Amritsar, Jalandhar and Ludhiana were constituted under the Act of 1976. Sections 8 and 9 of the Act of 1976 which provide for delimitation of wards and powers to alter or amend the delimitation orders read as under :—

“Section 8. Delimitation of wards.—(1) For the purposes of election of councillors, the City shall be divided into single-member wards in such manner that the population of each of the wards shall, so far as practicable, be the same throughout the City.

(2) The Government shall, by order in the official Gazette, determine the extent of each ward and the wards in which seats shall be reserved for Scheduled Castes.

Section 9. Powers to alter or amend delimitation orders.—
The Corporation, with the previous approval of the Government, may from time to time by order in the Official Gazette, alter or amend any order made under Section 8.”

(13) Delimitation Board was constituted, consisting of various officers/representatives as laid down in clause-3 of the Delimitation Order of 1995. Delimitation Board prepared the Scheme for delimitation of the wards in its meeting on 9th October, 1996 and finalised the Delimitation of Wards Scheme and sent the same to the Government for consideration. State Government invited objections,—vide Notification dated 11th October, 1996 within a period of 15 days, in response to which 37 sets of objections were received. It is alleged by the petitioners that without considering the objections filed by them or other similarly situated persons and affording an opportunity of hearing to them, the final Notification, Annexure P-3, was issued on 12th November, 1996. It has been averred that the functions of the Board and the procedure to be followed by the Board and also powers of the Board as given in clauses 4 and 5 of the Delimitation Order of 1995 have not been exercised and the wards have not been delimited in accordance with the Delimitation Order of 1995. Objections raised by petitioner No. 1 have been reproduced in para-8 of the petition. The case of the writ petitioners is that they are residents of different wards of the Corporation. Their names have been duly entered as voters in the electoral rolls of their wards. They were keen to contest the elections for various posts including the post of Chair Person of the Corporation. However, they became ineligible on account of allocation and reservation of wards of the

municipal areas from which they wanted to contest. Reservation for women belonging to Scheduled Castes has been purposely done to deprive the Bhartiya Janta Party Workers and Councillors from fighting from those wards; that in the elections of 1991, 17 Councillors belonging to B.J.P. were returned from Ward 17, 19, 23, 25, 26, 27, 28, 32, 34, 36, 37, 38, 39, 41, 42, 43 and 50. These 17 wards have now been made into 14 wards out of which six wards have been reserved for women and two for Scheduled Castes thereby leaving only six wards for the general category. This has been done purposely in order to deprive the sitting Councillors from contesting the elections and to seek their fortunes elsewhere; that ward No. 37 (Old) is now ward No. 59 (New), which runs through three assembly constituencies thereby violating the rule of contiguity. Similar such instances have also been given. Basic challenge of the petitioners is that the final Notification, Annexure P-3, has been issued without considering their objections and affording an opportunity of hearing to them.

(14) In the written statement filed by respondent No. 1, it has been stated that keeping in view the directions issued by this court in CWP 8697 of 1996 and the time frame given in it, the objections against the delimitation of wards Scheme were disposed of expeditiously. Allegations that the final notification has been issued without considering the objections filed by the petitioners have been denied. It has been stated that the Delimitation Board prepared the Scheme for Delimitation of Wards in its meeting held on 9th October, 1996 and finalised the Delimitation of Wards Scheme and sent the same to the Government for its consideration. State Government invited objections,—*vide* Notification dated 11th October, 1996 within a period of 15 days in response to which 37 sets of objections were received. All the objections received were examined by the office and thereafter the Officer on Special Duty (Elections) prepared a note dated 29th October, 1996 to the effect that nothing substantial has been pointed out in the objections mentioned at Serial Nos. 1 to 36, whereas if the objections mentioned at Serial No. 37 are accepted, it will necessitate changes in six wards. This note was put up to the Principal Secretary, Local Government, through proper channel and then to the Minister for Local Self Government, Punjab, who passed the order "Please discuss at the earliest" on 30th October, 1996 and marked the file to the Principal Secretary, Local Government. Principal Secretary, Local Government discussed the matter and recorded the minutes of his discussion wherein the objections filed by Rajpal at serial No. 37 were accepted as proposed by the office.

In addition thereto, objections filed by one Shri Kirpal Singh, General Secretary, Congress-I Rural, for changes in Wards No. 14 and 16 were also accepted. Consequently, with these changes, final notification was issued on 12th November, 1996. The objections were considered by the office thoroughly before publication of the notification. No opportunity of hearing was required to be given to the petitioners before issuance of the final notification as none was required to be given under the Statute.

(15) Keeping in view the urgency of the matter especially in view of the directions issued by this Court in CWP 8697 of 1996 decided on 19th September, 1996, fixing a period of three months which was later on extended upto 31st March, 1996 to complete the process of elections in three Municipal Corporations, notice of motion was issued on 10th March, 1997 for 17th March, 1997. Stay of operation of the impugned notification was specifically denied. Advocate General, Punjab, was directed to produce the record at the time of hearing.

(16) Counsel for the parties have been heard. Record was produced, which has been perused during the course of hearing.

(17) The foremost question to be considered in this petition is as to whether the validity of laws relating to delimitation and allotment of seats can be questioned in any court in view of the bar imposed by Article 243-ZG, which reads as under :—

“Article 243-ZG. Bar to interfere 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 243ZA shall not be called in question in any court ;
- (b) no election to any Municipality 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 made by the Legislature of a State.”

(18) This question was considered by a Constitution Bench of the Supreme Court in *Neghraj Kothari v. Delimitation Commission and others* (1), in which prayer had been made for quashing the

(1) A.I.R. 1967 S.C. 669.

notification issued in pursuance of Sub-section (1) of Section 10 of the Delimitation Commission Act, 1962, in respect of delimitation of certain Parliamentary and Assembly constituencies in the State of Madhya Pradesh. Petition was dismissed on the ground that under Article 329(a) of the Constitution, the said notification could not be questioned in any court. It was held :—

“Parliament by enacting Section 10(2) wanted to make it clear that orders passed under Sections 8 and 9 were to be treated as having the binding force of law and not mere administrative directions. This is further reinforced by Section 10(4) which brought complete effacement of all provisions of this nature which were in force before the passing of the orders under Sections 8 and 9 and only such orders were to hold the field. Therefore once the Delimitation Commission has made orders under Sections 8 and 9 and they have been published under Section 10(1), the Orders are to have the same effect as if they were law made by Parliament itself. An order under Sections 8 or 9 and published under Section 10(1) would not be saved merely because of the use of the expression “shall not be called in question in any Court”. But if by the publication of the order in the Gazette of India it is to be treated as law made under Art. 327, Art. 329 would prevent any investigation by any Court of Law.”

(19) This question was again considered by the Supreme Court in *State of U.P. and others v. Pradhan Singh Kshettra Samiti and others* (2), in the context of elections to the Panchayats in Uttar Pradesh held in pursuance to and in accordance with the Constitution (73rd Amendment) Act, 1992. Constitution (73rd Amendment) Act, 1992 deals with the Panchayats in the rural areas and the Constitution (74th Amendment) Act, 1992, deals with the municipalities in the urban areas. It was held :—

“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.”

It was further held as under :—

“What is more objectionable in the approach of the High Court is that although clause (a) of Article 243-O of the Constitution enacts a bar on the interference by the Courts in electoral matters including the questioning of the validity of any law relating to the delimitation of the constituencies or the allotment of seats to such constituencies made or purported to be made under Article 243-K and the election to any panchayat, the High Court has gone into the question of validity of the delimitation of the constituencies and also the allotment of seats to them. We may, in this connection, refer to a decision of this Court in *Meghraj Kothari v. Delimitation Commission*, (1967) 1 SCR 400 : (AIR 1967 SC 669). In that case a notification of the Delimitation Commission whereby a city which had been a general constituency was notified as reserved for the Scheduled Castes. This was challenged on the ground that the petitioner had a right to be a candidate for Parliament from the said constituency which had been taken away. This Court held that the impugned notification was a law relating to the delimitation of the constituencies or the allotment of seats to such constituencies made under Article 327 of the Constitution, and that an examination of Sections 8 and 9 of the Delimitation Commission Act showed that the matters therein dealt with were not subject to the scrutiny of any Court of law. There was a very good reason for such a provision because if the orders made under Sections 8 and 9 were not to be treated as final, the result 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. Although an order under Section 8 or 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 same position as a law made by the Parliament itself which could only be made by it under Article 327. If we read Articles 243-C, 243-K and 243-O in place of Article 327 and Section 2(kk), 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 or 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. The High Court not only entertained the challenge but has also gone into the merits of the alleged grievances although the challenge was made after the notification for the election was issued on 31st August, 1994.”

(20) This point was again considered in a recent judgment of the Supreme Court in *Anugrah Narain Singh and another v. State of Uttar Pradesh and others* (2), in which the scope of the bar imposed by Article 243-ZG of the Constitution (74th Amendment) Act, 1992, which is under consideration in this petition, was considered. In this judgment, their Lordships relying upon the judgment in *Meghraj Kothari's case* (supra) held that the High Court was in error in cancelling the elections of the Municipalities of the Uttar Pradesh, especially when the election process had already been put into motion.

(21) Relying upon the observations of their Lordships in *Pradhan Sangh Kshettra Samiti's case* (supra) reproduced in the earlier part of the judgment, and the following observations of their Lordships in *Anugrah Narain Singh's case* (supra) :—

“24. The validity of Sections 6-A, 31, 32 and 33 of the U.P. Act dealing with delimitation of wards cannot be questioned in a court of law because of the express bar imposed by Article 243-ZG of the Constitution. Section 7 contains rules for allotment of seats to the Scheduled Castes, the Scheduled Tribes and the Backward Class people. The validity of that Section cannot also be challenged. That apart, in the instant case, when the delimitation of the wards was made, such delimitation was not challenged on the ground of colourable exercise of power or on any other ground of arbitrariness. Any such challenge should have been made as soon as the final order was published in the Gazette after objections to the draft order were considered

and not after the notification for holding of the elections was issued. As was pointed out in Lakshmi Charan Sen's case, that the fact that certain claims and objections had not been disposed of before the final order was passed, cannot arrest the process of election.

25. In this connection, it may be necessary to mention that there is one feature to be found in the Delimitation Commission Act, 1962 which is absent in the U.P. Act. Section 10 of the Act of 1962 provided that the Commission shall cause each of its order made under Sections 8 and 9 to be published in the Gazette of India and in the official Gazettes of the States concerned. Upon publication in the Gazette of India every such order shall have the force of law and shall not be called in question in any Court. Because of these specific provisions of the Delimitation Commission Act, 1962, in the case of *Meghraj Kothari v. Delimitation Commission and others* A.I.R. 1967 S.C. 669, this Court held that notification of orders passed under Sections 8 and 9 of that Act had the force of law and therefore, could not be assailed in any court of law because of the bar imposed by Article 329. The U.P. Act of 1959, however, merely provides that the draft order of delimitation of municipal areas shall be published in the official Gazette for objections for a period of not less than seven days. The draft order may be altered or modified after hearing the objections filed, if any. Thereupon, it shall become final. *It does not lay down that such an order upon reaching finality will have the force of law and shall not be questioned in any court of law. For this reason, it may not be possible to say that such an order made under Section 32 of the U.P. Act has the force of law and is beyond challenge by virtue of Article 243-ZG. But any such challenge should be made soon after the final order is published. The Election Court constituted under Section 61 of the U.P. Act will not be competent to entertain such an objection. In other words, this ground cannot be said to be comprised in sub-clause (iv) of clause (d) of Section 71 of the U.P. Act. In the very nature of things, the Election Court cannot entertain or give any relief on this score. The validity of a final order published under section 33 of the U.P. Act is beyond the ken of Election Court constituted under Section 61 of the said Act."*

Counsel for the petitioners contended that the provisions of the Act of 1976 are similar to the provisions of the U.P. Municipal Corporation Adhiniyam, 1959, which was under consideration before their Lordships of the Supreme Court and therefore, the delimitation of wards in the Municipal areas could be challenged before the final notification setting the process of election in motion is issued as the order of delimitation of wards did not have the force of law. In *Meghraj Kothari's case* (supra), it was held that the Notification of Orders passed under sections 8 and 9 of that Act had the force of law and, therefore, could not be assailed in any court of law because of the bar imposed by Article 329. Distinguishing *Meghraj Kothari's case* (supra), it was held in *Anugrah Narain Singh's case* (supra) that the U.P. Act of 1959 merely provided that the draft order of delimitation of municipal areas shall be published in the Official Gazette for objections for a period of not less than 7 days. Draft order could be altered or modified after hearing the objections filed and only thereupon it was to become final. It was not laid down in the U.P. Act of 1959 that upon reaching finality, the order will have the force of law and could not be questioned in any court of law.

(22) We find force in this submission. Section 8 of the Act of 1976 dealing with delimitation of wards and clause (8) of the order of 1959 does not lay down that an order made under clause (8) of the order of 1995 upon reaching finality will have the force of law and shall not be questioned in any court of law. Keeping in view the observations of their Lordships in paras 24 and 25 in *Anugrah Narain Singh's case* (supra), which have been reproduced above, it is held that the order issued under clause (8) of the Order of 1995 is not beyond challenge by virtue of Article 243-ZG but such a challenge can be made before the process of elections is put into motion and soon after the final order is passed.

(23) We have perused the original record. From the record we find that each of the 37 objections filed were considered by the office at various levels. Thereafter, the officer on Special Duty (Elections) prepared a note dated 29th October, 1996, to the effect that nothing substantial has been pointed out in the objections mentioned at serial Nos. 1 to 36. There was some substance in the objections at serial No. 37 but if the same were accepted, it would necessitate changes in six wards. The said note was put up to the Principal Secretary, Local Government, through proper channel and then to the Minister for Local Self Government. Minister for Local Self Government passed an order on 30th October, 1996 "Please discuss

at the earliest" and marked the file to the Principal Secretary, Local Government. After discussion, minutes of which have been recorded, certain objections were accepted and, thereafter the final notification was issued on 12th November, 1996. From the record we find that the objections were duly considered and after application of mind and proper consideration, the final notification was issued. From its perusal, it cannot be held that they were dealt with in a perfunctory or a casual manner.

(24) Mr. O. P. Goyal, counsel for the petitioners, then argued that opportunity of personal hearing in support of the objections should have been granted to the objectors. For this reliance was placed on the observations of the Supreme Court in *Pradhan Sangh Kshettra Samiti's case* (supra) and certain other judgments.

(25) Clause (3) of the order of 1959 provides for publication of Scheme for delimitation of wards and inviting objections. Final order is to be passed after considering the suggestions and objections filed. It does not provide for an opportunity of personal hearing in support of the objections. In *Pradhan Sangh Kshettra Samiti's case* (supra), it was observed that the change in wards of the local bodies results in civil consequences and the action of bringing more villages than one under one Gram Panchayat when they were earlier under separate Panchayats involves civil consequences. Relying upon certain judgments of the Supreme Court, it was held that an opportunity of personal hearing ought to have been given before finalising the Panchayat area of a Gram Sabha.

(26) *Pradhan Sangh Kshettra Samiti's case* (supra) was a case of shifting of the area of one Gram Panchayat to another. In that context, their Lordships have held that opportunity of personal hearing was required to be given. In the present case, wards outside the municipality have not been included. It is a case of delimitation of wards for which objections and suggestions were invited and after considering the objections and suggestions, final order of delimitation of wards was published in the official gazette. Principles of natural justice are not embodied rules and they cannot be imprisoned within the strait jacket of a rigid formula. Principles of natural justice vary with the nature of the enquiry, the object of the proceedings, the scheme and policy of the statute, the nature of the power conferred upon the authorities and the right of interest sought to be affected. For delimitation of wards, Scheme and Policy has been framed under the Statute, right to file objections and suggestions has

been given to the residents of the Municipal area. After consideration of the objections, final notification has been issued. Personal hearing was not required to be given under the Statute. In these circumstances, principles of natural justice would not require personal hearing to be given especially when all relevant circumstances were taken into consideration before issuing final notification of delimitation of wards.

(27) Another aspect which has to be kept in mind is that the elections were ordered to be held under the directions of the High Court in which a time frame had been given. Elections for Panchayats, Municipal Corporation and Legislatures have to take place at regular intervals. Holding of elections cannot be stalled on the complaint of a few individuals as this may cause injustice to crores of other voters and have a right to elect their representatives. It was pointed out by the Supreme Court of India in *Lakshmi Charan Sen v. A. K. M. Hassan Uzzaman* (3), at 703 that :—

“the fact that certain claims and objections are not finally disposed of, even assuming that they are filed in accordance with law, cannot arrest the process of election to the Legislature. The election has to be held on the basis of the electoral roll which is in force on the last date for making nominations.”

(28) Another argument raised by the counsel for the petitioner was that the demarcation and reservations of wards for reserved categories has been done without preparing a fresh Voters' List.

(29) Elections of the Municipal Corporation were ordered to be held under the directions of this Court. Necessary amendments in the Municipal Corporations Act were incorporated in tune with Chapter IX-A of the Constitution of India inserted by the Constitution (74th Amendment) Act, 1992. Clause (g) of Article 243-P defines “population” to be the population as ascertained at the last preceding census of which the relevant figures have been published. Delimitation of wards and reservation of wards for reserved categories was to be done on the basis of the last preceding census of which the figures had already been published. The last census was done in the year 1991 and the reservation of wards for Scheduled Castes, Back-

ward Classes and women candidates has been done on the basis of 1991 census. Thus, there is no force in the submission raised by the counsel for the petitioners.

(30) No other point was urged.

(31) For the reasons stated above, we find no merit in this petition and dismiss the same with no order as to costs.

S.C.K.