IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 300 OF 2026

Nimesia Faleiro, aged, 44 years,
H.No. 40, N. D. Naik Road,
Chandrawado, Fatorda, South Goa ... Petitioner

Versus

1. The State of Goa, Through the Chief Secretary, Porvorim, Goa
   Email: cs-goa@nic.in

2. The Goa State Election Commission, Opp. Joggers Park, Next to BSNL Tower, Altinho, Panjim, Goa
   Email: comm-gsec.goa@nic.in

3. The Director of Municipal Administration, Department of Urban Development, Dempo Tower, 1st Floor, Patto, Panaji, Goa.
   Email: dir-dma.goa@nic.in

4. Goa State Commission For Backward Classes, Office at Altinho, Panaji, Goa. ... Respondents

Mr. Siddharth Nunes, Advocate for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with **Ms Maria Simone Judith Correia, Additional Government Advocate** for Respondents No.1 and 3.

Mr. Somnath B. Karpe, Advocate with **Mr. Anand Shirodkar, Advocate** for Respondent No.2.

Mr. Hanumant D. Naik, Advocate with **Ms. Divya Naik and Ms. Dipti Kambli, Advocates** for Respondent No.4.

WITH
WRIT PETITION NO. 1069 OF 2026

Vaishali Sanjay Barde, aged about 38 years, wife of Shri Sanjay Barde, R/o H.No.59/11, Near Sateri Temple, Khorlim, Mapusa, Bardez-Goa, 403507. ... Petitioner

Versus

1. State of Goa, Through the Chief Secretary, Secretariat, Porvorim, Goa.

2. The Goa State Election Commission, Through the State Election Commissioner, Altinho, Panaji-Goa.

3. The Directorate of Municipal Administration, Through its Director, Patto, Panaji-Goa.

4. The Mapusa Municipal Council, Thr. its Chief Officer, Mapusa, North-Goa.

5. Goa State Commission For Backward Classes, Altinho, Panaji Goa. ... Respondents

Mr. Abhijit Gosavi, Advocate with **Ms. Krupa Naik** and **Mr. Gaurang Kerkar, Advocates** for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with **Mr. Deep D. Shirodkar, Additional Government Advocate** for Respondents No.1 and 3.

Mr. Somnath B. Karpe, Advocate with **Ms. Siddhi Parodkar, Advocate** for Respondent No.2.

Mr. Hanumant D. Naik, Advocate with **Ms. Divya Naik and Ms. Dipti Kambli, Advocates** for Respondent No.5.

WITH
WRIT PETITION NO. 1073 OF 2026

Shitesh More, Aged 30 years, Resident of 1/146/ILL, St. Jerome Wado, Xelpem, Duler, Mapusa, Goa. ... Petitioner

Versus

1. State of Goa, Through the Chief Secretary, Secretariat, Porvorim, Goa.

2. Director, Directorate of Municipal Administration, Panaji, Goa-403001.

3. Commissioner, State Election Commissioner, Altinho, Panaji-Goa.

4. Goa State Commission For Backward Classes, Altinho, Panaji Goa. ... Respondents

Mr. Chaitanya Padgaonkar, Advocate with **Ms. Anushri Naik Dessai** and Mr**. Shlok Rai, Advocates** for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with **Ms. Maria Simone Judith Correia, Additional Government Advocate** for Respondents No.1 and 2.

Mr. Somnath B. Karpe, Advocate with **Ms. Samiksha Vaigankar, Advocate** for Respondent No.3.

Mr. Hanumant D. Naik, Advocate with **Ms. Divya Naik and Ms. Dipti Kambli, Advocates** for Respondent No.4.

WITH
MISCELLANEOUS CIVIL APPLICATION NO. 494 OF 2026
IN
WRIT PETITION NO. 1073 OF 2026

1. Damodar Ramnath Naik, son of Ramnath B. Naik, aged 56 years, married, businessman, Resident of Flat No.311, 3rd Floor, Ashirwad Bldg, Mestabhat, Margao, South Goa, Goa 403601.

2. Dhananjay Raghuvir Mayekar, son of Raghuvir Dhananjay Mayekar, aged 59 years, married, businessman, Resident of H.No.134, Malbhat, Behind Sai Baba Temple, Margao, South Goa, Goa 403601. ... Applicants.

IN

Versus

1. Shitesh More, aged 30 years, Resident of 1/146/ILL, St. Jerome Wado, Xelpem, Duler, Mapusa, Goa. ... Petitioner.

Versus

1. State of Goa, Through the Chief Secretary, Having office at the Secretariat, Porvorim, Goa - 403521.

2. Director, Directorate of Municipal Administration, Panaji, Goa-403001.

3. Commissioner, State Election Commissioner, Altinho, Panaji-Goa. ... Respondents

Mr. Shivan Desai, Advocate with **Ms. Riya Amonkar, Advocate** for the Applicants.

WITH
WRIT PETITION NO. 1071 OF 2026

Trajano D'Mello, son of Mr. Agricio D'Mello, married, aged 77 years, Indian National, National Spokesperson Trinmool Congress, R/o: Peddem, Mapusa, Goa. ... Petitioner

Versus

1. State of Goa, Through the Chief Secretary, Secretariat, Porvorim, Goa.

2. Director, Directorate of Municipal Administration, Panaji, Goa-403001.

3. Goa State Election Commission, Altinho, Panaji-Goa.

4. Goa State Commission For Backward Classes, Altinho, Panaji Goa. ... Respondents

Mr. Abhijit Gosavi, Advocate with **Ms. Krupa Naik,** and **Mr. Gaurang Kerkar, Advocates** for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with **Mr. Neehal Vernekar, Additional Government Advocate** for Respondents No.1 and 2.

Mr. Somnath B. Karpe, Advocate with **Mr. Anand Shirodkar** and **Ms. Sonali Gaonkar, Advocates** for Respondent No.3.

Mr. Hanumant D. Naik, Advocate with **Ms. Divya Naik and Ms. Dipti Kambli, Advocates** for Respondent No.4.

WITH
WRIT PETITION NO. 1072 OF 2026

Vallabh P. Prabhudessai, aged 53 years, Resident of House no.326-2, Near Police Station, Cusmon, Biptimon, Quepem, South Goa – 403705. ... Petitioner

Versus

1. State of Goa, Through the Chief Secretary, Secretariat, Porvorim, Goa.

2. Director, Directorate of Municipal Administration, Panaji, Goa-403001.

3. The Commissioner, State Election Commissioner, Altinho, Panaji-Goa.

4. Goa State Commission For Backward Classes, Office at Altinho, Panaji Goa. ... Respondents

Mr. Gaurish Agni, Advocate with **Mr. Yash Naik, Mr. Kishan Kavlekar, Mr. Madhav Cuncoliencar, Ms. Ruchika Mishra, Ms. L. Correia** and **Ms. Priyadarshani B., Advocates** for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with **Mr. Shubham Priolkar, Additional Government Advocate** for Respondents No.1 and 2.

Mr. Somnath B. Karpe, Advocate with **Mr. Anand Shirodkar** and **Ms. Riddhi Shirodkar, Advocates** for Respondent No.3.

Mr. Hanumant D. Naik, Advocate with **Ms. Divya Naik and Ms. Dipti Kambli, Advocates** for Respondent No.4.

CORAM : VALMIKI MENEZES & HITEN S. VENEGAVKAR, JJ.

Reserved on : 5th AUGUST 2026.

Pronounced on : 25th AUGUST 2026.

JUDGMENT: (Per HITEN S. VENEGAVKAR, J.)

1. Registry to waive office objections and register the matters.

2. These Writ Petitions raise an important question concerning the constitutional obligation to ensure timely elections to Municipal Councils and the manner in which that obligation is to be fulfilled when, before the elections could be held, the statutory framework governing the composition, delimitation and reservation of wards itself came to be altered by the State Legislature. The controversy has arisen in relation to the general elections to eleven Municipal Councils in the State of Goa, which were constituted pursuant to elections held during March and April 2021 and whose respective terms came to an end during March, April and May 2026. Article 243U of the Constitution required the elections for constituting the succeeding Municipal Councils to be completed before expiry of their respective duration. The elections, however, could not be held within that period

and, therefore upon expiry of term the State Government had appointed Administrators to administer the functioning of these Municipal Councils.

3. Before the elections to these Municipal Councils could be held, the Governor of Goa promulgated the Goa Municipalities (Amendment) Ordinance, 2026 (Ordinance No. 4 of 2026) on 22 April 2026, which was published in the Official Gazette on 23 April 2026. The Ordinance brought about amendments to the Goa Municipalities Act, 1968 and, amongst other changes it also altered the statutory regime governing the composition of Municipal Councils and the exercise of delimitation and reservation of wards. The intervention of the Ordinance at this stage assumes significance because, by then, the State Election Commission had already initiated several preparatory steps towards holding the ensuing municipal elections under the law as it stood prior to the amendment.

4. The Petitioners have approached this Court essentially on the premise that the constitutional command contained in Article 243U could not have been permitted to remain unfulfilled by introducing a new statutory exercise at a stage when the elections had already become due or were shortly to become due. In some of the petitions, the constitutional validity of the Ordinance itself has been questioned on the touchstone of Articles 14, 213 and 243U of the Constitution of India. An alternative case has also been advanced that, even if the Ordinance is otherwise constitutionally valid, it ought not to be applied to the elections which, according to the Petitioners, were required to have been completed under the pre-existing statutory

regime. The consequential relief sought is that the elections be conducted within a time-bound period based on the delimitation and electoral exercise which had already been undertaken before the Ordinance came into force.

5. One of the Petitions subsequently carried the challenge further when, during the pendency of these proceedings, the State Election Commission, on 21 May 2026, declared the earlier process of delimitation of municipal wards initiated in March 2026 as null and void. The Petitioner therein has questioned that decision as well and contends that an exercise which had already substantially progressed towards holding the elections could not have been abandoned merely because the statutory regime was subsequently altered.

6. The controversy before us, however, cannot be examined merely by asking whether the elections ought to have been held before the terms of the Municipal Councils expired. There can be little debate about the constitutional command contained in Article 243U of the Constitution. The more difficult question arises because the elections, though constitutionally required to have been completed within that period, were not in fact held and, before they could thereafter be conducted, the law governing the exercise itself stood amended. The Court is consequently confronted with the operation of two constitutional considerations which cannot be examined in isolation. On the one hand, is the obligation imposed by Article 243U of the Constitution that democratic governance through an elected Municipality should not be interrupted by avoidable delay in conducting elections. On the other, the elections which are ultimately

held must conform to the other provisions contained in Part IX-A of the Constitution and to a statutory regime which continues to remain in force unless its constitutional validity is successfully assailed.

7. It is this circumstance which distinguishes the present controversy from an ordinary case where elections have been postponed merely because of executive inaction or administrative delay. The Petitioners contend that the subsequent legislative intervention cannot be permitted to defeat a constitutional timetable which had already become operative. The State, on the other hand, maintains that once the law has validly been amended, neither the State Election Commission nor this Court can direct that the elections be conducted by disregarding that law without first holding the amended provisions unconstitutional. The State Election Commission is therefore placed under the simultaneous constitutional obligation of conducting the elections at the earliest and of conducting them in accordance with the law which presently governs those elections.

8. The issue, therefore, is not capable of being resolved by treating Article 243U of the Constitution as operating independently of the remaining constitutional provisions governing municipalities, nor can the constitutional timetable prescribed by Article 243U of the Constitution be rendered ineffective merely because a subsequent statutory exercise requires time for its implementation. The Constitution requires both commands to operate. The real question before us is whether, and in what manner, they can be harmonised so that the amended statutory regime is given its legitimate operation without

permitting its implementation to result in an indefinite or avoidable postponement of Election of the Municipal Councils.

9. It is in this background that these Petitions will have to be considered. Before we proceed to examine the constitutional questions which arise for determination and the rival submissions advanced before us, it would be appropriate to notice separately the nature of each petition, the reliefs sought therein and the material facts on which the respective Petitioners have approached this Court. Though the Petitions converge upon the common question concerning the impending elections to the Municipal Councils and the effect of the 2026 Ordinance upon those elections, the factual foundation and the reliefs sought in all of them are not identical. Those distinctions require to be noticed before the common constitutional controversy is taken up for consideration.

10. Writ Petition No. 1073 of 2026 has been filed by Mr. Shitesh More, a resident and voter of Mapusa Municipal Council, who states that he is desirous of contesting the ensuing election to the Mapusa Municipal Council. The petition was instituted on 27 April 2026, shortly after promulgation of the Goa Municipalities (Amendment) Ordinance, 2026, and directly questions the validity of that Ordinance.

11. The reliefs sought in this petition substantially correspond with the first three reliefs in Writ Petition No. 1072 of 2026, although this petition does not contain the subsequent challenge to the State Election Commission's decision dated 21 May 2026. Since the exact reliefs define the scope of this petition, they are reproduced below:

*"**a)** for a Writ of Certiorari or any other Order or Direction in the nature of Certiorari quashing and setting aside the Goa Municipalities (Amendment) Ordinance, 2026 for being been ultra vires of Articles 14, 213, 243U of the Constitution of India; or*

***b)** In the alternate declare that the Impugned Ordinance as inapplicable to the General Elections of the 11 Municipal councils whose tenure had already expired prior to its promulgation and consequently direct the respondents to conduct elections on the basis of the pre-existing delimitation and electoral framework, in a time bound manner.*

***c)** For writ of Mandamus directing the Respondents to forthwith initiate and complete the election process to the 11 Municipal councils in the State of Goa in a time bound manner as may be prescribed by this Hon'ble Court.*

***d)** Pending hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to stay the operation and implementation of the Goa Municipalities (Amendment) Ordinance, 2026 consequently directing the Respondents to forthwith notify the election schedule for the 11 Municipal Councils without being impeded by the Impugned Ordinance.*

***e)** Ex-parte ad interim relief(s) in terms of prayer clause 'd'."*

12. The factual foundation of this petition substantially overlaps with the common background already noticed. What is additionally emphasised by this Petitioner is the manner in which the municipal elections had been conducted in the year 2021. He pleads that the terms of the Municipal Councils had then expired before the elections were held and that Administrators had been appointed pending the

election process. The process of delimitation and reservation subsequently became the subject matter of proceedings before this Court and the Supreme Court, following which the elections to the eleven Municipal Councils were ultimately conducted in two phases during March and April 2021. The Petitioner relies upon this earlier history to contend that the authorities were fully aware of the constitutional requirement of planning and completing the next round of municipal elections before expiry of the succeeding five-year term.

13. The Petitioner further pleads that, notwithstanding this earlier experience, the election exercise for the present term was not initiated sufficiently in advance and that, when the tenure of some of the Municipal Councils expired, Administrators were appointed by notification dated 31 March 2026 in respect of Bicholim, Curchorem-Cacora, Canacona, Pernem, Cuncolim and Valpoi Municipal Councils. According to the Petitioner, the Ordinance which followed on 22 April 2026 introduced a new procedure requiring fresh delimitation, objections, empirical data and reservation exercises and thereby created a statutory process which, if followed, would postpone the elections considerably beyond the constitutional dates on which they ought to have been completed.

14. A distinct factual circumstance relied upon in this petition is that, during approximately the same period, other electoral exercises within the State were undertaken. The Petitioner refers to the Goa Rural Zilla Panchayat elections held in December 2025, by-elections to vacant Village Panchayat wards held on 8 March 2026, the general election to the Corporation of the City of Panaji held in March 2026 and the

proposed by-election to the Ponda Assembly Constituency. On this basis, he alleges that the delay in conducting elections to the eleven Municipal Councils cannot be explained merely by a general inability of the election machinery to conduct elections during that period.

15. The constitutional challenge in this petition is founded principally upon four propositions. The Petitioner contends that the Ordinance defeats the mandate of Article 243U of the Constitution by altering the electoral framework after the elections had become due and that the timing and consequence of the Ordinance disclose a colourable exercise of power intended to prolong administration through appointed Administrators; that the condition of immediate necessity contemplated by Article 213 of the Constitution is violated ; and that the amended procedure is manifestly arbitrary because it introduces substantial periods for completing various stages of the process without ensuring that the elections themselves are completed within the constitutional period.

16. The alternative case pleaded by the Petitioner is that, even if the Ordinance is otherwise valid, it should not govern elections which had already fallen due before its promulgation. On that footing, the Petitioner seeks completion of the elections under the pre-existing delimitation and electoral framework rather than striking down the amended regime for all future municipal elections.

17. Writ Petition No. 1071 of 2026 has been filed by Mr. Trajano D'Mello. He states that he is a citizen of India and a resident of the State of Goa and that he is the National Spokesperson of the Trinamool Congress

Party, and that he has remained actively involved in public and political life in the State for several decades.

18. The principal relief in this petition is a direction to the Respondents to forthwith initiate and complete the election process to the eleven Municipal Councils within a time to be prescribed by this Court. The challenge to the Ordinance is also raised, followed by an alternative prayer that the Ordinance should not govern the elections which had already become due. The prayers in the petition read as follows:—

> *"**a)** For writ of Mandamus directing the Respondents to forthwith initiate and complete the election process to the 11 Municipal councils in the State of Goa in a time bound manner as may be prescribed by this Hon'ble Court.*
>
> ***b)** for a Writ of Certiorari or any other Order or Direction in the nature of Certiorari quashing and setting aside the Goa Municipalities (Amendment) Ordinance, 2026 for being ultra vires of Articles 14, 213, 243U of the Constitution of India; or*
>
> ***c)** In the alternate declare that the Impugned Ordinance as inapplicable to the General Elections of the 11 Municipal councils whose tenure had already expired prior to its promulgation and consequently direct the Respondents to conduct elections on the basis of the pre-existing delimitation and electoral framework, in a time bound manner.*

19. The factual foundation of this petition substantially follows the common history already noticed and need not be repeated in detail.

20. The Petitioner additionally pleads that, despite the knowledge of Elections falling due, the authorities failed to complete the election process before the expiry of the respective terms and Administrators again came to be appointed in respect of six Municipal Councils by notification dated 31 March 2026. His central grievance is that the Ordinance was promulgated thereafter, at a stage when the constitutional period for some of the Municipal Councils had already expired and for the remaining Municipal Councils terms were shortly to expire. According to him, the new procedure introduced by the Ordinance would require a fresh exercise of delimitation, collection of empirical data, reservation, invitation and consideration of objections, and publication of the requisite notifications, with the inevitable consequence that the elections would stand postponed for a substantial further period.

21. What assumes particular significance in this petition, is the emphasis placed upon the time at which the Ordinance was promulgated. The Petitioner does not contend that the State Legislature lacks competence to make a law governing delimitation or reservation of municipal wards. His pleaded case is that the law, when brought into force after the constitutional obligation to hold the elections had already arisen, could not legitimately be used to prolong the failure to comply with Article 243U of the Constitution. It is on this basis that he alleges that the impugned exercise constitutes a colourable exercise of power and a fraud upon the constitutional mandate.

22. The Petitioner has also questioned the invocation of Article 213 of the Constitution on the ground that the condition requiring

circumstances which rendered immediate action was absent. According to him, the impending expiry of the Municipal Councils was known well in advance and the situation which arose in April 2026 was the result of the authorities having failed to take timely steps to conduct the elections. He therefore contends that such pre-existing inaction could not itself furnish the immediate necessity required for resorting to the Ordinance-making power.

23. The alternative case in this petition proceeds on a narrower footing. The Petitioner submits that, even if the Ordinance is otherwise held to be valid, it cannot be made applicable to municipal elections which had already fallen due prior to its promulgation. He therefore seeks a direction that these elections be conducted based on the pre-existing delimitation and electoral framework.

24. Writ Petition No. 300 of 2026 stands on a somewhat different footing from the Petitions noticed above because it was instituted prior to promulgation of the Goa Municipalities (Amendment) Ordinance, 2026. The Petitioner, Ms. Nimesia Faleiro, was elected in the year 2021 from Ward No. XXIII of the Margao Municipal Council and states that she intended to contest the ensuing municipal election which was then expected to be held in April or May 2026.

25. The immediate cause for approaching this Court was the absence of any notification identifying the wards which would be reserved for women, Scheduled Castes, Scheduled Tribes and Other Backward Classes, as also the wards which would remain open for the general category. According to the Petitioner, unless this exercise was

completed sufficiently in advance, a prospective candidate would have no reasonable opportunity to know the constituency from which he or she could contest and prepare for the election. She therefore sought directions requiring publication of the reservation and rotation of wards well before commencement of the election process.

26. The Petition, however, was not confined to a direction for early publication of the reservation order. The Petitioner also questioned certain provisions of the Goa Municipalities Act, 1968 as they then stood. In particular, she challenged the proviso to Section 10(1), which permitted the order concerning delimitation and reservation to be issued as late as seven days before notification of the general election. She further challenged that part of Section 10(1) which required the State Election Commission to act "in consultation with the Government", as well as Sections 11(1) and 11(3) insofar as those provisions prescribed the period within which the list of voters was to be published before nomination of candidates.

27. Since these challenges were raised independent of the Ordinance and concern the statutory framework which existed before the present controversy assumed its subsequent form, it would be appropriate to reproduce the prayers in full. The Petitioner has prayed as follows:—

> *"**A.** This Hon'ble Court be pleased to hold and declare that the Proviso to Section 10(1) of the Goa Municipalities Act, 1968 (which was inserted by way of Section 3 of the Goa Municipalities (Amendment) Act, 2021 (Goa Act 1 of 2021)) is unconstitutional to the extent that it prescribes that 7 days' notice is sufficient between*

passing the order under Section 10(1) of the Municipalities Act, 1968 and the date of notification of general elections.

B. *This Hon'ble Court be pleased to hold and declare that part of Section 10(1) of the Goa Municipalities Act, 1968 (which as amended by way of Section 3 of Goa Municipalities (Amendment) Act, 2022 (Goa Act 14 of 2022)) is unconstitutional insofar as it uses the words "in consultation with the Government".*

C. *This Hon'ble Court be pleased to hold and declare that part of Section 11(1) and 11(3) of the Goa Municipalities Act, 1968 is unconstitutional insofar as it respectively prescribes only a minimum of one month and 10 days' period between the date fixed for publishing the list of voters and the last date for nomination of candidates.*

D. *This Hon'ble Court be pleased to grant a writ of* mandamus *and direct the Respondents to issue / publish the order under Section 10 of the Municipalities Act fixing for the Municipal Council of Margao the number and the extent of the wards into which the area shall be divided, and further to specify the seats which are reserved (for women, SC, ST, OBC, etc.) in such a manner that there is at least a two month period before the election process commences for the upcoming 2026 Margao Municipal elections.*

E. *This Hon'ble Court be pleased to grant a writ of* mandamus *and direct the Respondents to formulate a policy / guidelines / norms for exercising power under Section 10 of the Municipalities Act for rotation and reservation of seats for municipality elections; OR ALTERNATELY; this Hon'ble Court lay down guidelines for exercising power under Section 10(1) of the Municipalities Act for rotation and reservation of seats for municipality elections."*

28. The Petitioner relies upon the manner in which reservation notifications had been issued in earlier municipal elections to demonstrate why advance publication was necessary. She refers to the municipal election held in the year 2015, when the reserved wards were notified only shortly before commencement of the nomination process. She also refers to the elections held in the year 2021, when reservation notifications became the subject matter of litigation before this Court and subsequently before the Supreme Court. According to her, the experience of these earlier elections showed that publication of reservation at the last moment not only places candidates at a disadvantage but also leaves very little time for public scrutiny or judicial challenge before the election process formally commences.

29. Acting upon this apprehension, the Petitioner addressed a representation dated 13 February 2026 calling upon the respondents to declare the reservation and rotation of wards sufficiently in advance. The State Election Commission replied on 19 February 2026 stating, in substance, that the election process would be conducted in accordance with the Goa Municipalities Act, 1968 and the applicable Election Rules. The Petitioner considered this response inadequate because it did not indicate when the reservation exercise would actually be completed or published.

30. The challenge to the seven-day proviso was founded upon the submission that such a short interval between publication of the reservation order and notification of the election did not provide a meaningful opportunity either to prospective candidates to organise their candidature or to affected persons to question the delimitation or

reservation before the election process commenced. The Petitioner relied upon the earlier decision of this Court in *Dnyaneshwar Narso Naik v. State of Goa*[1] to contend that the reservation exercise ought ordinarily to be completed substantially in advance of the election notification.

31. The Petitioner also questioned the statutory requirement of consultation with the Government. Her case was that, once the constitutional superintendence, direction and control of municipal elections stood vested in the State Election Commission, a statutory arrangement which required the Commission to consult the Government in relation to delimitation and reservation created the possibility of executive influence over an electoral exercise which ought to remain within the independent domain of the Commission.

32. Thus, when this petition was instituted, the dispute before the Court was principally concerned with the timing, transparency and independence of the delimitation and reservation exercise under the statutory framework then in force. The subsequent promulgation of the Ordinance fundamentally altered that framework while the petition was pending and thereby brought this petition into the larger group of matters now before us. The original challenge raised by the Petitioner must nevertheless be kept distinct because it explains both the circumstances in which the electoral process was already under judicial consideration before 22 April 2026 and the historical

[1] 2020 SCC OnLine Bom 3903

background against which the subsequent amendments came to operate.

33. Writ Petition No. 1069 of 2026 was also instituted before promulgation of the Goa Municipalities (Amendment) Ordinance, 2026 and, therefore, has to be understood in the statutory setting which existed at the time when the Petitioner approached this Court. The Petitioner, Ms. Vaishali Sanjay Barde, is a resident of Khorlim, Mapusa and describes herself as a prospective woman candidate intending to contest the forthcoming election to the Mapusa Municipal Council.

34. The grievance raised by the Petitioner is considerably narrower than the challenge raised in Writ Petition No. 300 of 2026. She does not, in the petition as originally filed, seek to invalidate any provision of the Goa Municipalities Act, 1968. Her case is that the reservation and rotation of wards for the Mapusa Municipal Council ought to have been notified sufficiently in advance so that prospective candidates could know the wards from which they would be eligible to contest and could accordingly prepare for the election. The petition was consequently presented on 1 April 2026 seeking a writ of mandamus for immediate publication of the reservation and rotation notification.

35. Since the relief sought in this Petition is precise and substantially defines the controversy with which the Petitioner originally approached this Court, the prayers are reproduced as they appear in the Petition:—

*"**a)** To Issue a Writ of Mandamus or any other appropriate Writ, directing the Respondents to immediately issue and publish the notification providing for the reservation and/or rotation of reserved seats for the wards of the Mapusa Municipal Council.*

***b)** Any other relief this Hon'ble Court deems fit in the interest of justice.*

***c)** Pass such other and further orders as this Hon'ble Court may deem fit and proper."*

36. The Petitioner states that the term of the existing Mapusa Municipal Council was approaching its end and that the succeeding elected body was required to assume office upon completion of that term. In anticipation of the ensuing election, she addressed a representation dated 4 March 2026 to the Goa State Election Commission requesting immediate issuance of the notification concerning reservation and rotation of wards. The State Election Commission replied on 18 March 2026 stating that the election to the Mapusa Municipal Council would be conducted in accordance with the Goa Municipalities Act, 1968 and the Goa Municipalities (Election) Rules, 1969 as amended from time to time. The Petitioner contends that this response did not answer the specific request as to when the reservation notification would actually be issued.

37. The foundation of the Petitioner's grievance lies in the earlier judicial consideration of the manner in which reservation notifications had been issued in municipal and local body elections in Goa. The Petitioner contend that reservation and rotation ought to be notified sufficiently in advance of commencement of the election process. She submits that

notifications concerning delimitation and reservation would be issued at least three weeks before the election schedule.

38. According to the Petitioner, the object of advance publication is not merely administrative convenience. She asserts that a prospective candidate must know the constituency from which he or she can contest before the election process formally commences and that withholding the reservation or rotation of wards until the last moment deprives candidates of a reasonable opportunity to prepare and campaign in the constituency ultimately allotted to them. She further apprehends that delayed publication creates uncertainty and gives rise to allegations of manipulation at the final stage of the electoral exercise.

39. It is important to notice that, when this petition was filed, the Ordinance which subsequently became the principal subject of challenge in the other Petitions had not yet been promulgated. The Petitioner had approached this Court on the footing that the Respondents were bound to complete the reservation and rotation exercise under the law then in force and that their failure to do so was delaying the municipal election. The subsequent legislative change did not create the original cause of action in this petition. It intervened while that cause of action was already being examined by the Court and materially altered the statutory process which the Petitioner had sought to compel the Respondents to complete.

40. The last of the five Petitions in this group is Writ Petition No. 1072 of 2026 filed by Mr. Vallabh P. Prabhudessai, a resident of Quepem. This Petition was instituted after promulgation of the Goa Municipalities

(Amendment) Ordinance, 2026 and, apart from questioning the constitutional validity of the Ordinance and seeking enforcement of the mandate contained in Article 243U of the Constitution, raises an additional challenge which assumes some significance in the factual development of the present proceedings. The Petitioner has specifically challenged the subsequent decision of the State Election Commission dated 21 May 2026 by which the delimitation exercise undertaken in March 2026 was declared null and void. According to the Petitioner, substantial steps towards holding the elections had already been taken under the law then prevailing before the Ordinance intervened and the State Election Commission could not thereafter render that entire exercise infructuous.

41. In view of this additional challenge, and since the precise nature of the reliefs sought in each of these Petitions would have a bearing upon the questions which fall for our consideration, it would be appropriate to reproduce the substantive prayers made in this petition. They read thus:—

> *"**A.** For a Writ of Certiorari or any other Order or Direction in the nature of Certiorari quashing and setting aside the Goa Municipalities (Amendment) Ordinance, 2026 for being been ultra vires of Articles 14, 213, 243U of the Constitution of India; or*
>
> ***B.** In the alternate declare that the Impugned Ordinance as inapplicable to the General Elections of the 11 Municipal councils whose tenure had already expired prior to its promulgation and consequently direct the Respondents to conduct elections on the basis of the pre-existing delimitation and electoral framework, in a time bound manner.*

C. *For writ of Mandamus directing the Respondents to forthwith initiate and complete the election process to the 11 Municipal councils in the State of Goa in a time bound manner as may be prescribed by this Hon'ble Court.*

D. *For a declaration that the decision of the Goa State Election Commission, declaring null and void, the entire process of delimitation of municipal wards initiated in March, 2026 and rendering the entire delimitation exercise undertaken in fructuous and as invalid as unconstitutional, ultravires the provisions of the Constitution of India and The Goa Municipalities Act, and as being bad in law."*

42. The Petitioner traces the controversy to the previous general elections to the Municipal Councils held in the year 2021. He refers to the expiry of the earlier municipal terms, appointment of Administrators, the subsequent delimitation and reservation exercise, and the litigation which arose in relation to the reservation notifications concerning Sanguem, Mormugao, Mapusa, Margao and Quepem Municipal Councils. The Petitioner states that the elections were eventually held in two phases, namely on 20 March 2021 in respect of Pernem, Bicholim, Valpoi, Cuncolim, Curchorem-Cacora and Canacona Municipal Councils and on 23 April 2021 in respect of the remaining affected Municipal Councils. He relies upon these circumstances to contend that the Respondents were fully aware of the period during which the succeeding municipal terms would expire and consequently of the constitutional requirement that the next elections be completed before such expiry.

43. The immediate factual basis of this petition, however, lies in the steps which were actually taken by the State Election Commission during February and March 2026. The Petitioner pleads that, by an order dated 27 February 2026, the State Election Commission initiated the process for division of the municipal areas into wards for the general elections of 2026 and appointed Electoral Registration Officers and Assistant Electoral Registration Officers. Thereafter, by an order dated 9 March 2026, the Commission adopted the electoral rolls of the Legislative Assembly as they stood on 1 January 2026 and had been published on 21 February 2026 for the purpose of division of the municipal areas into wards. This was followed by an order dated 25 March 2026 fixing the number of councillors to be elected to the eleven Municipal Councils.

44. The process thereafter proceeded further when the State Election Commission issued a public notice dated 30 March 2026 informing the public that the draft extent of the wards into which the respective municipal areas were proposed to be divided had been kept open for objections. The Petitioner states that he participated in this exercise as a voter of Ward No. 8 of the Quepem Municipal Council and, along with several other residents, submitted objections to the draft ward plan before the Electoral Registration Officer on 4 April 2026. Thus, according to the Petitioner, this was not a case where no preparatory exercise towards the ensuing municipal elections had commenced before promulgation of the Ordinance. The delimitation exercise had progressed to the stage where the proposed ward structure had been placed in the public domain and objections thereto had actually been received.

45. While this exercise was underway, the Goa Municipalities (Amendment) Ordinance, 2026 was promulgated by the Governor on 22 April 2026 and published in the Official Gazette on 23 April 2026. The Petitioner contends that the substituted Section 10 introduced an entirely different statutory sequence under which delimitation was required to be undertaken afresh, objections and suggestions were to be invited and considered, empirical data concerning political backwardness was thereafter to be obtained from the Goa State Commission for Backward Classes, and the process of reservation was then required to pass through another stage of draft publication, objections and final notification before the election could be declared. It is on this basis that the Petitioner alleges that application of the amended procedure to elections which had already fallen due would substantially postpone their conduct and defeat the mandate contained in Article 243U.

46. The Petitioner has placed particular emphasis upon the events which followed promulgation of the Ordinance. On 21 May 2026, the State Election Commission declared the delimitation process initiated in March 2026 null and void, with the result that the steps taken under the earlier statutory regime were brought to an end. The Petitioner questions this decision independently of his challenge to the Ordinance and contends that the State Election Commission could not invalidate an electoral exercise which had already progressed substantially merely because the statutory framework was subsequently amended.

47. Insofar as the Quepem Municipal Council itself is concerned, the Petitioner has also placed on record the notification dated 8 May 2026 by which an Administrator was appointed with effect from 10 May 2026 upon expiry of the term of the elected Municipal Council on 9 May 2026. Significantly, the notification itself records that the general election to the Quepem and Sanguem Municipal Councils was to be held in May 2026 and that the Government had approved the proposal of the State Election Commission to hold those elections during that month. The Petitioner relies upon this circumstance to contend that the election was contemplated within the constitutionally prescribed period before the subsequent statutory developments intervened.

48. The constitutional challenge raised in this petition is therefore founded upon three connected circumstances. The first is the alleged failure of the constitutional and statutory authorities to complete the municipal elections before expiry of the respective terms despite the mandate contained in Article 243U of the Constitution. The second is the promulgation of the Ordinance after substantial steps towards the elections had already been undertaken, which the Petitioner characterises as a colourable exercise of legislative power and also challenges on the ground that the circumstances necessary for exercise of power under Article 213 of the Constitution did not exist. The third is the subsequent decision of the State Election Commission to abandon the earlier delimitation exercise and commence the process under the amended statutory regime.

49. The Petitioner has, however, also formulated an alternative case which becomes material in view of the nature of the controversy before us. He submits that even if the Ordinance is otherwise held to be

constitutionally valid, it ought not to be applied to municipal elections which had already fallen due before its promulgation and that those elections should instead be completed based on the pre-existing delimitation and electoral framework. It is therefore apparent that, although this petition seeks invalidation of the Ordinance, the ultimate object sought to be achieved by the Petitioner, even in the alternative, is the earliest possible restoration of elected municipal bodies in place of administration through appointed Administrators.

50. During the pendency of Writ Petition No. 1241 of 2026, Miscellaneous Civil Application No. 1756 of 2026 came to be filed by Mr. Damodar Ramnath Naik and Mr. Dhananjay Raghuvir Mayekar seeking permission to intervene in the proceedings. The application was filed on 29 June 2026 after the challenge to the Goa Municipalities (Amendment) Ordinance, 2026 had already been placed before the Court.

51. The applicants state that they wish to participate in future municipal elections and contend that the outcome of the present proceedings would therefore have a direct bearing upon their electoral rights and candidature. Their intervention is founded upon a perspective which is materially different from that advanced by the Petitioners challenging the Ordinance. According to the applicants, the amended Section 10 provides a statutory mechanism for obtaining empirical data concerning political backwardness before reservation is made in favour of the Other Backward Classes. They plead that accurate and reliable data concerning the representation and political backwardness of such classes was not adequately available during

earlier elections and that the procedure introduced by the Ordinance is intended to remedy that deficiency. They therefore contend that implementation of the amended statutory regime would promote transparency and fairness in the reservation process rather than constitute an impediment to the electoral process.

52. The applicants have further pleaded that, since they belong to the category which may directly benefit from reservation made on the basis of the contemporaneous empirical exercise contemplated by the amended law, any order which sets aside the Ordinance or directs that the elections be held without giving effect to the amended provisions would directly affect their interests. It is on this basis that they seek an opportunity to participate in the proceedings and assist the Court while considering the challenge raised in Writ Petition No. 1241 of 2026.

53. Having noticed the individual Petitions and the reliefs sought therein, it is now necessary to place on record the subsequent developments which occurred after the controversy reached this Court. These developments assume considerable importance because the electoral process did not remain static during the pendency of the Petitions. The State Election Commission continued to act under the amended statutory regime and, by the time the hearing substantially progressed, several stages contemplated by the amended Sections 9 and 10 of the Goa Municipalities Act, 1968 had either been completed or had reached an advanced stage.

54. The record shows that, immediately after the Ordinance was published in the Official Gazette on 23 April 2026, the Department of Urban Development addressed a communication dated 24 April 2026 to the State Election Commission forwarding the Ordinance and calling upon it to take necessary action in accordance with the amended provisions. The State Election Commission thereafter addressed the Directorate of Planning, Statistics and Evaluation on 28 April 2026 seeking municipal-area-wise population figures for the eleven Municipal Councils in view of the change brought about by the Ordinance. The requisite population figures, based upon the Census of 2011, were furnished to the Commission on 29 April 2026.

55. The population figures so received became the foundation for the fresh exercise under amended Section 9 because the Ordinance had substituted "population" for "voters" and had altered the numerical benchmark from 2,500 to 3,000 for determining the number of elected Councillors. On 7 May 2026, the State Election Commission forwarded the matter to the Government for the consultation required for fixing the number of elected Councillors under the amended population-based framework. It was in this setting that the earlier delimitation exercise undertaken under the unamended law ceased to be pursued.

56. On 21 May 2026, the State Election Commission formally declared the earlier process of delimitation of municipal wards initiated in March 2026 to be null and void in view of the amended statutory regime. The legality of this decision has been specifically questioned in Writ Petition No. 1572 of 2026. For the purpose of the present narration,

however, what is material is that, from that date onwards, the Commission proceeded on the basis that the ensuing elections would have to be conducted by completing the exercise contemplated by the amended Sections 9 and 10.

57. The amended Section 10 contemplates a structured sequence. After the number of wards is fixed under Section 10(1), the State Election Commission is required to undertake delimitation under Section 10(2). A draft delimitation must then be published under Section 10(3) inviting objections and suggestions from the public for a period of thirty days. After considering such objections and completing consultation with the Government, the final notification of delimitation is required to be issued. Only thereafter is empirical data pertaining to political backwardness to be obtained from the Goa State Commission for Backward Classes under Section 10(4). Upon receipt of such data, a draft reservation notification is required to be published under Section 10(5), followed by consideration of objections and issuance of the final reservation notification under Section 10(6). Section 10(7) thereafter provides that the election may be declared after expiry of thirty days from publication of the final reservation notification.

58. During the hearing, the State Election Commission placed on record that the stages contemplated by Sections 10(1) and 10(2) had already been completed and that the draft delimitation contemplated by Section 10(3) had also been published. The Commission informed the Court that the statutory period of thirty days for filing objections to the draft delimitation was then running. It was therefore apparent that the

controversy had moved substantially beyond the position which existed when the Petitions were originally instituted.

59. It was in this background that, during the hearing, we called upon the State Election Commission to place before us a precise stage-wise statement indicating which periods prescribed by the amended law were mandatory, which administrative steps could be compressed, which stages could proceed simultaneously and what was the minimum period within which the entire exercise could lawfully be completed. The purpose of seeking this information was not to rewrite the statutory timetable, but to ascertain whether the outer periods contemplated by the legislation necessarily had to be exhausted when the elections had already crossed the constitutional dates contemplated by Article 243U of the Constitution.

60. The State Election Commission thereafter placed a detailed chart before the Court. The chart records that the thirty-day period for filing objections to the draft delimitation is treated by the Commission as a mandatory statutory period. After expiry of that period, the Commission states that consideration of objections, finalisation of the delimitation, consultation with the Government and publication of the final delimitation notification can, if the consultation process is completed expeditiously, be concluded within approximately three weeks.

61. The next stage identified by the State Election Commission concerns reservation in favour of the Other Backward Classes. Section 10(4) requires empirical data pertaining to political backwardness to be

obtained from the Goa State Commission for Backward Classes after finalisation of delimitation. The State Election Commission fairly stated in its chart that the time required for this exercise would depend upon the Goa State Commission for Backward Classes because the empirical material has to be furnished by that Commission. It was this stage which initially remained without a definite statutory or administrative timetable.

62. Once the requisite empirical data is received, the State Election Commission proposes to publish the draft reservation notification. The Commission treats the thirty-day period for inviting objections to the draft reservation as mandatory. It has further estimated that scrutiny of the objections, consultation with the Government and publication of the final reservation notification can be completed within approximately twenty days and consultation on the Government side is also undertaken without delay.

63. The Commission has thereafter proceeded on the footing that Section 10(7) requires expiry of thirty days from the date of publication of the final reservation notification before the elections can be declared. After the election is declared, the actual election programme comprising nomination, scrutiny, withdrawal, polling and declaration of result is stated to require approximately twenty-five days. Significantly, the State Election Commission has stated that, subject to compliance with the minimum periods identified by it and timely completion of consultation by the Government, there is no constitutional or statutory impediment for completing the election process within the timetable placed before this Court.

64. The material placed by the State Election Commission also throws light upon the position which would have obtained had the Ordinance not intervened. The Commission states that, by 22 April 2026, the draft delimitation under the then existing law had been prepared and had been forwarded to the Government for consultation. According to the Commission, subject to completion of that consultation and the subsequent reservation exercise, the elections under the earlier regime could have been concluded by the end of May 2026 or, at the latest, during the first week of June 2026. We record this statement because it is relevant to the extent to which the electoral process had progressed before the change in law, though its legal effect will be considered separately.

65. As the hearing progressed, it became apparent that the principal uncertainty in the remaining timetable arose from the exercise required to be undertaken by the Goa State Commission for Backward Classes. The Commission was therefore impleaded in Writ Petition No. 300 of 2026 and was called upon to place its position before this Court. In the affidavit filed by its Member Secretary, the Commission states that it is the dedicated Commission required to undertake the contemporaneous, rigorous and empirical inquiry into the nature and implications of political backwardness qua local bodies for the purpose of reservation in favour of the Other Backward Classes.

66. The affidavit of the Backward Classes Commission assumes importance because it clarifies the material which is already available with it. The Commission states that the empirical inquiry will be undertaken on the basis of the Census of 2011 and the survey report

prepared by the Centre for Development, Planning and Research in the year 2013 concerning the OBC, SC and ST population in the State of Goa, including material relating to the eleven Municipal Councils involved in these proceedings. The Commission thus does not suggest that the exercise must begin with a fresh census or that no foundational demographic material presently exists. The affidavit further records that the Backward Classes Commission had earlier considered it necessary to await instructions from the Government and the State Election Commission before commencing the contemporaneous empirical inquiry because the process of delimitation was itself undergoing change. It thereafter stated, in view of what transpired during the hearing before this Court on 4 August 2026, that it would commence the empirical exercise without awaiting further directions from either the Government or the State Election Commission and would proceed on the basis of the material already available with it.

67. The significance of this development is that the empirical inquiry and the delimitation exercise need not, in every respect, proceed one after another. The Backward Classes Commission has accepted that substantial work forming part of the contemporaneous empirical inquiry can commence on the basis of municipality-wise material already available with it even before the final ward boundaries are communicated. The final application of that material to the wards would necessarily depend upon the delimitation which is ultimately notified, but the entire empirical exercise need not remain in abeyance until that stage is reached. We are recording this only as a development which emerged during the hearing. The constitutional significance of

simultaneous performance of interdependent electoral functions will be considered when we deal with the issues arising for determination.

68. There is one aspect of the record concerning the period required by the Backward Classes Commission which requires care. During hearing, different estimates were referred to while the precise methodology and work involved were being examined. The affidavit ultimately filed by the Commission states that it would require a **minimum period of thirty days** for completing the contemporaneous, rigorous and empirical inquiry in respect of the eleven Municipalities, subject to availability of adequate staff and resources. The Commission has also stated that it presently has limited staff and that additional assistance may have to be provided by the State whenever required. We shall therefore proceed based on the period stated by the Commission in its affidavit rather than any earlier tentative estimate referred to during the hearing.

69. The material placed before us consequently enables the remaining process to be viewed in identifiable stages rather than as an open-ended exercise. The statutory objection periods prescribed by the amended Section 10 remain as provided by the Legislature. The administrative time required for consideration of objections, consultation and publication of notifications has been identified by the State Election Commission and is capable of being undertaken within compressed periods if the authorities act contemporaneously and with due expedition. The empirical exercise required for OBC reservation has also now been assigned a definite period by the Backward Classes Commission and, more importantly, has already been directed to

commence without awaiting completion of every remaining stage of delimitation.

70. These developments have materially altered the practical context in which the Petitions now fall to be decided. When some of the Petitions were instituted, the apprehension expressed was that implementation of the amended Section 10 could postpone the municipal elections for an indefinite or substantially prolonged period. The record now before us enables the Court to identify the exact statutory steps which remains and the authority responsible for each step and the approximate minimum period within which the administrative components of those steps can be completed. The constitutional question, however, remains whether this subsequent progress sufficiently answers the infraction of Article 243U of the Constitution and in what manner the Court should ensure that no further avoidable delay occurs while preserving the operation of the law presently occupying the field.

71. Before we proceed to record and consider the submissions advanced on behalf of the State, the State Election Commission, the interveners and the Goa State Commission for Backward Classes, we think it appropriate to first notice the relevant constitutional and statutory provisions governing municipal elections, delimitation, reservation and the duration of Municipalities. This would provide the necessary framework for considering the rival submissions.

72. Part IX-A of the Constitution was introduced by the Constitution (Seventy-fourth Amendment) Act, 1992 with the object of giving

constitutional status to institutions of urban local self-government. Article 243P of the Constitution contains the definitions applicable to this Part of the Constitution. Clause (g) defines "population" to mean the population as ascertained at the last preceding census of which the relevant figures have been published.

73. Article 243R of the Constitution deals with the composition of Municipalities and provides that, save as otherwise provided in clause (2), all seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the municipal area and, for that purpose, each municipal area shall be divided into territorial constituencies to be known as wards. The provision reads thus:—

> "***243R. Composition of Municipalities.—*** *(1) Save as provided in clause (2), all the seats in a Municipality 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."*

74. Article 243T of the Constitution deals with reservation of seats in Municipalities. Clauses (1) and (2) provide for reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population in the municipal area and for reservation of not less than one-third of such seats for women belonging to those categories. Clause (3) provides for reservation of not less than one-third of the total number of seats to be filled by direct election for women. Clause (6), however, expressly enables the Legislature of a State to make

provision for reservation of seats or offices of Chairpersons in favour of backward classes of citizens.

75. Article 243U of the Constitution, which lies at the centre of the present controversy, prescribes the duration of Municipalities and the time within which elections are required to be completed. Insofar as relevant, it provides:—

> ***"243U. Duration of Municipalities, etc.—*** *(1) Every Municipality, 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:*
>
> ***Provided that*** *a Municipality shall be given a reasonable opportunity of being heard before its dissolution.*
>
> ...
>
> *(3) An election to constitute a Municipality shall be completed,—* ***(a)*** *before the expiry of its duration specified in clause (1);* ***(b)*** *before the expiration of a period of six months from the date of its dissolution."*

76. Article 243ZA of the Constitution entrusts the constitutional responsibility for municipal elections to the State Election Commission. Clause (1) provides that the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall vest in the State Election Commission referred to in Article 243K of the Constitution. Clause (2), at the same time, preserves the legislative power of the State Legislature to make provisions with respect to all matters relating to,

or in connection with, elections to Municipalities, subject to the provisions of the Constitution.

77. The constitutional scheme therefore entrusts the conduct of municipal elections to an independent constitutional authority while leaving it to the State Legislature to prescribe the statutory framework governing those elections. The exercise of either power remains subject to the Constitution and to the mandate contained in Article 243U of the Constitution that an election to constitute a Municipality shall be completed before expiry of its five-year duration.

78. It is in the backdrop of these constitutional provisions that Sections 9 and 10 of the Goa Municipalities Act, 1968 assume significance. Section 9 deals with the composition of Municipal Councils and the determination of the number of elected Councillors, whereas Section 10 provides the machinery for division of the municipal area into wards and reservation of seats. Both provisions underwent material changes upon promulgation of the Goa Municipalities (Amendment) Ordinance, 2026. It would therefore be necessary to notice the provisions as they stood immediately before the Ordinance and thereafter the provisions substituted by the Ordinance.

79. Since the controversy substantially turns upon the changes brought about in Sections 9 and 10 of the Goa Municipalities Act, 1968, it would be appropriate to notice these provisions as they stood immediately before promulgation of the Goa Municipalities (Amendment) Ordinance, 2026 and thereafter the amendments introduced by the Ordinance.

80. **Position immediately before the Ordinance.**

Section 9, insofar as relevant for the present controversy, then read thus:—

"9. Composition of Councils.—

(1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections;

Provided that—

(1) in every Council, no less than (1/3) seats shall be reserved for women;

(2) in every Council, seat shall also be reserved for Scheduled Caste, Scheduled Tribes and Other Backward Class and for woman belonging to Scheduled Caste, as the case may be, the Scheduled Tribes and Other Backward Class as provided in sub-section (2).

(2) The State Election Commission in consultation with the Government shall from time to time by an order published in the Official Gazette fix for each municipal area—

(a) the number of elected Councillors in accordance with the following table:

(i) 'A' Class — The minimum number of elected Councillors shall be 20, and for every 2500 of the voters in the municipal area or part thereof above 50,000 there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 27;

(ii) 'B' Class — The minimum number of elected Councillor shall be 12, and for every 2500 of the voters in the municipal area or part thereof above 10,000 there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 20;

(iii) the figure in (i) and (ii) shall be odd, if possible;

(iv) 'C' Class — The number of elected Councillors shall be 10.

(b) the number of seats, if any, to be reserved for the Scheduled Castes or Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different wards in the Council.

(bb) the number of seats, if any, to be reserved for persons belonging to the category of Other Backward Classes so that such number shall be twenty seven percent of the number of seats to be filled in through election in the Council and such seats shall be allotted by rotation to different wards in the Council.

..

(3) The reservation of seats for Scheduled Castes and Scheduled Tribes made by an order under sub-section (2) shall cease to have effect when the reservation of seats for those Castes and Tribes in the House of the People ceases to have effect under the Constitution of India:

Provided that nothing in this sub-section shall render any person elected to any such reserved seat ineligible to continue as a Councillor during the term of office for which he was duly elected by reason only of the fact that the reservation of seats has so ceased to have effect.

(4) Every order under sub-section (2) shall take effect for the purposes of the next general election of the Council immediately following after the date of the order."

81. Section 10, as it then stood, provided as follows:—

"10. Division of municipal area into wards and reservation of wards for women, Scheduled Castes, Scheduled Tribes and Other Backward Class.—

(1) The State Election Commission in consultation with the Government shall from time to time by order published in the Official Gazette, fix for each municipal area the number and the extent of the wards into which such area shall be divided. The State Election Commission in consultation with the Government shall specify in the order the ward in which a seat is reserved for women but in so doing he shall ensure that such a seat is reserved from time to time by rotation in different wards of the municipal area. He shall by a like order specify the wards in which seats are reserved for Scheduled Castes, Scheduled Tribes or the Other Backward Class, including the seats for offices of Chairperson having regard to the concentration of population of those Castes, or Tribes, or as the case may be, of those class, in any particular wards.

Provided that such order shall be issued at least seven days before the date of notification of the general election.

(2) Each of the wards shall elect only one Councillor.

(3) Every order issued under sub-section (1) shall take effect for the purpose of the next general election immediately following the date of such order.

(4) Nothing in this section shall be deemed to prevent women or persons belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Class for whom seats are reserved in any Council, from standing for election and being elected to any of the seats which are not reserved."

Amendments introduced by Ordinance No. 4 of 2026

82. The Goa Municipalities (Amendment) Ordinance, 2026 was promulgated by the Governor on 22 April 2026 and published in the Official Gazette on 23 April 2026. The Ordinance expressly provided that it would come into force at once.

83. Insofar as Section 9 is concerned, the Ordinance did not substitute the entire provision. It amended Section 9(2)(a) in the following terms:—

"2. Amendment of Section 9.— *In Section 9 of the Goa Municipalities Act, 1968 ... in sub-section (2), in Clause (a),—*

(i) in item (i),—

(a) for the figures '2500', the figures '3000' shall be substituted;

(b) for the word 'voters', the word 'population' shall be substituted;

(ii) in item (ii),—

(a) for the figures '2500', the figures '3000' shall be substituted;

(b) for the word 'voters', the word 'population' shall be substituted."

84. Section 10, on the other hand, was substituted in its entirety and the substituted provision reads thus:—

"10. Division of Municipal areas into wards and reservation of wards:—

(1) Upon issuance of the order under sub-section (2) of Section 9 the State Election Commission shall, by order published in the Official Gazette, fix for each or any municipal area the number of the wards into which such area shall be divided.

(2) The State Election Commission shall thereafter undertake the exercise of delimitation of the wards so specified in each or any Municipal area within a period of 60 days from the date of publication of the order in the Official Gazette, under sub-section (1).

(3) The State Election Commission shall prepare a draft of delimitation of wards with respect to each or any municipal area and publish it in the Official Gazette inviting objections and suggestions from the public within a period of 30 days from the date of publication of draft of delimitation in the Official Gazette. The written objections and suggestions received in writing shall be considered by the State Election Commission and a final notification of delimitation shall be issued by the State Election Commission in consultation with the Government, in respect of each or any municipal area within a period of 30 days from the last date for submitting such objections.

(4) An empirical data pertaining to political backwardness shall be obtained by the State Election Commission from the Goa State

Commission for Backward Classes in respect of each or any Municipal area and the wards, based on the final notification of delimitation issued under sub-section (3).

(5) Upon receipt of the data under sub-section (4) from the Goa State Commission for Backward Classes the State Election Commission shall publish a draft of reservation of seats in the Official Gazette in respect of each or any Municipal area inviting objections/suggestions from the public within a period of 30 days.

(6) Upon receipt of objections/suggestions in writing and considering the same the State Election Commission shall publish the final notification of reservation in the Official Gazette, in consultation with the Government, with respect to each or any municipal area, within a period of 30 days from the last date for submitting such objections.

(7) After expiry of 30 days from the date of publication of the final notification of reservation, the State Election Commission shall declare elections to each or any of the municipal area.

(8) Each of the ward shall elect only one Councillor.

(9) Every order/notification issued under sub-sections (1), (3) and (6) shall take effect, for the purpose of the ensuing general election, immediately following the date of such order.

Explanation: *In all cases where objections/suggestions from the public are invited, the same shall be submitted in writing, however no opportunity of personal hearing shall be afforded to the parties.*

(10) Nothing in this section shall be deemed to prevent women or persons belonging to the Scheduled Castes, Scheduled Tribes or Other

Backward Class for whom seats are reserved in any Council, from standing for election and being elected to any of the seats which are not reserved."

85. A comparison of the two statutory Schemes shows the changes which are material for the present controversy. Section 9 now determines the number of elected Councillors by reference to population instead of voters, while increasing the relevant numerical unit from 2,500 to 3,000. The earlier Section 10 contemplated delimitation and reservation substantially as part of one exercise, whereas the substituted Section 10 prescribes successive stages of delimitation, publication of draft delimitation, consideration of objections, final delimitation, procurement of empirical data pertaining to political backwardness, draft reservation, objections to reservation and final reservation before the election can be declared. Specific time schedules have also been prescribed for several of these stages within which each exercise is required to be completed and by following what procedure.

86. Having noticed the constitutional and statutory framework governing the controversy, we shall now consider the submissions advanced by the learned Counsel appearing for the Petitioners. Though the Petitions proceed on somewhat different grounds and the reliefs sought are not identical, the central submission common to them is that the constitutional mandate contained in Article 243U cannot be defeated or indefinitely postponed by introducing a legislative measure after the process for holding the ensuing municipal elections had already commenced. We shall, however, notice separately the submissions

advanced in each petition since the challenge has been presented from different constitutional and factual perspectives.

87. Before doing so, it is necessary to clarify one aspect which emerged during the hearing. The Petitioners did not dispute the legislative competence of the State Legislature to enact a law governing the composition of Municipal Councils, delimitation of wards or reservation of seats. Their principal challenge was directed against the manner and point of time at which the new statutory regime was brought into operation and its consequence upon elections which, according to them, were constitutionally required to have been completed before expiry of the existing Municipal Councils. It was submitted that an otherwise permissible exercise of legislative power cannot be so employed as to render the command of Article 243U of the Constitution ineffective.

88. The Petitioners accordingly urged that the controversy is not to be examined merely by asking whether the State Legislature possesses legislative competence to amend Sections 9 and 10. According to them, the Court must examine the actual constitutional consequence of applying the amended provisions to the elections which had already become due. Their submission is that if the immediate application of the Ordinance necessarily results in postponement of those elections beyond the constitutionally prescribed period, the Court is required to protect the mandate of Article 243U of the Constitution by issuing appropriate directions under Article 226.

89. Mr. Chaitanya Padgaonkar, learned Counsel appearing for the Petitioners represented by him, submitted that Article 243U embodies a constitutional command which admits of no postponement on account of administrative or legislative steps undertaken after the elections had become due. According to him, the constitutional obligation was not merely to commence the process of election before expiry of the respective Municipal Councils but to complete the elections and ensure constitution of the succeeding elected bodies before expiry of their five-year tenure. He submitted that the State Government and the State Election Commission were throughout aware of the dates on which the respective terms would expire and were therefore required to undertake every preparatory exercise sufficiently in advance so that the mandate of Article 243U(3)(a) was complied with.

90. Learned Counsel submitted that the State Election Commission had in fact commenced the exercise for holding the elections under the law then prevailing and that the process had progressed considerably before the Ordinance was promulgated. The number of Councillors had been determined, the exercise of delimitation had commenced, draft wards had been published and objections had been invited. According to him, there was therefore no factual impediment which prevented the authorities from completing the remaining exercise and holding the elections within the constitutionally prescribed period. The subsequent legislative intervention, according to him, cannot retrospectively justify the failure to perform a constitutional obligation which had already arisen.

91. Mr. Padgaonkar placed considerable reliance upon the decision of the Constitution Bench of the Supreme Court in *Kishansing Tomar v. Municipal Corporation of the City of Ahmedabad*[2]. He submitted that the Supreme Court has authoritatively held that the five-year duration prescribed by Article 243U and the requirement that elections be completed before its expiry are mandatory and that neither revision of electoral rolls nor other preparatory exercises can ordinarily constitute a justification for postponing municipal elections. According to him, once the constitutional authority knows when the tenure of the elected body will expire, it is obliged to arrange all antecedent statutory exercises around that immutable constitutional date and not the constitutional date around the administrative exercise.

92. Learned Counsel then relied upon *Suresh Mahajan v. State of Madhya Pradesh*[3], to submit that the Supreme Court has carried the principle in *Kishansing Tomar* (supra) further and has described the obligation to hold local body elections within the constitutional period as inviolable. He emphasised that an ongoing delimitation or formation of wards cannot ordinarily be invoked as a legitimate ground for withholding the election programme. His submission was that what cannot constitutionally be accomplished through executive inaction cannot be accomplished indirectly by introducing a fresh statutory process after the election has become due.

93. It was in this context that Mr. Padgaonkar questioned the timing of the Ordinance. He submitted that the challenge was not founded merely

[2] (2006) 8 SCC 352
[3] (2022) 12 SCC 770

upon the proposition that the Legislature could never alter the basis for determining the number of Councillors or prescribe a different procedure for delimitation and reservation. His contention was that the Ordinance was promulgated at a stage when the terms of some of the Municipal Councils had already expired, the terms of the remaining Councils were shortly to expire and the State Election Commission had already undertaken substantial steps under the existing law. According to him, the immediate application of a new and substantially longer statutory procedure at that stage necessarily ensured that compliance with Article 243U became impossible.

94. Learned Counsel submitted that this consequence assumes importance while examining the exercise of power under Article 213. He contended that there was no material demonstrating any sudden or unforeseen circumstance which required the statutory regime to be altered through an Ordinance at that particular stage. According to him, if the State considered the existing statutory mechanism deficient, there was nothing which prevented it from undertaking the amendment sufficiently in advance. He relied upon the chronology preceding the Ordinance to contend that unsettling an electoral exercise which had been underway for a considerable period at the very stage when the elections were required to be completed called for a satisfactory constitutional explanation.

95. Mr. Padgaonkar further submitted that the challenge to the Ordinance was founded upon colourable exercise of power and manifest arbitrariness. According to him, the Court is entitled, while examining such a challenge, to consider not merely the form of the legislation but

its direct effect and consequence. He submitted that the immediate consequence of the Ordinance was that an election which was otherwise approaching completion under the existing statutory framework was abandoned and replaced by an exercise containing several successive stages extending substantially beyond the expiry of the elected Municipal Councils. The pleadings themselves characterise the Ordinance as manifestly arbitrary on account of the procedural delays introduced while the municipal elections remained overdue.

96. Learned Counsel also addressed the contention that the amendment was necessary because Section 9 previously determined the number of Councillors by reference to voters whereas the Ordinance substituted population. He submitted that this circumstance by itself could not retrospectively invalidate the electoral exercise already undertaken under a law which was then valid and operative. According to him, the Legislature undoubtedly possessed the power to alter the statutory basis prospectively, but the existence of a legislative preference for a different basis could not furnish a constitutional justification for allowing elections already due under Article 243U to remain indefinitely postponed.

97. Mr. Padgaonkar thereafter dealt with the decisions of the Karnataka High Court concerning the municipal elections in that State and the subsequent orders passed by the Supreme Court. He relied upon the reasoning adopted by the Karnataka High Court to contend that a legislative amendment introduced after elections had become due should not be permitted to defeat the mandate of Article 243U and that the election could be completed under the statutory regime which

governed when the constitutional obligation arose. At the same time, he sought to distinguish the subsequent orders of the Supreme Court concerning Bengaluru on the ground that those proceedings arose from the peculiar restructuring of the Bruhat Bengaluru Mahanagara Palike and the statutory changes made in that context. He submitted that those interim orders cannot be understood as laying down a general proposition that every subsequent legislative intervention automatically overrides the temporal mandate of Article 243U. The recorded submissions specifically distinguish the Bengaluru situation from the present controversy on this basis.

98. Learned Counsel also relied upon the decision of the Allahabad High Court in *Vaibhav Pandey versus State of U.P., Thru. Prin. Secy. Deptt. Urban Development, Civil Secrt. Lok. And Another*[4] to meet the contention that reservation and the empirical inquiry concerning backward classes must necessarily precede the election irrespective of the resulting delay. He submitted that the constitutional requirements concerning reservation are undoubtedly required to be observed, but that the exercise undertaken for that purpose cannot be permitted to result in an indefinite displacement of elected local government. He particularly relied upon the reasoning that, notwithstanding the magnitude of the empirical exercise required for backward-class reservation, formation of an elected municipal body cannot be indefinitely delayed in the face of Article 243U.

[4] 2022 SCC OnLine All 913

99. Mr. Padgaonkar therefore submitted that Article 243U must remain the controlling constitutional consideration. According to him, provisions concerning composition, delimitation and reservation are required to be harmoniously implemented, but none of those provisions can be administered in a manner which renders the express temporal command contained in Article 243U ineffective. He accordingly urged that this Court should issue a time-bound mandamus requiring the State Election Commission to proceed with the elections without permitting the subsequently introduced statutory exercise to become a justification for continuing administration of the Municipal Councils through appointed Administrators.

100. Mr. Padgaonkar then addressed the challenge from the perspective of Article 213 of the Constitution. He clarified that the Petitioners were not questioning the legislative competence of the State to amend the Goa Municipalities Act nor were they contending that the subject matter of the Ordinance was beyond the legislative field available to the State. His submission was that the extraordinary power of promulgating an Ordinance could be exercised only when circumstances existed which rendered immediate legislative action necessary and that the existence of such circumstances was open to judicial scrutiny within the limited parameters recognised by the Supreme Court.

101. Developing this submission, learned Counsel invited our attention to the chronology preceding the Ordinance. He submitted that the basis of 2,500 voters contained in the existing Section 9 had been operating

for several years, the census figures relied upon by the State were themselves of 2011, the judgments concerning reservation and the Triple Test were already in existence and the State Election Commission had been proceeding with the municipal election exercise with the knowledge and participation of the State Government for a considerable period. According to him, when nothing constitutionally or factually new had arisen immediately before April 2026, the State was required to disclose what circumstance suddenly necessitated recourse to Article 213 at a stage when the election process had substantially progressed and the terms of the Municipal Councils were either over or were about to expire.

102. In support of this submission, Mr. Padgaonkar relied upon *A.K. Roy v. Union of India And Others* [5]and the subsequent exposition of the law governing judicial review of the satisfaction underlying the exercise of Ordinance-making power. He submitted that the Court was not being invited to examine the adequacy or sufficiency of the material upon which such satisfaction was reached. According to him, the narrower enquiry was whether there existed any relevant contemporaneous material at all which could demonstrate the circumstances requiring immediate action at that particular point of time. He contended that, apart from the affidavit of the Director of Municipal Administration and the justification subsequently advanced during the hearing, no material had been placed before the Court explaining why an Ordinance became immediately necessary only when the municipal elections had become due. The proposition

[5] (1982) 1 SCC 271

advanced by him was that existence of relevant material is judicially examinable although its adequacy is not.

103. Learned Counsel further submitted that the challenge on the ground of colourable exercise of power had specifically been pleaded and was not an allegation introduced for the first time during oral arguments. According to him, the expression "fraud on the Constitution", in this context, was not employed in the sense of fraud understood in private law but to contend that a constitutional power had been used as a device to achieve indirectly a result which could not directly be achieved consistently with Article 243U. He relied upon the sequence of events commencing with the preparatory election exercise and culminating in the promulgation of the Ordinance at what he described as the eleventh hour to contend that the State was required to satisfactorily explain why an electoral exercise undertaken over a substantial period was required to be undone at that stage.

104. Mr. Padgaonkar also submitted that the validity of the Ordinance could not be examined in isolation from its actual effect upon the constitutional process. According to him, six Municipal Councils had already completed their tenure when the Ordinance was brought into force while the terms of the remaining Councils were shortly thereafter to expire. The successive periods contemplated by substituted Section 10 made it impossible, even on the date of promulgation of the Ordinance, to complete the entire exercise before expiry of the remaining Councils. He therefore submitted that the consequence of the legislation was not an incidental administrative delay but an

inevitable postponement of elections beyond the period contemplated by Article 243U.

105. Considerable argument was also addressed by Mr. Padgaonkar upon the decisions arising from Karnataka. His submission was that the decision of the Karnataka High Court rendered by Justice A.S. Oka had proceeded on the principle that a subsequent legislative intervention could not be applied so as to defeat elections which had already become constitutionally due and that the elections concerned could proceed under the law which governed them before the amendment. When confronted with the subsequent orders of the Supreme Court, learned Counsel sought to distinguish the Bengaluru proceedings on the ground that the municipal structure itself had thereafter undergone a fundamental statutory reorganisation and fresh delimitation consequently became unavoidable. He contended that the indulgence granted in those peculiar circumstances could not be elevated into a general proposition that every amendment introduced after elections become due must necessarily restart an existing electoral process.

106. Insofar as the proceedings concerning *Vijayapura* were concerned, learned Counsel maintained that the Karnataka litigation had to be understood in its successive statutory and procedur1al stages and that the later orders could not be read as diluting the constitutional requirement of Article 243U. He ultimately relied upon the Karnataka decisions for the narrower proposition that a legislative intervention made during an ongoing electoral process cannot, merely by reason of

its timing, furnish an unrestricted power to postpone an election which the Constitution requires to be completed within a fixed period.

107. Mr. Padgaonkar thereafter answered the submission concerning the requirement of empirical data for reservation of backward classes. He submitted that the constitutional importance of lawful reservation was not disputed by the Petitioners. His contention, however, was that an exercise for collection or updating of empirical material could not be commenced so belatedly as to become the reason for defeating Article 243U. He emphasised that the Goa State Commission for Backward Classes was a continuously functioning statutory body and that the requirement of empirical inquiry for political reservation in local bodies had not arisen for the first time in April 2026. According to him, the absence of institutional preparedness could not itself furnish a constitutional justification for postponing elections.

108. In this context, learned Counsel placed reliance upon *Vaibhav Pandey*, (supra). He submitted that even while recognising the necessity of empirical inquiry for backward-class reservation and the magnitude of that exercise, the Court had emphasised that constitution of elected municipal bodies could not indefinitely await completion of such an exercise because of the mandate contained in Article 243U. According to him, the requirements of reservation and timely elections had to be implemented harmoniously, and the former could not be converted into a ground for extinguishing the latter.

109. Learned Counsel finally submitted that the controversy had to be examined by maintaining the constitutional hierarchy. Article 243U,

according to him, fixes the outer constitutional limit within which an elected municipal body must be succeeded through the electoral process. A law enacted by the State in exercise of its legislative competence undoubtedly binds the State Election Commission while it remains operative, but such law cannot claim an operation which defeats an express command of the Constitution. His submission therefore was that the Court could neither treat the delay as a matter of mere arithmetic nor permit successive statutory periods introduced by ordinary legislation to effectively enlarge a constitutional timeline.

109A. In further support of the submission that the constitutional obligation to hold elections cannot ordinarily be postponed on account of a belated delimitation or reservation exercise, Mr. Padgaonkar relied upon *Beant Kumar v. State of Punjab and others*[6], and *Virendrasinh Vaghela v. State of Gujarat and others*[7]. He submitted that these decisions reinforce the principle that preparatory electoral exercises must be undertaken sufficiently in advance and cannot be permitted to become a justification for withholding elections which have become constitutionally due. The controversy in *Beant Kumar* (supra) itself concerned whether municipal and local-body elections could be delayed on account of a pending delimitation exercise.

109B. Learned Counsel also relied upon *Parmar Samantsinh Umedsinh v. State of Gujarat*[8], while dealing with the constitutional scheme governing the composition of Municipalities under Articles 243R and 243ZA. He submitted that the judgment recognises the legislative

[6] CWP-PIL-142 of 2024, decided on 14 October 2024
[7] 2015 SCC OnLine Guj 1182
[8] (2022) 15 SCC 364

competence of the State in matters concerning the composition and structure of Municipalities, but equally makes it clear that such legislation remains subject to Part IX-A of the Constitution. He therefore relied upon the decision to contend that the existence of legislative competence does not answer a challenge founded upon inconsistency between the operation of a State law and a constitutional mandate.

109C. On the question of reservation, Mr. Padgaonkar relied upon *Naresh Krishna Gaunekar v. State of Goa*[9], *Vikas Kishanrao Gawali v. State of Maharashtra*[10], and *Rahul Ramesh Wagh v. State of Maharashtra*[11]. He submitted that these authorities recognise, on the one hand, the constitutional requirement of providing reservation in accordance with law and, on the other, the necessity of complying with the Triple Test before providing political reservation for Other Backward Classes. His submission, however, was that the requirement of completing the Triple Test cannot be invoked after the elections have become due as a ground for indefinitely postponing them. The later orders following *Vikas Gawali* (supra) expressly reiterate that elections already due cannot be delayed merely because the Triple Test remains incomplete.

109D. Mr. Padgaonkar further relied upon the decision of this Court in *Sandeep Vazarkar v. State of Goa and others*[12], together with the connected Petitions, for the proposition that elections to local bodies are required to be completed within the constitutionally prescribed

[9] 2008 (3) Mh.L.J. 667
[10] (2021) 6 SCC 73
[11] 2025 SCC OnLine SC 2469
[12] Writ Petition No.238 of 2022 decided on 28 June 2022

tenure and that the constitutional responsibility in that regard rests not merely upon the State Election Commission but also upon the State and other authorities concerned with the electoral process. The judgment was specifically included in the compilation relied upon by him.

109E. Learned Counsel also placed reliance upon *State of Goa v. Fouziya Imtiaz Shaikh*[13], particularly for the constitutional position of the State Election Commission under Article 243ZA. According to him, the decision recognises that the Commission is not powerless when faced with a constitutional or statutory infraction and may insist upon its correction before proceeding with the election. He relied upon this principle to submit that the Commission's obligation is ultimately to the Constitution and that it cannot treat an executive or statutory impediment as sufficient justification for allowing the constitutional timeline governing elections to remain unfulfilled.

109F. Lastly, Mr. Padgaonkar relied upon the Karnataka decisions in *Vinayak v. State of Karnataka*[14] , and *M.R. Anand v. State of Karnataka*,[15]. He submitted that these decisions proceeded on the principle that where municipal elections had already become due, a subsequent statutory or delimitation exercise could not ordinarily be permitted to restart the electoral clock and postpone the election indefinitely. He relied upon them along with the Karnataka line of cases already noticed above to support his submission that the

[13] (2021) 8 SCC 401
[14] W.P. No.202474 of 2022 decided on 14 October 2022
[15] W.P. No.35 of 2020 decided on 10 December 2020

constitutional due date of an election cannot be displaced merely because a subsequent legislative or delimitation exercise is introduced.

110. We shall now advert to the submissions advanced by Mr. Gosavi, learned Counsel appearing for the Petitioners in the connected petition. While adopting the submissions already advanced on the binding character of Article 243U and the constitutional obligation to hold elections before expiry of the tenure of the Municipal Councils, Mr. Gosavi developed the challenge to the Ordinance from a somewhat different perspective. His principal submission was that the State could undoubtedly exercise its legislative power in the field of municipal elections, but such power could not be exercised at a point of time and in a manner which had the inevitable effect of defeating an express constitutional command.

111. Mr. Gosavi submitted that Article 243U was not merely a provision prescribing the ordinary tenure of a Municipality. According to him, the expression employed by the Constitution that every Municipality shall continue for five years "and no longer", read with clause (3), which requires an election to constitute a Municipality to be completed before expiry of its duration, constitutes a mandatory constitutional limitation which neither the executive nor the legislature could indirectly enlarge. He submitted that the constitutional obligation was therefore not merely to commence preparations for an election before expiry of the tenure but to ensure that the election itself was completed within the period prescribed by the Constitution.

112. To demonstrate the significance of this constitutional limitation, learned Counsel drew a comparison between Articles 83(2), 172(1), 243E and 243U. He submitted that the Constitution has consciously employed substantially similar language while prescribing the duration of the House of the People, the Legislative Assemblies, Panchayats and Municipalities. According to him, these provisions embody the constitutional insistence that democratic institutions cannot be continued beyond their constitutionally prescribed tenure merely because some legislative or administrative exercise remains incomplete. He therefore submitted that an ordinary legislation or an Ordinance could not accomplish indirectly what the Constitution itself did not permit directly.

113. It was in this context that Mr. Gosavi described the Ordinance as a legislative intervention which, although ostensibly concerned with population-based representation and delimitation, had to be examined with reference to the point of time at which it was promulgated and the consequence which necessarily followed from its implementation. He submitted that if a State could wait until the election process had substantially progressed and the tenure of the elected bodies was about to expire and thereafter introduce a new statutory regime requiring the entire process to be undertaken afresh, the mandatory character of Article 243U could be rendered ineffective by successive legislative interventions.

114. Mr. Gosavi was careful to accept that the existence of Article 243U did not denude the State Legislature of its legislative competence in relation to municipal elections. When this aspect was specifically put

to him during the hearing, he accepted that the State continued to possess the power to legislate even when municipal elections were due. His submission, however, was that the existence of legislative competence and the constitutional validity of the manner in which that competence was exercised were two different questions. According to him, every exercise of legislative power remained subordinate to the Constitution and could therefore be examined where its timing and operation resulted in the frustration of another mandatory constitutional provision.

115. Mr. Gosavi then carried this submission to Article 213 of the Constitution. He contended that the present measure was not legislation enacted in the ordinary course by the State Legislature but an Ordinance promulgated in exercise of an extraordinary constitutional power which itself required the existence of circumstances rendering immediate action necessary. According to him, therefore, apart from examining the legislative competence of the State, the Court was entitled to examine whether circumstances existed which could constitutionally sustain recourse to the Ordinance-making power at that particular point of time.

116. In support of this proposition, Mr. Gosavi placed considerable reliance upon the decision of the Constitution Bench in *A.K. Roy v. Union of India* (supra) and, more particularly, upon the decision of the Constitution Bench in *Krishna Kumar Singh v. State of Bihar* (supra). He submitted that the satisfaction contemplated while exercising the Ordinance-making power does not enjoy absolute immunity from judicial review. He fairly accepted that the Court would not examine

the adequacy or sufficiency of the material which formed the basis of such satisfaction, but submitted that the existence of relevant material and the existence of circumstances requiring immediate legislative action were themselves matters which could be judicially examined.

117. On the factual application of this principle, Mr. Gosavi submitted that there was no sudden development immediately preceding the promulgation of the Ordinance which could explain the necessity for legislative intervention at that stage. The 2011 census figures were available for several years. The constitutional provisions governing Municipalities had remained unchanged. The judicial pronouncements relied upon by the State were not rendered immediately before the Ordinance. The State was aware of the dates on which the terms of the Municipal Councils would expire and was equally aware that the State Election Commission had already commenced the preparatory exercise for conducting their elections. He therefore questioned what circumstance arose only in April 2026 which made immediate recourse to Article 213 necessary.

118. Learned Counsel submitted that this question assumed greater significance because the electoral exercise had not remained dormant until promulgation of the Ordinance. According to him, the State Election Commission had been corresponding with the State authorities, the relevant information had been supplied by the Directorate of Municipal Administration and substantial steps towards delimitation and the ensuing elections had already been undertaken. The State Government was consequently aware not only of the impending expiry of the Municipal Councils but also of the stage

to which the electoral exercise had progressed. It was against this background that he characterised the introduction of the Ordinance at the last stage as a colourable exercise of constitutional power.

119. Mr. Gosavi submitted that the expression "fraud on the Constitution", as employed by the Petitioners, had to be understood in this constitutional sense. According to him, the allegation was not one of personal fraud or individual mala fides against any particular functionary. The contention was that a constitutional power had been employed as a device to produce a consequence which the Constitution prohibited, namely postponement of elections beyond the period prescribed by Article 243U. He submitted that where an act which could not constitutionally be accomplished directly was sought to be achieved through the interposition of ordinary legislation or an Ordinance, the Court was entitled to examine the substance and effect of the exercise rather than its form.

120. Mr. Gosavi accordingly submitted that the supremacy of the Constitution, which constitutes one of the foundational features of the constitutional structure, would be seriously impaired if an ordinary law were treated as sufficient justification for non-compliance with an express constitutional deadline. His criticism of the stand adopted by the Respondents was that it effectively required the State Election Commission to follow the subsequently enacted law notwithstanding that the inevitable consequence of doing so was failure to complete the elections within the period mandated by Article 243U. According to him, Article 243ZA undoubtedly requires the State Election Commission to act in accordance with law, but the law contemplated

by Article 243ZA itself remains subordinate to the Constitution and cannot acquire precedence over Article 243U.

121. Learned Counsel then dealt with the practical consequence of accepting the Respondents' proposition. He submitted that if a legislative intervention introduced shortly before expiry of an elected body could itself furnish sufficient justification for restarting the election process, the constitutional limitation would become vulnerable to repeated postponement. He illustrated the submission by referring to the corresponding constitutional provisions prescribing the tenure of Panchayats, Legislative Assemblies and Parliament and contended that the constitutional principle could not vary merely because the present controversy concerned Municipal Councils. His submission was that the Court must guard against a principle which would permit an ordinary legislative measure to neutralise a constitutionally fixed democratic tenure.

122. Mr. Gosavi further submitted that the difficulty could not be answered by stating that the Ordinance sought to advance another constitutional objective. He did not dispute the importance of population-based representation, proper delimitation or constitutionally permissible reservation. His submission was that these objectives were known to the State sufficiently in advance and ought to have been pursued in a manner which enabled their completion without violating Article 243U. According to him, the State could not remain inactive when sufficient time was available and thereafter rely upon the very exercise which it belatedly commenced as justification for postponing constitutionally mandated elections

123. Mr. Gosavi then demonstrated his submission by reference to the actual dates on which the terms of the eleven Municipal Councils were due to expire. He pointed out that the Ordinance was promulgated on 22 April 2026, by which time the terms of several Municipal Councils had already expired, whereas the terms of the remaining Councils were to expire shortly thereafter. The record shows that the terms of Bicholim, Curchorem, Canacona and Pernem Municipal Councils expired on 31 March 2026, that of Cuncolim on 5 April 2026 and that of Valpoi on 8 April 2026. The terms of Quepem and Sanguem were to expire on 9 May 2026, whereas those of Margao, Mormugao and Mapusa were to expire on 26 May 2026.

124. Learned Counsel submitted that these dates were important because the constitutional deadline under Article 243U had to be worked backwards and not forwards. According to him, if the election programme itself required a minimum period for nominations, scrutiny, withdrawal, polling and declaration of results, the preparatory exercise had necessarily to be completed sufficiently before the last date of the existing Municipal Council. The constitutional mandate could not, according to him, be understood as permitting the State Election Commission to wait until the last date of the tenure and only thereafter commence the election process.

125. Mr. Gosavi submitted that the impossibility became evident upon comparing these dates with the procedure introduced by substituted Section 10. The new provision contemplated fixation of wards, an exercise of delimitation for which a period of sixty days was provided, publication of draft delimitation followed by thirty days for objections

and suggestions, consideration of those objections and final delimitation, procurement of empirical data concerning political backwardness, publication of draft reservation followed by another thirty-day objection period, final reservation and thereafter a further period of thirty days before declaration of the elections. His submission was that, quite apart from the actual time required for the empirical inquiry and the election programme, the statutory architecture introduced on 22 April 2026 made compliance with the impending constitutional deadlines impossible.

126. According to learned Counsel, this demonstrated an important distinction between an unforeseen administrative impediment arising during an election and a statutory scheme which, from the date on which it was introduced, necessarily carried the election beyond the constitutional date. He submitted that the present case belonged to the latter category. The consequence complained of was therefore inherent in the immediate application of the Ordinance to these eleven Municipal Councils and was not the result of some subsequent or unexpected circumstance.

127. Mr. Gosavi also answered the submission that applying the earlier law to some Municipal Councils and the amended law to others would create an anomalous situation. He submitted that the relevant constitutional date for each Municipality was the date on which its tenure expired and that Article 243U operated independently in relation to each elected body. According to him, the possibility that different Municipal Councils might consequently fall to be governed by different statutory regimes could not override the constitutional

requirement applicable to each of them. The transcript records his submission that the true enquiry was when the mandate under Article 243U "kicks in" and that, since the election itself requires time for completion, the process necessarily has to commence before the terminal date.

128. Learned Counsel then addressed the State's justification that the amendment was intended to replace the voters-based criterion by a population-based criterion and thereby improve the representative character of Municipal Councils. He submitted that this might explain the legislative policy underlying the amendment, but it did not answer the constitutional question concerning its timing. According to him, there was a fundamental distinction between asking why the Legislature considered population to be a preferable basis and asking why that change had to be brought into force by an Ordinance in April 2026 after the election exercise had commenced. His submission was that the Respondents had substantially answered the former but not the latter.

129. Mr. Gosavi further submitted that the State could not justify the timing of the Ordinance by contending that the earlier statutory regime was constitutionally deficient. He pointed out that municipal elections had previously been conducted under that regime and that the State itself had continued to act upon it until immediately before the Ordinance. According to him, if the earlier provisions were constitutionally valid, there was no constitutional necessity to abandon an advanced electoral exercise merely because the Legislature subsequently considered another method preferable. If, on the other hand, the

State's case was that the earlier regime was constitutionally impermissible, it would have to explain how elections had continuously been conducted under that very regime and why the supposed defect had remained unattended until the present elections became due.

130. Learned Counsel clarified, however, that his submission was not that the Legislature was prohibited from replacing voters with population or from increasing the numerical benchmark from 2,500 to 3,000. He accepted that legislative policy may change and that a court cannot invalidate an amendment merely because the earlier law was also workable. His submission remained confined to the application of the newly introduced regime to elections in respect of which the constitutional obligation under Article 243U had already arisen and, in several cases, had already been breached.

131. Mr. Gosavi thereafter addressed the Respondents' reliance upon the presumption of constitutionality attaching to legislation. He accepted the existence of that presumption but submitted that it could not answer a demonstrated conflict between the operation of an ordinary law and an express constitutional mandate. According to him, once the direct consequence of applying the Ordinance to the ensuing elections was shown to be postponement beyond Article 243U, the Court was required to examine the constitutional effect of the measure rather than terminate the enquiry merely upon the presumption ordinarily attaching to legislation.

132. Learned Counsel accordingly urged that the consequence or direct impact of the impugned measure was a legitimate consideration in constitutional adjudication. His submission was that constitutional review cannot be confined to the form in which legislative power has been exercised where the necessary effect of the measure is to impair a constitutional limitation. He invoked the supremacy of the Constitution as the controlling principle and contended that no organ of the State could employ a power conferred by the Constitution itself in a manner which rendered another binding constitutional command ineffective.

133. On the question of relief, Mr. Gosavi submitted that the Court was not powerless merely because the Ordinance had come into force. According to him, the primary constitutional obligation was to restore elected municipal government at the earliest possible point of time. He therefore urged that the ensuing elections should not be permitted to remain suspended merely for completion of an exercise introduced after the constitutional deadlines had arisen and that appropriate directions ought to be issued to the State Election Commission to proceed with the elections within a strict and definite period.

134. Mr. Gosavi nevertheless accepted during the course of the discussion that, so long as the Ordinance remained constitutionally valid and operative, the Court would have to confront the question whether it could direct the State Election Commission simply to disregard the amended statutory provisions. It was in answer to this difficulty that he maintained his challenge to the Ordinance itself and, in the alternative, its application to the present round of elections. According

to him, the constitutional difficulty could not be resolved by simultaneously upholding the law and directing a constitutional authority to act contrary to it; the Court would therefore have to determine the challenge before fashioning the ultimate relief.

135. The submission of Mr. Gosavi, in substance, was therefore that the case presented two related but distinct constitutional questions. The first concerned the validity of the exercise of Ordinance-making power at the stage at which it was exercised. The second concerned the constitutional consequence of applying the amended statutory regime to elections which Article 243U required to have already been completed. He submitted that, whichever route was adopted, the ultimate constitutional objective had to remain restoration of democratically elected Municipal Councils without permitting any further avoidable postponement.

135A. In support of the submissions already noticed above, Mr. Gosavi also relied upon *Naresh Krishna Gaunekar and others v. State of Goa and others* (supra). He referred to the decision in the context of the statutory and constitutional requirements governing reservation in elections to local bodies in the State of Goa and submitted that the exercise of reservation and the electoral process have necessarily to conform to the constitutional scheme. His reliance upon the decision was also intended to demonstrate that questions concerning reservation in local bodies in Goa have previously been subjected to judicial scrutiny by examining the statutory exercise against the constitutional requirements governing representative local government.

135B. Mr. Gosavi then relied upon *Dnyaneshwar Narso Naik v. State of Goa* (supra), in support of his submission concerning the constitutional obligation to constitute elected local bodies within the period prescribed by the Constitution. According to him, the constitutional provisions relating to the duration of local bodies and the holding of elections are not directory provisions whose observance can depend upon administrative convenience. He submitted that the State and the State Election Commission are required to organise their respective statutory exercises in such a manner that the constitutional timetable is observed and that an exercise which could and ought to have been undertaken earlier cannot ordinarily furnish a justification for postponing an election after it has become due.

135C. Reliance was also placed upon *Beant Kumar v. State of Punjab and others* (supra) decided by the Punjab and Haryana High Court on 14 October 2024. Mr. Gosavi submitted that the very issue which arose before the Court in that case was whether elections to Municipalities, Municipal Councils, Municipal Corporations and other local bodies could be delayed because a delimitation exercise remained pending. He relied upon the decision to reinforce his submission that delimitation is an exercise which the authorities are required to anticipate and complete in time and that a pending delimitation exercise cannot ordinarily be converted into a ground for defeating the constitutional command requiring timely elections.

135D. Mr. Gosavi further relied upon *Chhaya D/o Jasvantsing Hajari v. Committee for Scrutiny* [16]in the course of his challenge to the manner in which the impugned legislative measure operates upon an electoral process which, according to the Petitioners, had already substantially progressed under the pre-existing statutory regime. He submitted that the Court, while examining the constitutional validity and operation of legislation, is entitled to consider its real effect and consequence and cannot confine the inquiry merely to the form in which the legislative measure has been enacted.

135E. In continuation of the same submission, Mr. Gosavi placed reliance upon the Constitution Bench decision in *I.R. Coelho (Dead) by LRs. v. State of Tamil Nadu*[17]. He submitted that the supremacy of the Constitution constitutes an essential feature of its basic structure and that the constitutional validity of a legislative measure has ultimately to be tested by examining its direct impact upon the constitutional principle which is said to have been infringed. According to him, the form of the legislative measure is therefore not decisive and its consequences are relevant where those consequences directly impair a constitutional mandate.

135F. Applying these principles to the present case, Mr. Gosavi submitted that the challenge to the Ordinance cannot be answered merely by saying that the State Legislature possesses legislative competence over Municipalities or that the Ordinance has been promulgated in exercise of the constitutional power under Article 213. His submission was that

[16] Writ Petition No.4198 of 2005 and Ors. decided on 01.08.2018.
[17] (2007) 2 SCC 1

the Court must examine what the Ordinance actually does in the circumstances in which it was promulgated. According to him, if its immediate consequence is to render ineffective an electoral exercise which had substantially progressed, require that exercise to commence afresh and thereby carry the elections beyond the period mandated by Article 243U, that consequence forms an integral part of the constitutional scrutiny of the impugned measure.

135G. These authorities were relied upon by Mr. Gosavi together with *Krishna Kumar Singh v. State of Bihar*[18], *Suresh Mahajan v. State of Madhya Pradesh* (supra), and *Sri M. Shivaraju v. State of Karnataka*[19], which we have already noticed while recording his principal submissions. His cumulative submission was that the power to promulgate an Ordinance is undoubtedly a constitutional legislative power, but its exercise remains subject to judicial review on recognised constitutional grounds and cannot be used in a manner which has the effect of defeating another express and binding constitutional command.

136. Mr. Gaurish Agni, learned Counsel appearing for the petitioner in Writ Petition No. 1572 of 2026, while adopting the submissions advanced on the mandatory character of Article 243U, principally directed his challenge to the consequences which followed after promulgation of the Ordinance. He submitted that his petition stood on an additional factual footing because the State Election Commission had, before the Ordinance came into force, actually undertaken the exercise

[18] (2017) 3 SCC 1
[19] 2020 SCC OnLine Kar 3409

contemplated by the law then prevailing and had thereafter, on 21 May 2026, declared that entire delimitation exercise null and void. According to him, the constitutional validity of this subsequent action of the State Election Commission had to be examined independently of the wider challenge to the Ordinance.

137. Mr. Agni took us through the steps undertaken before 22 April 2026 and submitted that this was not a case where the authorities had merely expressed an intention to hold elections. The State Election Commission had appointed the requisite officers, adopted the relevant electoral rolls, fixed the number of Councillors, prepared the draft delimitation and invited objections from the public. The petitioner himself had participated in the process by submitting objections on 4 April 2026. According to learned Counsel, when the statutory exercise had reached such an advanced stage, the subsequent decision to abandon it altogether had a direct bearing upon the constitutional obligation to complete the elections within time.

138. Learned Counsel submitted that the significance of the earlier exercise did not depend upon whether every preparatory step constituted a part of the "election" in the technical sense in which that expression has been understood for the purpose of the constitutional bar against judicial interference after commencement of an election. His contention was narrower. According to him, the earlier steps demonstrated that the machinery necessary for holding the elections had already been activated and substantial statutory work had already been completed. The State could therefore not treat the position

existing on 22 April 2026 as though the entire electoral exercise had yet to commence.

139. Mr. Agni placed emphasis upon the decision of this Court in *Dnyaneshwar Narso Naik v. State of Goa* (supra) and submitted that the purpose of requiring delimitation and reservation to be completed sufficiently before notification of an election was itself to advance the constitutional value of a free and fair election. According to him, adequate opportunity for objections to delimitation and reservation enables grievances to be considered and, if necessary, judicially examined before the election reaches a stage where interference becomes constitutionally restricted. The petition specifically proceeds on this foundation and treats a fair delimitation exercise and sufficient opportunity for objections as integral to the conduct of a free and fair election.

140. He therefore submitted that there was no dispute on behalf of the petitioner about the desirability of a fair delimitation exercise or about the necessity of making reservations in accordance with constitutional requirements. The difficulty, according to him, was that these very objectives had been invoked to abandon an exercise which had already substantially progressed and to substitute an entirely fresh exercise at a stage when the constitutional period for holding the elections had either expired or was about to expire. In his submission, a measure intended to improve the fairness of an election could not be implemented in a manner which indefinitely displaced the election itself.

141. Mr. Agni then addressed the change brought about in Section 9 by substituting "population" for "voters". He submitted that this amendment had to be understood with some precision. The earlier Section 9 employed the number of voters for determining the number of elected Councillors, whereas reservation for Scheduled Castes and Scheduled Tribes was already linked to their proportion in the population of the municipal area. The amendment therefore altered the statutory basis for determining the strength of the Council, but did not for the first time introduce population as a concept into the municipal statutory scheme.

142. Learned Counsel submitted that this distinction assumed importance in answering the State's contention that the entire pre-Ordinance electoral exercise had become constitutionally unusable once population replaced voters. According to him, the mere fact that the Legislature thereafter considered population to be the preferable basis for fixing the number of Councillors did not retrospectively render every action validly undertaken under the earlier law unconstitutional. He submitted that the State would have to distinguish between the validity of the legislative policy underlying the amendment and the necessity of applying that policy by restarting the present elections.

143. Mr. Agni further submitted that the statutory framework itself continued to use electoral rolls for identifying the persons entitled to vote even after the amendment. Population and voters therefore performed different functions within the electoral scheme. According to him, the State's reliance upon the population-voter distinction could justify a change in legislative policy, but did not by itself answer why

an already advanced delimitation exercise had to be nullified when the constitutional date for completing the elections had already arrived.

144. Learned Counsel also questioned the decision dated 21 May 2026 on the ground that the State Election Commission had treated the Ordinance as automatically extinguishing everything done under the earlier law. His submission was that the Ordinance did not expressly declare every earlier step null and void nor did it contain a specific provision invalidating all action already undertaken. According to him, before abandoning an exercise which had progressed through publication of draft wards and receipt of objections, the Commission was required to consider what part of the earlier exercise remained capable of being preserved or adapted consistently with the amended law.

145. In this context, Mr. Agni submitted in rejoinder that the Respondents had proceeded on an unnecessarily absolute proposition that nothing undertaken before 22 April 2026 could thereafter be utilised. According to him, even if a fresh determination of the number of Councillors and consequent adjustment of ward boundaries became necessary, it did not follow that all administrative material, geographical work, electoral data and objections already gathered had to be discarded as though they had never existed. The later stand of the State Election Commission that the earlier exercise could not be used because the basic criterion had changed was, according to him, too broad. The Commission itself subsequently stated that the pre-Ordinance draft delimitation had already been prepared and forwarded for consultation before the law changed.

146. Mr. Agni thereafter dealt with the reservation for backward classes. He submitted that the requirement of a contemporaneous rigorous empirical inquiry could not be disputed after the judgments of the Supreme Court governing political reservation for Other Backward Classes. His submission, however, was that this requirement was known much before April 2026 and that the dedicated Commission could not remain institutionally unprepared until the municipal elections became due. According to him, if empirical inquiry was a recurring prerequisite for local-body reservation, the relevant statutory institutions were required to maintain the necessary material and undertake all preparatory work capable of being done in advance.

147. The discussion during the hearing concerning the Goa State Commission for Backward Classes was relied upon by Mr. Agni to support this submission. It emerged that the 2011 Census constituted the last published census and that substantial municipality-wise work concerning identification of communities and examination of political backwardness was capable of being undertaken without waiting for the final ward boundaries. Learned Counsel therefore submitted that pending delimitation could not justify keeping the entire empirical exercise in abeyance. The final mapping of the conclusions onto newly delimited wards might await final delimitation, but the foundational inquiry could and ought to proceed simultaneously.

148. Mr. Agni submitted that the constitutional significance of this aspect went beyond the present election. If the dedicated Commission were permitted to begin its work only after every delimitation exercise was

finally completed, the same difficulty would recur in every electoral cycle and Article 243U would repeatedly become vulnerable to institutional delay. He therefore urged that the functions of the State Election Commission, the State Government and the Backward Classes Commission had to be coordinated and, wherever possible, undertaken contemporaneously instead of sequentially.

149. Learned Counsel also pressed the challenge to the timing of the Ordinance as pleaded in the petition. He submitted that the petitioner had specifically pleaded that the Ordinance was promulgated at the eleventh hour after expiry of the tenure of some Municipal Councils, after appointment of Administrators and after substantial progress of the electoral exercise. The petition expressly characterises the measure as a colourable exercise which, in its operation, prolonged governance through appointed Administrators instead of elected representatives.

150. Mr. Agni, however, submitted that even independently of any allegation concerning motive, the admitted chronology was sufficient to require the Court to examine the constitutional effect of the Ordinance. According to him, the petitioner's case did not have to succeed only upon proving personal mala fides. If the objective operation of the amended procedure necessarily prolonged an existing breach of Article 243U, that consequence itself required consideration while moulding constitutional relief.

151. Learned Counsel then addressed the alternative prayer in his petition. He submitted that if this Court was not persuaded to invalidate the Ordinance in its entirety, the Court could nevertheless protect Article

243U by holding that the amended regime should not be applied so as to unsettle elections which had already become due under the pre-existing framework. It was on this footing that the petitioner had expressly sought, in the alternative, a declaration that the Ordinance was inapplicable to the present general elections and that the elections be conducted on the basis of the earlier delimitation and electoral framework. The petition simultaneously seeks a time-bound mandamus for completion of all eleven municipal elections.

152. In rejoinder to the State's submission that an operative law could neither be ignored by the State Election Commission nor kept aside by the Court without first being invalidated, Mr. Agni submitted that the petitioner's alternative case had to be understood as one of constitutional harmonisation and not administrative disobedience. According to him, Article 243ZA(2) itself makes the legislative power of the State "subject to the provisions of this Constitution". The State Election Commission was therefore bound both by the law governing the election and by the constitutional timeline within which that law had to operate. The existence of the amended legislation could not be treated as extinguishing the Commission's independent constitutional obligation under Article 243ZA read with Article 243U. Article 243ZA expressly places State legislation concerning municipal elections subject to the Constitution.

153. Mr. Agni ultimately submitted that the Court was not required to choose between timely elections and lawful delimitation or reservation. Both constitutional requirements had to be preserved. What could not be accepted, according to him, was a construction

under which every stage provided by the amended law was permitted to consume its maximum outer period irrespective of the constitutional default which had already occurred. He therefore urged that, even if the amended regime were allowed to operate, every remaining stage should be subjected to the shortest legally permissible and judicially enforceable timeline so that the constitutional breach under Article 243U was not perpetuated any further.

154. The submissions of Mr. Agni thus added two dimensions to the challenge already advanced by the other Petitioners. The first concerns the legality and consequence of the State Election Commission's decision dated 21 May 2026 nullifying the earlier delimitation exercise. The second concerns the obligation of all authorities participating in delimitation and reservation to act with institutional preparedness and, wherever legally possible, simultaneously, so that compliance with one requirement of Part IX-A does not become the reason for continued non-compliance with another.

154A. In support of his submission concerning the constitutional position of the State Election Commission and the effect of a statutory requirement of consultation with the State Government, Mr. Agni relied upon *Pranoy Roy v. State of West Bengal*[20]. He submitted that, in matters concerning the conduct and scheduling of municipal elections, the constitutional authority vested with superintendence, direction and control of elections cannot be reduced to a subordinate role merely because the governing enactment contemplates

[20] 2015 SCC OnLine Cal 8823

consultation with the Government. According to him, where the constitutional obligation to hold elections within time has arisen, the process of consultation has to be construed consistently with the independent constitutional responsibility of the State Election Commission.

154B. Learned Counsel relied upon the said decision particularly to contend that consultation cannot be converted into a mechanism by which the Government effectively controls whether and when an election should be held. His submission was that the State Election Commission must retain primacy in the electoral field entrusted to it by Article 243ZA, although the Commission must undoubtedly discharge its functions within the framework of a validly enacted law. The material placed before us concerning the West Bengal litigation records that the issue there also arose in the context of postponement of municipal elections on account of restructuring or reconstitution of municipal bodies.

154C. Mr. Agni also relied upon *Dattatray Yedu Thombre v. State of Maharashtra*[21], while developing his challenge to the Ordinance as a colourable exercise of constitutional power. He submitted that the Ordinance-making power under Article 213 is legislative in character and is undoubtedly wide within the legislative competence of the State, but remains a constitutional power which must be exercised consistently with the limitations inherent in the Constitution. According to him, an Ordinance cannot be employed as a device for

[21] 2019 SCC OnLine Bom 4408

accomplishing indirectly a consequence which would otherwise be inconsistent with an express constitutional command.

154D. Learned Counsel submitted that the principle of colourable legislation was relevant in the present case not because any personal mala fides were attributed to the Governor or to an individual member of the Government, but because the Court was required to examine the substance of the legislative exercise and its constitutional consequence. The petition itself specifically pleads that the Ordinance constitutes a colourable exercise of power because it was brought into force after substantial progress had already been made towards the municipal elections and because its application required the entire exercise to recommence, thereby continuing administration of the Municipal Councils through appointed authorities instead of elected representatives.

154E. Mr. Agni accordingly submitted that *Dattatray Yedu Thombre* (supra) had to be read together with the constitutional principles governing Ordinance-making power and the supremacy of the Constitution. His contention was not that an Ordinance becomes invalid merely because its promulgation affects an impending election. His submission was that where the chronology demonstrates that an electoral exercise had been undertaken over a considerable period, the constitutional deadline had arrived and an Ordinance introduced at that stage necessarily displaced that exercise and postponed the elections, the Court was entitled to examine whether the extraordinary constitutional power had been employed in a manner compatible with Article 243U.

155. Mr. Devidas Pangam, learned Advocate General appearing for the State, opposed the Petitions and submitted that the entire challenge proceeds on an erroneous assumption that Article 243U disables the State Legislature from altering the statutory framework governing municipal elections once the tenure of a Municipality is approaching expiry. According to him, Article 243U undoubtedly contains a constitutional mandate requiring timely elections, but it neither suspends the legislative power of the State nor authorises the State Election Commission or the Court to disregard a law validly brought into force in exercise of that legislative power.

156. The learned Advocate General submitted at the outset that the Ordinance is an exercise of legislative power under Article 213 and, upon promulgation, possesses the same force and effect as an Act of the State Legislature. He therefore contended that the Ordinance cannot be treated on the same footing as an executive notification, administrative instruction or governmental decision. A challenge to such legislation must satisfy the recognised grounds of constitutional review, namely want of legislative competence, breach of a constitutional limitation, violation of fundamental rights or manifest arbitrariness. The State in its affidavit has specifically taken the position that none of these grounds has been established in the present Petitions.

157. Addressing the challenge under Article 213, the learned Advocate General submitted that the power of the Governor to promulgate an Ordinance becomes available when the Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which

render immediate action necessary. He submitted that the sufficiency or adequacy of the material which led to such satisfaction is not open to judicial substitution merely because another view of the necessity or timing may be possible. He further submitted that no personal motive could be attributed either to the Legislature or to the Governor for promulgating the Ordinance and that allegations of mala fides which may furnish a ground against an administrative action cannot, without much more, invalidate plenary legislation. This is also the specific stand taken in the affidavit filed by the State.

158. The learned Advocate General did not dispute that the existence of circumstances relevant to the exercise of the Ordinance-making power may be examined within the limited scope of judicial review recognised by the Constitution Bench decisions relied upon by the Petitioners. His answer, however, was that the material and circumstances which led to the Ordinance were directly related to the constitutional requirements governing the composition of Municipalities, delimitation of wards and reservation of seats. According to him, once relevant material bearing upon these subjects existed, the Court could not sit in appeal over the legislative assessment as to whether the change should have been made earlier, later or through an Act instead of an Ordinance.

159. Mr. Pangam then submitted that the Ordinance was not enacted for the purpose of extending the tenure of any Municipality. It does not amend Article 243U, does not provide for continuation of an elected Council beyond five years and does not confer any statutory tenure upon an Administrator inconsistent with the Constitution. According

to him, what the Ordinance does is to regulate the manner in which the succeeding Municipal Council is to be constituted by altering the basis for determining the number of Councillors and by prescribing a detailed procedure for delimitation and reservation. The fact that compliance with that procedure requires time cannot, according to him, convert a law concerning the composition and electoral structure of Municipalities into a law extending their tenure.

160. The learned Advocate General placed considerable emphasis upon Article 243ZA(2), which expressly authorises the Legislature of a State, subject to the Constitution, to make laws with respect to all matters relating to or connected with elections to Municipalities. His submission was that the State Election Commission exercises its constitutional powers under Article 243ZA(1) within the legislative framework validly enacted under clause (2). So long as such legislation remains operative and has not been declared unconstitutional, the State Election Commission is bound to implement it and cannot select between the earlier and the subsequently enacted statutory regimes according to its own assessment of which would enable an earlier election.

161. According to the learned Advocate General, this principle provided the complete answer to the alternative case advanced by the Petitioners that the Ordinance may be upheld generally but ignored for the present electoral cycle. He submitted that there is no constitutional doctrine under which a law which continues to be valid can simply be "kept aside" for one election and applied to another. Either the law suffers from a constitutional infirmity and must be

invalidated to that extent, or, while it remains valid, every constitutional and statutory authority is bound to give effect to it.

162. The learned Advocate General therefore strongly questioned the course adopted by the Karnataka High Court in *M. Shivaraju v. State of Karnataka* (supra), where the amended statutory regime was read down so as not to apply to elections which had already become due. According to him, the difficulty with that approach was that the legislation was permitted to remain on the statute book while its operation was nevertheless excluded from the very elections to which, according to its terms, it applied. He submitted that such a course effectively amounted to interfering with the legislation without holding it unconstitutional.

163. Mr. Pangam submitted that this difficulty was subsequently reflected in the proceedings before the Supreme Court. He pointed out that the judgment of the Karnataka High Court which excluded the amended law from the pending electoral cycle was stayed by the Supreme Court before the later statutory restructuring of Bengaluru occurred. He emphasised that the first order of stay was therefore not attributable to the subsequent division of Bengaluru into several corporations. Thereafter, when further statutory changes came into force, the Supreme Court permitted the delimitation and election exercise to proceed in accordance with the new law and repeatedly extended the time required for completing that process.

164. The learned Advocate General also referred to the proceedings concerning *Vijayapur*a and submitted that the Supreme Court

permitted the State Government and the State Election Commission to proceed under the amended statutory regime even though the elections had become due earlier. According to him, these orders were significant not because they diluted the importance of Article 243U, but because they demonstrated that a constitutional court, when confronted with an operative legislative change, did not direct the Election Commission to disregard that law merely because elections had earlier become due.

165. On this basis, Mr. Pangam submitted that the Karnataka experience had to be understood as demonstrating the error in treating Article 243U as automatically freezing the statutory framework on the date on which the tenure of an elected body expires. If that proposition were accepted, any law enacted thereafter, though otherwise valid and applicable to the election when actually held, would have to be ignored merely because the election ought to have been held at an earlier point of time. According to him, there is no constitutional basis for such a doctrine.

166. To illustrate the difficulty, the learned Advocate General posed a situation where an election is legitimately postponed on account of an exceptional circumstance recognised in law and, during that period, the Legislature enacts a new law governing the composition or conduct of the election. He submitted that it could hardly be contended that, when the election is ultimately held, it must nevertheless be governed by the law which existed on the date when the earlier term expired. According to him, unless the subsequent law itself provides otherwise,

the election must be held in accordance with the law in force when the statutory and electoral exercise is actually undertaken.

167. Mr. Pangam then addressed the Petitioners' reliance upon *Kishansing Tomar* (supra). He accepted without reservation that the Constitution Bench has emphasised the mandatory character of Article 243U and the obligation of the State Election Commission to plan the election sufficiently in advance. His submission, however, was that the judgment itself recognises that exceptional circumstances may arise in which elections cannot be completed within the ordinary constitutional period. According to him, the references in that judgment to natural calamities, breakdown of law and order and similar situations cannot be read as an exhaustive statutory catalogue incapable of accommodating any other constitutionally compelling circumstance.

168. The learned Advocate General submitted that judgments cannot be read as though the illustrations employed by the Court were themselves statutory provisions. A constitutional court decides the factual and legal situation before it and may identify circumstances which then arise for consideration, but those illustrations cannot be converted into a closed list excluding every situation which may subsequently arise. His submission therefore was that *Kishansing Tomar* (supra) does not lay down that only war, calamity or breakdown of law and order can ever justify an election being conducted after expiry of the tenure of the local body.

169. In this context, he referred to subsequent judicial orders in which time for completing local-body elections was extended in order to enable statutory exercises concerning delimitation, restructuring or reservation to be properly completed. According to him, these orders demonstrate that the constitutional mandate of Article 243U has never been understood in isolation from every other constitutional requirement governing a lawful election. He submitted that the question in each case is not whether Article 243U is important, which is beyond dispute, but how that mandate is to operate when another constitutional or statutory obligation essential to a valid election must simultaneously be fulfilled.

170. Mr. Pangam submitted that this distinction also answers the reliance placed upon *Suresh Mahajan* (supra). According to him, the judgments relied upon by the Petitioners principally dealt with delays caused by executive or administrative inaction, including belated delimitation exercises which could and ought to have been undertaken earlier. The present case, according to him, stands on a materially different footing because a legislative change has intervened and that legislation now occupies the field. The State Election Commission cannot treat a law as though it were merely an executive impediment which may be bypassed in order to adhere to an earlier administrative schedule.

171. The learned Advocate General thereafter placed considerable reliance upon the constitutional importance of a free and fair election. He submitted that periodicity is undoubtedly one facet of electoral democracy, but an election conducted with an incorrect composition

of the Council, defective delimitation or constitutionally impermissible reservation cannot be regarded as constitutionally satisfactory merely because it has been completed within time. According to him, the Constitution requires not simply an election, but an election conducted under a lawful framework which gives proper effect to the composition and reservation provisions contained in Part IX-A.

172. It was in this context that Mr. Pangam justified the change from "voters" to "population" in Section 9. He submitted that the Constitution consistently uses population as the relevant demographic concept for municipal representation and expressly defines "population" in Article 243P(g) by reference to the last preceding census of which the relevant figures have been published. Under the earlier Section 9, the strength of a Municipal Council was determined by reference to the number of voters, whereas under the Ordinance that basis has been substituted by population and the numerical unit has been altered from 2,500 to 3,000. According to him, the amendment brings the statutory structure into closer conformity with the constitutional scheme.

173. The learned Advocate General illustrated the practical consequence of this change by reference to the comparative material placed before us. He pointed out that the number of wards in certain Municipal Councils changes when the Council strength is determined by reference to population instead of voters. Such change necessarily affects not merely delimitation but also reservation because the number of seats available for reservation for women, Scheduled Castes, Scheduled

Tribes and backward classes is calculated with reference to the total number of seats in the Council. He therefore submitted that delimitation, composition and reservation cannot be compartmentalised as though alteration of one has no consequence upon the others.

174. Mr. Pangam submitted that this constitutional relationship becomes particularly clear from Article 243T. Reservation for Scheduled Castes and Scheduled Tribes is required to bear, as nearly as may be, the same proportion to the total number of seats as their population in the municipal area bears to the total population of that area. Reservation in favour of backward classes, though enabled by clause (6), must equally satisfy the constitutional requirements laid down by the Supreme Court governing political reservation in local bodies. According to him, an electoral structure created on one demographic basis cannot conveniently be retained while reservation is worked out on another if the resulting representation ceases to reflect the statutory and constitutional scheme.

175. The learned Advocate General further submitted that the contemporary empirical inquiry contemplated by the substituted Section 10 cannot be dismissed as an unnecessary administrative addition. Political reservation for backward classes, according to him, cannot be mechanically provided merely because a particular percentage has historically been employed. The dedicated Commission must identify the nature and implications of political backwardness local-body-wise and the reservation must thereafter be worked out within the constitutional ceiling. The amended Section 10

expressly incorporates that requirement into the municipal election process.

176. He therefore contended that the Ordinance advances, rather than defeats, the constitutional objective of a free and fair election. The State's affidavit itself takes the position that the new procedure of draft delimitation, objections, empirical inquiry and reservation was introduced in furtherance of electoral fairness and the constitutional requirements governing representative local government. According to the learned Advocate General, the mere circumstance that this more elaborate process requires additional time cannot render the law unconstitutional if the procedure itself serves a legitimate constitutional purpose.

177. Mr. Pangam then relied upon Article 243ZG and submitted that the Constitution itself accords a special degree of protection to laws relating to delimitation of constituencies and allotment of seats. He relied upon *Jammu and Kashmir National Panthers Party v. Union of India*[22], to emphasise the constitutional distinction between a law governing delimitation and an executive order made under such law. According to him, where the Constitution creates an express bar against questioning the validity of a delimitation law, a challenge which in substance seeks to prevent the operation of such legislation must be approached with corresponding restraint.

[22] (2011) 1 SCC 228

178. The learned Advocate General also relied upon *State of Goa v. Fouziya Imtiaz Shaikh* (supra). He submitted that the Supreme Court has drawn a clear distinction between statutory provisions relating to delimitation or allotment of seats and orders passed in exercise of powers conferred by those provisions. While an executive or statutory order may remain open to judicial review where it violates the governing enactment or the Constitution, the statutory provision itself enjoys the protection contemplated by Article 243ZG within its field. He therefore submitted that any grievance concerning the eventual delimitation or reservation may be examined at the appropriate stage, but that possibility cannot furnish a ground for directing that the legislative framework itself be disregarded.

179. Mr. Pangam placed particular reliance upon another principle recognised in *State of Goa v. Fouziya Imtiaz Shaikh* (supra), namely the constitutional position of the State Election Commission. He submitted that if any authority, including the State Government, acts in breach of the Constitution or the governing legislation, the State Election Commission possesses authority under Article 243ZA to insist upon compliance and, if necessary, to approach the High Court. Conversely, if the law governing an election requires a particular statutory exercise to be undertaken before the election, the State Election Commission cannot deliberately act in breach of that law merely because adherence to it affects an earlier proposed timetable.

180. According to the learned Advocate General, the Petitioners' alternative prayer would therefore place both the State Election Commission and this Court in an untenable constitutional position.

The Commission is asked to ignore a law which admittedly remains in force, whereas the Court is asked to direct such non-compliance without first declaring that law unconstitutional. He submitted that a writ of mandamus can never command a statutory or constitutional authority to act contrary to a subsisting law.

181. In support of this proposition, Mr. Pangam relied upon the principle that a High Court cannot direct statutory provisions to be ignored merely because it perceives an inconsistency or considers another course more convenient, unless it first adjudicates upon their constitutional validity. He particularly relied upon the Supreme Court's disapproval of an approach where statutory provisions were directed to be ignored for practical purposes without being struck down. His submission was that precisely the same error would arise if this Court upheld the present Ordinance and nevertheless directed the State Election Commission to conduct these elections under the superseded statutory regime.

182. Learned Advocate General therefore submitted that the Court should avoid what, according to him, was the central error in the Karnataka High Court approach. If the Ordinance is constitutionally invalid, the Court may so declare upon a properly established ground. If it is not, it must be given effect. There cannot, according to him, be an intermediate constitutional category in which the law remains valid but is treated as prospectively operative only because applying it to the present elections creates inconvenience in adhering to Article 243U.

183. Mr. Pangam lastly submitted that the State did not seek an indefinite postponement of the municipal elections. He accepted throughout the hearing that the elections must be held at the earliest possible date and that every authority concerned must act expeditiously. His resistance was to the proposition that expedition could be achieved by abandoning the law presently in force. According to him, the constitutionally permissible course was to implement the Ordinance, complete the exercises of delimitation and reservation in accordance with it and require all concerned authorities to perform their respective functions within the shortest period reasonably and lawfully possible.

184. The submission of the learned Advocate General, viewed in its entirety, was therefore that the present controversy does not require a choice between the Ordinance and Article 243U. The Ordinance must operate because it is valid legislation occupying the field, while Article 243U must guide the speed and urgency with which that legislation is implemented. According to him, the Petitioners have failed to establish any ground for invalidating the Ordinance and the appropriate course would consequently be to dismiss the challenge while permitting the election process already commenced under the amended provisions to proceed to its conclusion within a definite timetable.

185. The learned Advocate General also addressed the submission that the electoral process had already commenced before promulgation of the Ordinance. He submitted that the preparatory steps relating to determination of the number of Councillors, delimitation of wards and

reservation of seats cannot, for every purpose, be equated with commencement of the "election" itself. Referring to the settled election-law jurisprudence, he submitted that the election, in its comprehensive legal sense, ordinarily commences with issuance of the election notification and continues until declaration of the result. Delimitation and allied exercises which precede such notification are antecedent statutory steps undertaken for creating the electoral framework within which the election is ultimately conducted.

186. According to Mr. Pangam, this distinction had a direct bearing upon the Petitioners' contention that the Ordinance had retrospectively interfered with an election already in progress. His submission was that no election notification had been issued before 22 April 2026 and, therefore, the Ordinance did not interrupt an election in the sense understood by the constitutional provisions regulating interference with an ongoing electoral process. What stood affected was the antecedent exercise of delimitation under the earlier law, and once the law governing that exercise itself changed, the State Election Commission was obliged to proceed in accordance with the amended provision.

187. The learned Advocate General further submitted that Article 243ZG assumes significance in this context. Clause (a), with a non-obstante clause, prohibits the validity of any law relating to delimitation of constituencies or allotment of seats made or purporting to be made under Article 243ZA from being called in question in any Court. According to him, substituted Section 10 is precisely such a law because it regulates delimitation and allotment or reservation of seats.

The State has expressly taken this objection in its affidavit and has contended that the challenge to Section 10 is consequently barred at the threshold.

188. Mr. Pangam clarified that he was not contending that every action taken by an authority under a delimitation law is immune from judicial review. He accepted the distinction recognised in *State of Goa v. Fouziya Imtiaz Shaikh* (supra) between the statutory law itself and an order or action taken under that law. According to him, an executive or statutory order which transgresses the governing enactment or the Constitution may remain amenable to judicial review, but the constitutional protection accorded to the law relating to delimitation itself cannot be rendered meaningless by indirectly preventing that law from operating.

189. The learned Advocate General then relied upon the observations in *State of Goa v. Fouziya Imtiaz Shaikh* (supra) concerning the constitutional status of the State Election Commission. He submitted that the Commission is not a passive agency which must proceed with an election despite a known constitutional or statutory defect. If reservation is contrary to Article 243T or to the governing enactment, the Commission can insist upon correction of that defect and, in an appropriate case, postpone the electoral process until the illegality is removed. His submission was that this principle necessarily operates in both directions: the Commission must correct a constitutional infraction, but it must equally insist upon compliance with an operative statutory mandate.

190. According to the learned Advocate General, the Petitioners' argument would produce the opposite result. It would require the State Election Commission to knowingly disregard the amended law merely because proceeding under the law would consume additional time. Such a course, he submitted, would itself amount to a statutory infraction by the constitutional authority entrusted with the conduct of municipal elections.

191. Mr. Pangam thereafter returned to the question of reservation and submitted that the Court should not treat delimitation and reservation as mere administrative formalities capable of being dispensed with whenever Article 243U is invoked. He relied upon the decision arising from Tamil Nadu to contend that the constitutional object of democratic local self-government cannot be effectively achieved unless the territorial constituencies are properly constituted and the constitutionally mandated reservations are correctly worked out on the basis of the relevant population. In that case, the Supreme Court itself declined to permit elections in newly constituted districts until the requisite delimitation exercise had been completed.

192. On this basis, the learned Advocate General submitted that the constitutional scheme does not recognise punctuality as the sole attribute of a valid election. Timeliness, lawful composition, proper delimitation and constitutionally compliant reservation are all components of the same representative process. According to him, Article 243U cannot be interpreted in a manner which compels an election to be held on a framework which the Legislature has validly

replaced and which no longer represents the law governing the constitution of the Municipal Councils.

193. The learned Advocate General also rejected the suggestion that the exceptional circumstances referred to in *Kishansing Tomar* (supra) constitute an exhaustive list beyond which delay can never be constitutionally tolerated. He submitted that judicial decisions are not to be read as statutory enactments and that the factual illustrations noticed in one case cannot foreclose the possibility of materially different circumstances arising in another. His submission was that the principle emerging from *Kishansing Tomar* (supra) is that delay must be exceptional and supported by legally sustainable reasons, and not that only the particular examples referred to in that judgment can ever qualify as such reasons.

194. He therefore contended that the subsequent decisions and orders of the Supreme Court concerning delimitation, reservation and restructuring of local bodies have to be read as part of the development of the same constitutional principle. According to him, those orders demonstrate that the Court has, in appropriate cases, permitted the constitutional timeline to yield to the minimum extent necessary to complete another indispensable constitutional or statutory exercise, while simultaneously requiring the authorities to complete the elections within a judicially controlled period.

195. Mr. Pangam placed particular emphasis upon the successive orders passed by the Supreme Court in the Karnataka proceedings. He submitted that the High Court had directed that the pending elections

be conducted without giving effect to the newly introduced legislative regime, whereas the Supreme Court stayed that judgment and thereafter permitted the processes contemplated by the subsequent law to continue. The Supreme Court subsequently extended the time for completing delimitation and the consequent elections on more than one occasion. According to him, the significance of these orders lies in the fact that the Court preserved the legislation and supervised its implementation rather than directing that it be ignored merely because Article 243U had already been breached.

196. The learned Advocate General submitted that the same constitutional method should be adopted in the present case if this Court considers the delay already occasioned to be unacceptable. The answer, according to him, is not to revive the superseded law, but to require all authorities functioning under the amended law to act with the greatest possible expedition. He maintained that this course gives effect simultaneously to the legislative mandate and to Article 243U and avoids the constitutional difficulty inherent in commanding disobedience of one in order to enforce the other.

197. Mr. Pangam also drew attention to the consequence which would follow if the Ordinance were struck down or treated as inapplicable to the present elections. Section 9 would revert to the earlier statutory basis of determining the number of Councillors by reference to voters instead of population, while the reservation provisions continued to operate by reference to population. He submitted that such a result would recreate the very incongruity which the Legislature had sought

to remove and would potentially affect the number of wards and, consequently, the number and location of reserved seats.

198. Learned Advocate General submitted that the Court ought not, while adjudicating upon a challenge founded principally on the timing of the Ordinance, grant relief which itself restores a statutory regime carrying serious constitutional and representational consequences. According to him, this consideration reinforces the need to preserve the amended law and mould the time within which it is implemented rather than revert to the earlier regime.

199. He further submitted that the revised number of Councillors has a direct mathematical impact upon reservation. By way of illustration, if the total number of wards in a Municipal Council rises from twenty-four to twenty-seven, the number of seats reserved for women also changes because the constitutional fraction is applied to the total strength of the Council. Similar consequences follow in relation to Scheduled Castes, Scheduled Tribes and, subject to the applicable constitutional requirements, backward classes. His submission therefore was that the amendment to Section 9 cannot be treated as a minor numerical alteration unconnected with the broader process of delimitation and reservation.

200. The learned Advocate General also answered the Petitioners' criticism that the State had introduced the amended regime without ensuring that the Goa State Commission for Backward Classes was immediately ready with its empirical material. He submitted that any deficiency in administrative preparedness on the part of an

implementing authority cannot, by itself, render the legislation unconstitutional. The validity of the law must be tested on constitutional grounds and not by reference to the efficiency or inefficiency with which a statutory authority subsequently performs its functions.

201. He nevertheless accepted that, once the law is upheld and the authorities are required to proceed under it, none of them would be entitled to consume time indefinitely. If the Court considered it necessary to ensure expedition, it could require the State Government, the State Election Commission and the Backward Classes Commission to coordinate their functions and complete the statutory process within the shortest legally permissible period. His objection was only to any direction which required departure from, or non-implementation of, the Ordinance itself.

202. Finally, the learned Advocate General submitted that the Petitions, insofar as they seek invalidation of the Ordinance or a direction that it be disregarded for the present elections, are liable to be dismissed. He maintained that Article 243U remains fully operative and continues to bind every authority, but that its enforcement must take place through expeditious implementation of the law presently in force and not by judicial suspension of that law. The State, according to him, does not seek any open-ended extension and has no objection to the Court ensuring that the remaining process is completed within a strict and realistic timetable.

203. Thus, the State's answer to the Petitions is that there is no irreconcilable conflict between Article 243U and the amended Sections 9 and 10. The constitutional mandate of timely elections requires urgency in implementation, whereas the amended law prescribes the legal framework within which those elections must now be held. The learned Advocate General accordingly urged that both must be preserved and given effect to together.

204. In support of the State's defence to the challenge founded upon Article 213, the learned Advocate General relied upon *A.K. Roy v. Union of India* (supra), *Dattatray Yedu Thombre v. State of Maharashtra (*supra) and *Sahebrao Narayanrao Patil v. State of Maharashtra*[23]. He submitted that an Ordinance promulgated under Article 213 is an exercise of legislative power and stands on the same footing as an enactment of the State Legislature during the period of its operation. According to him, although the existence of the constitutional conditions for exercise of the Ordinance-making power is not altogether excluded from judicial review, the Court does not sit in appeal over the satisfaction of the Governor or examine the adequacy or sufficiency of the material as though it were reviewing an administrative decision.

205. The learned Advocate General relied upon these authorities also to answer the Petitioners' allegation of colourable exercise of power and fraud on the Constitution. He submitted that the Petitioners had not laid the factual or legal foundation necessary for invalidating a

[23] 1993 SCC OnLine Bom 399

legislative measure on such a ground and that the mere circumstance that the Ordinance was promulgated when the earlier delimitation exercise had progressed considerably would not establish constitutional fraud. According to him, once legislative competence is admitted, the Petitioners must establish a recognised constitutional infirmity in the legislation itself and cannot invite the Court to infer an improper legislative purpose merely from the point of time at which the law was brought into force.

206. In dealing with the manner in which the constitutional power under Article 213 is exercised, Mr. Pangam also relied upon the Constitution Bench decision in *Samsher Singh v. State of Punjab*[24]. He submitted that the Governor is the constitutional head of the State and ordinarily acts upon the aid and advice of the Council of Ministers. The challenge therefore could not proceed on an assumption that the Governor was required personally to undertake an independent inquiry into the necessity for the Ordinance divorced from the constitutional machinery of the elected Government.

207. On the question of the constitutional requirement of reservation in local bodies, the learned Advocate General relied upon *Vikas Kishanrao Gawali v. State of Maharashtra* (supra), the subsequent orders in the proceedings concerning *Rahul Ramesh Wagh v. State of Maharashtra*(supra), and *Vaibhav Pandey v. State of Uttar Pradesh* (supra). He submitted that reservation in favour of backward classes in local-body elections cannot be provided mechanically and that the

[24] (1974) 2 SCC 831

constitutional and judicially prescribed exercise for determining such reservation has to be undertaken before the electoral structure is finalised. The material placed before us also shows that the Supreme Court, while considering the subsequent Madhya Pradesh proceedings, examined the report of the dedicated Commission with reference to the Triple Test laid down in *Vikas Gawali* (supra) and the requirement that the proportion of reservation be determined local-body-wise while maintaining the overall ceiling of fifty per cent.

208. According to the learned Advocate General, these authorities demonstrate that delimitation, determination of the number of seats and reservation cannot be treated as inconsequential preliminaries which may simply be dispensed with in order to achieve an earlier polling date. He submitted that the constitutional command of timely elections has to operate together with the constitutional requirements governing the composition and representational character of the elected body. The State cannot be compelled to constitute a Municipal Council through an electoral arrangement which does not satisfy those requirements merely because the previous term has expired or is about to expire.

209. The learned Advocate General also relied upon *Dravida Munnetra Kazhagam v. Secretary, Governor's Secretariat*[25], in answer to the proposition that Article 243U invariably requires elections to proceed notwithstanding an incomplete delimitation or restructuring exercise. He submitted that the Supreme Court has itself recognised, in an

[25] (2020) 6 SCC 548

appropriate factual situation, that delimitation may first have to be completed before elections are conducted in newly constituted or reorganised local bodies. His submission was therefore that Article 243U cannot be read in isolation from the other constitutional requirements which determine the territorial and representative structure of the body to which the election is to be held.

210. Mr. Pangam further relied upon *Sri M. Shivaraju v. State of Karnataka* (supra), and the subsequent proceedings before the Supreme Court concerning the Karnataka municipal elections. He accepted that the Karnataka High Court had emphasised the mandate of Article 243U, but submitted that the subsequent orders of the Supreme Court assume considerable significance because the Supreme Court did not require the intervening legislation to be disregarded merely because elections had become due. According to him, those orders demonstrate that where an operative legislative regime requires a fresh statutory exercise, the proper constitutional response may be to permit that exercise to be completed within a controlled period rather than to direct an election under a superseded legal regime. The Karnataka judgment itself records that the term of the BBMP had expired on 10 September 2020 and that the election ought ordinarily to have been completed before expiry of that term.

211. Reliance was also placed upon *Menino Da Cruz v. State of Goa*[26], and *Romaldo Fernandes v. State of Goa*[27], while dealing with the respective spheres occupied by the State Government and the State

[26] Writ Petition No.664 of 2025 decided on 30 June 2025
[27] 2021 SCC OnLine Bom 275

Election Commission before the commencement of the election process. The learned Advocate General submitted that delimitation of constituencies and reservation of seats are exercises anterior to commencement of the election and need not constitutionally be performed by the State Election Commission merely because they ultimately have a bearing upon the election. The material relied upon before us records the distinction that the election process commences upon issuance of the statutory election notification and that delimitation and reservation precede that stage.

212. The learned Advocate General relied upon *State of Goa v. Fouziya Imtiaz Shaikh*, (supra), in this context as well. He submitted that *Fouziya* undoubtedly recognises the independent constitutional position of the State Election Commission and its obligation to secure elections in conformity with the Constitution, but does not confer upon the Commission a power to disregard an operative law governing delimitation or reservation. He pointed out that the authorities considered in the Goa municipal-election jurisprudence include both *Fouziya* and *Romaldo Fernandes* (supra) and submitted that the two spheres must therefore be kept distinct.

213. Mr. Pangam also relied upon *Jammu and Kashmir National Panthers Party v. Union of India* (supra), to contend that the Court, while enforcing the democratic requirement of elections, is not powerless to take account of a genuine legal or constitutional impediment which makes immediate elections impracticable. According to him, the Petitioners' formulation that Article 243U admits of no accommodation whatsoever would convert the

constitutional provision into an inflexible rule operating without regard to circumstances in which another constitutionally necessary exercise has first to be completed.

214. The learned Advocate General then referred to *V.S. Achuthanandan v. P.J. Francis*[28], *K.T.M.T.M. Abdul Kayoom v. Commissioner of Income Tax*[29], and *Escorts Ltd. v. Commissioner of Central Excise*[30]. These authorities were not relied upon for their underlying factual subject matter but for the settled principle governing the use of precedents. Mr. Pangam submitted that a judicial decision must be understood in the context of the question which arose for determination and the material facts upon which the Court decided it, and that expressions occurring in a judgment cannot be detached from that setting and applied as though they were words contained in a statute.

215. It was in that context that the learned Advocate General sought to distinguish the Petitioners' reliance upon *Kishansing Tomar* (supra) and the subsequent decisions reiterating Article 243U. According to him, the observations concerning exceptional circumstances in those decisions cannot be converted into an exhaustive statutory catalogue of the only circumstances in which some unavoidable delay may occur. His submission was that a materially different factual or legal circumstance must be examined on its own constitutional footing and

[28] (1999) 3 SCC 737
[29] 1961 SCC OnLine SC 244
[30] (2004) 8 SCC 335

that the ratio of an earlier judgment cannot be enlarged beyond the question which actually arose before the Court.

216. In continuation of the same submission, Mr. Pangam relied upon *Deepak Bajaj v. State of Maharashtra*[31], to submit that illustrations employed by a Court while explaining a legal principle do not necessarily exhaust every factual situation in which that principle may operate. He therefore contended that the exceptional circumstances referred to in *Kishansing Tomar* (supra) cannot be treated as a closed category which constitutionally prohibits recognition of any subsequent circumstance not specifically mentioned there.

217. The learned Advocate General also relied upon *Vinod Chinchalkar v. State of Maharashtra*[32], in support of the State's submission concerning the relationship between delimitation, reservation and the commencement of the election process. He submitted that the constitutional bar and the settled election jurisprudence require a distinction to be maintained between challenges to the legal framework governing delimitation and challenges arising after the election process has formally commenced. According to him, the Petitioners cannot treat every antecedent statutory step as though the election itself had already commenced merely because substantial administrative preparation had taken place. Finally, reliance was placed upon *Dhanraj v. Vikram Singh*[33]. The learned Advocate General invoked the decision while emphasising that the Court must

[31] (2008) 16 SCC 14
[32] 2025 SCC OnLine Bom 5233
[33] 2023 SCC OnLine SC 724

examine the true legal issue arising from the facts before it and apply precedent in the setting in which the precedent was rendered, rather than extracting isolated observations from decisions arising in materially different circumstances. According to him, the present controversy has to be decided by harmonising Articles 243T, 243U, 243ZA and 213 with the law presently governing the Municipal Councils and not by treating any one decision concerning a different statutory regime as conclusively answering the controversy before us.

218. On the cumulative strength of these authorities, the learned Advocate General submitted that the State does not dispute the binding character of Article 243U or the constitutional importance of conducting municipal elections within time. His submission was that the authorities relied upon by the Petitioners do not establish the further proposition that an operative law governing the number of Councillors, delimitation and reservation must be ignored merely because implementation of that law requires some additional time. According to him, the constitutionally permissible course is to preserve the legislation, require strict and expeditious compliance with it and ensure that the elections follow immediately thereafter.

219. Mr. Somnath Karpe, learned Counsel appearing for the Goa State Election Commission, submitted that the Commission occupies a position distinct from that of the State Government. The Commission is the constitutional authority upon which Article 243ZA casts the responsibility of superintendence, direction and control over municipal elections and it fully recognises the mandate contained in Article 243U that elections to constitute a Municipality are required to

be completed before expiry of its tenure. At the same time, according to him, the Commission is equally bound to conduct those elections in accordance with the statutory regime which lawfully occupies the field on the date when the electoral exercise is undertaken.

220. Mr. Karpe submitted that the State Election Commission had not remained inactive in anticipation of the present elections. The Commission had sought information concerning the dates of expiry of the eleven Municipal Councils well in advance and, after obtaining the requisite electoral material, had initiated the statutory exercise under the law then prevailing. The Legislative Assembly electoral roll with 1 January 2026 as the qualifying date was adopted for division of the municipal areas into wards, the number of Councillors for the eleven Municipal Councils was fixed on 25 March 2026, and on 30 March 2026 a public notice was issued inviting objections and suggestions to the draft delimitation. The order adopting the Legislative Assembly electoral roll specifically records that it was adopted for division of the municipal areas into wards for the ensuing general elections to all eleven Municipal Councils.

221. Learned Counsel therefore fairly accepted that, before promulgation of the Ordinance, the election machinery had moved considerably under the then existing law. He stated, in answer to the specific queries put by us, that by 22 April 2026 the draft delimitation had been prepared and had been forwarded to the Government for the consultation contemplated by the then existing statutory regime. Subject to completion of that consultation, obtaining the necessary material for reservation, preparation of the ward-wise voters list and

the remaining election formalities, the Commission stated that the elections could have been concluded by the end of May 2026 or, at the latest, during the first week of June 2026.

222. Mr. Karpe submitted, however, that this factual position did not confer upon the Commission any authority to disregard the law which intervened on 22 April 2026. His principal submission was that Article 243U and Article 243ZA must be read together. Article 243U fixes the constitutional obligation concerning the duration and timely constitution of Municipalities, whereas Article 243ZA requires the State Election Commission to conduct elections within the legislative framework enacted by the State under Article 243ZA(2). So long as the Ordinance remains valid and operative, the Commission cannot elect to proceed under the superseded law merely because the earlier exercise had reached an advanced stage.

223. Learned Counsel submitted that the Commission cannot itself adjudicate upon the constitutional validity of legislation and thereafter refuse to implement it. If a statutory provision is contrary to the Constitution, it is open to an aggrieved person, and in an appropriate case even to the Commission, to approach the constitutional Court for appropriate relief. Until the law is invalidated, read down or otherwise held inapplicable by a competent Court, the Commission is required to obey it. His submission during the hearing was that if the Commission were to disregard the Ordinance, the State or an affected citizen could legitimately seek a mandamus compelling the Commission to act in accordance with the law.

224. Mr. Karpe therefore resisted the Petitioners' submission that the earlier exercise should simply be continued while leaving the Ordinance otherwise untouched. According to him, no vested right had accrued to any person merely because the delimitation exercise had commenced under the earlier statute. Once the governing law changed before issuance of the election notification, the Commission was required to adjust its subsequent action to the changed statutory regime. The question, according to him, was not whether the earlier law was workable but which law governed the election when the Commission was required to proceed further.

225. The Commission also defended its decision to discontinue the pre-Ordinance delimitation exercise. Mr. Karpe submitted that the change made by amended Section 9 was not merely procedural. Under the earlier regime, the number of Councillors was determined with reference to the number of voters, whereas the Ordinance substituted population as the relevant basis and simultaneously altered the numerical benchmark from 2,500 to 3,000. According to the Commission, this change affected the number of Councillors and consequently the number and territorial configuration of the wards. For that reason, the pre-Ordinance exercise could not simply be carried forward into an election governed by the amended law.

226. In answer to the challenge specifically raised to the Commission's decision declaring the earlier delimitation exercise null and void, learned Counsel submitted that the Commission acted because the statutory foundation upon which that exercise had been undertaken had materially changed. The record shows that, after publication of the

Ordinance, the State forwarded the amended law to the Commission on 24 April 2026; the Commission called for municipality-wise population figures on 28 April 2026; the Census 2011 figures were supplied on 29 April 2026; and the matter was thereafter sent to the Government on 7 May 2026 for consultation regarding the number of Councillors under the new population-based framework. It was in this setting that the Commission ceased to proceed with the earlier delimitation exercise.

227. Mr. Karpe further submitted that the amended Section 10 has now entrusted the State Election Commission itself with a structured statutory responsibility extending from delimitation to final reservation and declaration of the election. The Commission is required first to delimit the wards, publish the draft delimitation, receive and consider objections and issue the final delimitation notification in consultation with the Government. It must thereafter obtain empirical data concerning political backwardness from the Goa State Commission for Backward Classes, prepare and publish the draft reservation, consider objections thereto, issue the final reservation notification in consultation with the Government and, after expiry of the period stipulated by Section 10(7), declare the election.

228. Learned Counsel accepted that these statutory stages cannot be allowed to become an open-ended process. During the hearing, we therefore required the Commission to identify separately the periods which it considered mandatory, the periods which represented only outer limits, the administrative stages capable of compression and the stages which could proceed contemporaneously. The Commission

thereafter placed before us a detailed chart and written answers to the questions posed by the Court.

229. Mr. Karpe informed us that, in the fresh exercise undertaken under the Ordinance, the stage of draft delimitation had already been reached and the statutory objection period was running. He explained that objections to delimitation principally require examination of the territorial configuration of the proposed wards and the corrections sought in relation to particular localities or boundaries. He accepted that the period permitted for the Commission to complete its subsequent administrative functions is an outer period and that the Commission would not insist upon consuming the whole of such period if the objections could be considered earlier.

230. It was on this basis that the Commission stated that, after closure of objections to the draft delimitation, consideration of objections, finalisation of the ward boundaries, consultation with the Government and publication of the final delimitation notification could together be completed within approximately three weeks, provided the Government completed its part of the consultation expeditiously. The Commission expressly treated consultation with the Government as mandatory, but did not suggest that a separate additional statutory period must be added merely for consultation.

231. The next stage, according to Mr. Karpe, is materially dependent upon the Goa State Commission for Backward Classes. Once final delimitation is notified, Section 10(4) requires the State Election Commission to obtain empirical data pertaining to political

backwardness in respect of each municipal area and its wards. The Commission therefore stated in its chart that the time required for furnishing that data was principally a matter for the Backward Classes Commission and could not accurately be estimated by the State Election Commission itself.

232. Mr. Karpe nevertheless accepted during the hearing that such dependence upon another statutory authority does not permit the State Election Commission to remain passive. The Commission has the constitutional responsibility for completing the election and must therefore coordinate with the Backward Classes Commission and the State Government so that the interdependent statutory exercises are undertaken without avoidable intervals. His submission was that, once the requisite empirical material is received, the Commission can immediately proceed to the reservation stage contemplated by Section 10.

233. In relation to reservation, the Commission placed before us the minimum administrative period which it considered necessary after the statutory objection period had expired. It stated that scrutiny and consideration of objections, consultation with the Government, publication of the final reservation notification and preparation of the ward-wise voters list could together be completed within approximately twenty days, subject again to timely consultation by the Government.

234. Mr. Karpe submitted that certain periods, however, flow expressly from the statute and cannot be dispensed with by the Commission

merely on account of the elections having become overdue. In particular, the Commission treated the public objection periods contemplated by the amended Section 10 and the period prescribed by Section 10(7) after publication of the final reservation notification as statutory requirements which it was bound to observe. After expiry of the thirty-day period under Section 10(7), the Commission would be in a position to declare the elections.

235. Once the elections are declared, the Commission stated that approximately twenty-five days would be required to complete the actual electoral programme, including filing of nominations, scrutiny, withdrawal of candidature, polling, counting and declaration of results. Mr. Karpe therefore submitted that the Court could distinguish between the statutory minimum periods which the Commission cannot lawfully eliminate and the administrative intervals which can and, in the present circumstances, should be compressed.

236. An important answer was given by the Commission when we specifically asked whether, if the Ordinance were upheld, there existed any constitutional or statutory reason why the entire election process could not be completed within the minimum period identified by the Commission itself. The Commission answered that, subject to the minimum statutory periods identified in the chart, there was **no constitutional or statutory impediment** to completing the election process within that period. This statement assumes significance because the Commission did not seek an indefinite period

nor did it contend that the process under the Ordinance was incapable of being judicially placed within a firm timetable.

237. Mr. Karpe also addressed the possibility of the municipal election timetable approaching the forthcoming Assembly elections. He submitted that elections to the Legislative Assembly fall within the domain of the Election Commission of India, whereas municipal elections fall within the constitutional domain of the State Election Commission. He pointed out that both exercises may require substantially the same administrative machinery, including polling personnel, Returning Officers, police and law-and-order arrangements, revenue officials, polling stations and vehicles, and that practical difficulties could therefore arise if both electoral processes substantially overlapped.

238. Learned Counsel, however, did not put this forward as a legal ground for postponing the municipal elections. His response was that the possibility of such logistical overlap would have to be dealt with if and when it actually arose. He accepted that the Commission's present obligation was to complete the statutory process as expeditiously as the law permitted and that an anticipated future election could not presently furnish a basis for leaving the municipal election schedule open-ended.

239. Mr. Karpe also relied upon the constitutional position of the State Election Commission recognised in *Kishansing Tomar v. Municipal Corporation of the City of Ahmedabad* (supra), particularly the principle that the expressions "superintendence, direction and

control" and "conduct of elections" employed in Articles 243K and 243ZA confer broad constitutional authority upon the State Election Commission. The decisions relied upon in that context include *Mohinder Singh Gill v. Chief Election Commissioner*[34] and *In re Special Reference No.1 of 2002*[35]. According to him, this broad constitutional authority enables the Commission to take all lawful measures necessary for completion of the electoral process, but does not confer power to act in derogation of an express statutory provision which remains constitutionally valid.

240. Learned Counsel was also confronted with the decisions in *Suresh Mahajan* which state that an ongoing delimitation exercise or incomplete Triple Test cannot ordinarily justify withholding elections which have become due. He did not dispute those propositions. His answer was that the present case had to be considered in the additional circumstance that an amended law had intervened and that the Commission itself had been statutorily entrusted with completing the fresh delimitation and reservation process under that law. The materials before us record the Supreme Court's reiteration that delimitation is a continuous exercise which ought ordinarily to be commenced well in advance so that the election programme is not detained when the election becomes due.

241. The submission of the State Election Commission was therefore not that Article 243U becomes inoperative until completion of amended Section 10. Its case was that Article 243U supplies the constitutional

[34] (1978) 1 SCC 405
[35] (2002) 8 SCC 237

urgency, while amended Sections 9 and 10 supply the presently operative legal route through which the election must be conducted. Mr. Karpe submitted that the Commission would abide by any lawful time-bound direction which preserves both requirements and enables it to complete the remaining exercise without unnecessary administrative intervals.

242. Thus, the position adopted by the State Election Commission differs in an important respect from a plea seeking postponement simpliciter. The Commission accepts that the elections are overdue, accepts that the remaining administrative stages can be substantially compressed, identifies the periods which according to it cannot lawfully be dispensed with, and states that there is no other constitutional or statutory impediment to completing the election process within the minimum timetable placed before this Court. Its resistance is confined to the prayer that it be directed to revive and act upon the pre-Ordinance exercise notwithstanding the law presently in force.

243. Mr. Shivan Desai, learned Counsel appearing for the intervenors in Miscellaneous Civil Application No.1756 of 2026, supported the Ordinance and submitted that the challenge must also be examined from the perspective of those belonging to the Other Backward Classes whose political representation is directly affected by the reservation exercise. He submitted that the amended Section 10 introduces, for the first time in a structured statutory form, the requirement of obtaining authentic empirical material concerning political backwardness before reservation is finalised and that this change advances transparency and fairness in the electoral process. The intervention application

specifically pleads that the amended regime enables collection, preparation and assessment of reliable empirical data concerning backward classes and that the applicants, being members of the OBC category, are directly affected by any order which prevents that regime from operating.

244. Mr. Desai submitted that the controversy cannot be reduced to a contest between timely elections and the impugned Ordinance. According to him, political reservation in local bodies has constitutional consequences of its own and cannot be worked out on outdated, incomplete or mechanically applied material merely to accelerate the election schedule. The requirement of a contemporaneous rigorous empirical inquiry, according to him, is intended to ensure that reservation actually reaches those backward classes which remain politically under-represented in the concerned local body.

245. Learned Counsel emphasised that Article 243T(6) enables the State Legislature to make provision for reservation in favour of backward classes and that, once the State has chosen to provide such reservation, the exercise must satisfy the constitutional requirements evolved by the Supreme Court. His submission was that the empirical inquiry contemplated by amended Section 10 is not an extraneous addition to the election process but is the statutory mechanism through which lawful political reservation is sought to be achieved.

246. Mr. Desai submitted that the Petitioners' proposed solution of proceeding with the elections under the previous regime would

prejudice the very class whose interests the reservation provisions are intended to protect. According to him, if the earlier exercise did not incorporate the contemporaneous empirical inquiry now mandated by law, directing the elections to proceed on that basis would perpetuate the very deficiency which the amended provision seeks to cure.

247. Learned Counsel also adopted the submission that, so long as the Ordinance remains operative, neither the State Election Commission nor this Court can simply direct that it be ignored for the present elections. According to him, there is a fundamental distinction between holding a statutory provision unconstitutional and leaving it intact while directing that it should not operate. The latter course, he submitted, would amount in substance to judicially suspending legislation without identifying any constitutional basis for doing so.

248. It was in this context that Mr. Desai relied upon *K. Nagaraj v. State of Andhra Pradesh*[36]. He submitted that the wisdom, necessity and expediency of legislation ordinarily lie within the legislative domain and that a Court does not invalidate legislation merely because another policy would appear preferable or because the timing of the measure is questioned. According to him, unless the Petitioners establish a constitutional prohibition or another recognised ground of invalidity, the Court cannot substitute its own assessment of when the amendment ought to have been enacted.

[36] (1985) 1 SCC 523

249. Mr. Desai further relied upon *Gurudevta VKSS Maryadit v. State of Maharashtra*[37], for the proposition that an operative statutory provision must be given effect according to its terms and cannot be rendered otiose merely because its application causes practical difficulty in an individual case. He submitted that the constitutional obligation of the State Election Commission is to conduct the elections lawfully and not merely quickly, and that expedition cannot justify a direction to act contrary to the statute which presently governs the exercise.

250. Reliance was also placed upon *Anugrah Narain Singh v. State of Uttar Pradesh*[38]. Mr. Desai referred to the decision in the context of the special constitutional treatment accorded to delimitation and allotment of seats in local-body elections. His submission was that delimitation is not an inconsequential administrative step but forms part of the legal architecture of representative democracy and that Courts have repeatedly recognised the need for restraint where the challenge concerns the constitution of electoral constituencies and the distribution of seats.

251. Mr. Desai then relied upon *State of Maharashtra v. Jalgaon Municipal Council*[39]. He submitted that municipal institutions are creatures of constitutional and statutory design and that changes in their composition, status or electoral structure may legitimately require consequential statutory exercises before elections can be held.

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[37] (2001) 4 SCC 534
[38] (1996) 6 SCC 303
[39] (2003) 9 SCC 731

According to him, the constitutional requirement of periodic elections does not mean that every intervening legislative reorganisation must be ignored merely because the earlier term has expired or is close to expiry.

252. Learned Counsel also placed reliance upon *Dhanraj v. Vikram Singh* (supra), while emphasising that precedents must be applied with reference to the actual issue and factual setting in which they were rendered. He submitted that decisions dealing with executive delay or routine delimitation cannot automatically govern a case where the Legislature has introduced a new statutory mechanism for population-based representation and empirical determination of backward-class reservation.

253. Mr. Desai sought to distinguish the authorities relied upon by the Petitioners, particularly those which treat delimitation as a continuous exercise that should not ordinarily postpone elections. He submitted that those decisions cannot be read as laying down an absolute proposition that a constitutionally significant reservation exercise must be abandoned whenever the election has become overdue. According to him, the nature of the impediment matters, and the Court must distinguish between avoidable administrative delay and implementation of a substantive legislative framework intended to secure lawful representation.

254. Learned Counsel further submitted that the amended Section 10 does not authorise an indefinite postponement of elections. It prescribes identifiable stages and definite statutory periods. The real question,

according to him, is therefore not whether the law should be disregarded but whether the authorities can be required to complete those stages expeditiously. He submitted that a time-bound direction under the amended regime would protect Article 243U without sacrificing the constitutional and statutory safeguards concerning representation and reservation.

255. Mr. Desai accordingly urged that the challenge to the Ordinance be rejected and that the Court permit the State Election Commission and the Goa State Commission for Backward Classes to complete the exercise contemplated by amended Section 10 within a strict timetable. His submission was that this course protects both constitutional values involved in the controversy: the restoration of elected municipal government at the earliest and the assurance that such elected bodies are constituted on the basis of a lawful and empirically supported reservation framework.

256. The substance of the intervenors' case, therefore, is that the constitutional mandate of timely elections cannot be implemented by sacrificing the legality and fairness of political representation. They support preservation of the Ordinance, not as a justification for indefinite delay, but as the presently operative mechanism through which delimitation and reservation must be completed before the elections are held.

257. During the course of hearing, when we were examining the stage-wise timetable placed before us by the State Election Commission, it became apparent that the period required for completion of the

contemporaneous rigorous empirical inquiry contemplated by Section 10(4) remained uncertain. Since completion of that exercise was necessary before the State Election Commission could proceed to the stage of reservation under Section 10(5), we considered the presence of the Goa State Commission for Backward Classes necessary for an effective adjudication of these Petitions. The Commission was accordingly impleaded as an additional respondent by our order dated 3 August 2026 and appeared before us on the following day. The affidavit subsequently filed by its Member Secretary records this sequence.

258. The learned Counsel appearing for the Backward Classes Commission submitted that the Commission is the dedicated Commission required to undertake the contemporaneous rigorous empirical inquiry into the nature and implications of political backwardness qua local bodies before reservation can be provided in favour of the Other Backward Classes. The Commission accepted that this exercise is required to satisfy the constitutional requirements governing political reservation in local bodies and that its conclusions have ultimately to be made available to the State Election Commission for the purpose of the reservation exercise contemplated by amended Section 10.

259. Initially, it was submitted before us that the Commission would require substantial time for completing this exercise. We therefore called upon the Commission to explain what material was presently available with it, what further information was required, which components of the empirical inquiry depended upon final delimitation and why the entire exercise could not commence immediately while the delimitation

process was proceeding. During this discussion, the Commission accepted that the Census of 2011 constituted the relevant published census and that foundational demographic material concerning the Other Backward Classes was already available with it.

260. The affidavit filed thereafter makes the available material more specific. The Commission states that it presently possesses the Census of 2011 as well as the survey report prepared by the Centre for Development, Planning and Research in the year 2013 concerning the OBC, SC and ST population in the State of Goa, including material relating to the eleven Municipalities involved in these proceedings. The Commission has stated that it will use this material for undertaking the contemporaneous rigorous empirical inquiry into the nature and implications of political backwardness qua these local bodies.

261. The Commission explained that, in the ordinary course, when elections to Municipalities, Panchayats or Zilla Panchayats are required to be held, the State Election Commission issues the necessary instructions to it for undertaking the empirical inquiry. It further stated that, after the amendment transferred the delimitation exercise to the State Election Commission, it had awaited instructions from the Government and the State Election Commission before commencing the exercise concerning reservation.

262. During the hearing, however, we specifically enquired why every component of the empirical inquiry should remain suspended until final delimitation was received. The question arose because

identification of the OBC communities present within each Municipality and examination of their political backwardness are exercises relating to the municipal local body as a whole and do not necessarily depend upon the precise boundary of every individual ward. The Commission ultimately accepted that this part of the exercise could commence immediately on the basis of the material already available with it. The discussion before us records its agreement to begin the exercise forthwith rather than await completion of delimitation.

263. This position was thereafter expressly placed on affidavit. The Commission states that, in view of what transpired during the hearing on 4 August 2026, it would commence the contemporaneous rigorous empirical inquiry without awaiting any further direction from the Government or the State Election Commission and would proceed on the basis of the Census of 2011 and the OBC data available from the 2013 survey report in respect of the eleven Municipalities.

264. At the same time, the Commission submitted that the entire exercise cannot be completed independently of the final delimitation. The ultimate reservation has to operate with reference to the finally constituted wards and amended Section 10(4) itself requires the empirical data to be furnished in respect of the municipal area and the wards on the basis of the final delimitation notification. The statutory scheme likewise contemplates receipt of that data by the State Election Commission before publication of the draft reservation notification.

265. The position which therefore emerged from the submissions of the Commission was that the exercise could be divided, for purposes of implementation, into two parts. The foundational municipality-wise exercise concerning identification of the relevant backward classes, examination of the material already available and assessment of the nature and implications of their political backwardness could proceed simultaneously with the pending delimitation exercise. The final application of that inquiry to the wards as ultimately delimited, and the furnishing of the requisite material for the reservation exercise, would necessarily follow upon receipt of the final delimitation from the State Election Commission.

266. The Commission also placed before us the practical constraints under which it presently functions. Its affidavit states that its establishment consists of a Member Secretary, two Clerks and two Office Boys and that it does not presently receive sufficient funds for all the work required of it. Whenever additional manpower is necessary, the Commission has to seek assistance from the Directorate of Municipal Administration or the Directorate of Panchayats.

267. On account of these constraints and the nature of the inquiry required to be undertaken, the Commission has stated on affidavit that it would require a minimum period of thirty days for conducting the contemporaneous rigorous empirical inquiry in respect of the eleven Municipalities. It has further stated that, after the requisite direction and delimitation particulars are received from the State Election Commission for completing the reservation exercise based upon the

final delimitation, it would complete the process within the period stated in the affidavit.

268. The significance of the Commission's stand is that the period required by it does not have to commence only after every stage of delimitation has concluded. The Commission has now undertaken to begin immediately that portion of the empirical inquiry which can lawfully be undertaken municipality-wise on the basis of the material already in its possession. Consequently, while the final ward-wise application of its findings will await communication of the final delimitation, the intervening period need not remain unutilised.

269. The Commission has therefore not opposed the holding of elections nor sought postponement of the electoral process as an independent relief. Its concern is that the empirical inquiry required for lawful OBC reservation must be properly completed. At the same time, it has accepted before us that the exercise capable of being undertaken independently of final ward boundaries can proceed simultaneously and that only those components which necessarily depend upon the finally delimited wards need await communication from the State Election Commission.

270. The stand of the Goa State Commission for Backward Classes thus removes, to a considerable extent, the uncertainty which initially existed in the timetable placed before us. The Commission has identified the foundational material already available with it, has agreed to commence the empirical inquiry without awaiting further instructions and has placed on affidavit the minimum period which,

according to it, is required for completing the exercise in respect of the eleven Municipalities. The legal effect of this assurance and the manner in which the interdependent functions of the State Election Commission, the State Government and the Backward Classes Commission are required to be coordinated will be considered at the appropriate stage of our analysis.

271. Having considered the pleadings in all the Petitions, the affidavits filed by the State and the State Election Commission, the intervention application, the affidavit of the Goa State Commission for Backward Classes, the documents placed on record and the extensive submissions advanced by the learned Counsel appearing for the respective parties, we now proceed to consider the issues which arise for determination. Though several facets of the controversy have been urged before us, they ultimately converge upon the constitutional relationship between the mandate of holding timely elections under Article 243U, the legislative power of the State in matters relating to municipal elections, the constitutional status and responsibility of the State Election Commission and the legality and consequence of introducing a substantially altered statutory regime after the electoral exercise had already commenced and the terms of several Municipal Councils had either expired or were nearing expiry.

272. The questions which, in our view, arise for determination are therefore the following:

1. Whether the present challenge is barred, wholly or in part, by Article 243ZG of the Constitution, and what is the permissible scope of judicial review under Article 226 where the challenge

is directed not merely to a particular delimitation or allotment of seats but to the constitutional validity and operation of the law governing the electoral process.

2. What is the nature and content of the mandate under Article 243U, particularly the requirement that an election to constitute a Municipality shall be completed before expiry of its duration; whether any departure from that mandate is constitutionally permissible; and, if so, in what exceptional circumstances and for what period.
3. Whether the legislative power of the State under Article 243ZA(2), read with the Ordinance-making power under Article 213, continues to be exercisable after the constitutional obligation under Article 243U has matured; and whether the timing and operation of such legislation are themselves subject to constitutional scrutiny where implementation of the new law necessarily postpones an election already due?
4. "Whether, in the facts of the present case, the Goa Municipalities (Amendment) Ordinance, 2026 is liable to be invalidated on the grounds urged by the Petitioners under Articles 14, 213 and 243U, including the challenge to the timing and purpose?
5. Whether, assuming that the Ordinance is constitutionally valid and operative, the State Election Commission or this Court can nevertheless disregard or postpone its application to the present elections and direct completion of the electoral process under the pre-existing statutory regime; and what is the legal effect of the steps already undertaken before promulgation of the

Ordinance, including the decision of the State Election Commission to abandon the earlier delimitation exercise?

6. How the constitutional requirements of periodic elections under Article 243U are to be harmonised with the requirements governing composition, delimitation and reservation under Articles 243R, 243T and 243ZA, including the requirement of contemporaneous rigorous empirical inquiry for OBC reservation; and whether these interdependent exercises must, wherever legally possible, proceed simultaneously rather than sequentially?
7. What constitutional obligations of advance preparedness, independence, coordination and institutional responsibility rest upon the State Government, the Legislature, the State Election Commission and the Goa State Commission for Backward Classes so that foreseeable statutory or administrative exercises do not become the cause of recurring breach of the electoral timetable fixed by the Constitution?
8. What relief should be moulded under Article 226 if the Ordinance is preserved but the constitutional timetable under Article 243U has already been breached; in particular, whether this Court may prescribe a binding and compressed schedule for completion of the remaining statutory stages so that the elections are held within the shortest legally permissible period?

273. For ready reference we have concised the important dates and events below in a tabular form below:

DATE	EVENT
04.11.2020	Term of several Municipal Councils in Goa expired
11.12.2020	Dyaneshwar Narso naik v/s State of Goa & Ors. 2020 SCC OnLine Bom 3903 (directions issued to SEC for Panchayat elections
15.01.2021	Electoral Rolls of the Goa Legislative Assembly (qualifying date 01.01.2021) published and used for the 2021 Municipal Elections.
28.01.2021	Municipality Amendment Bill inserting proviso to Section 10 Clause 1
12.03.2021	State of
20.03.2021	Elections held to six Municipal Councils: Pernem, Bicholim, Valpoi, Cuncolim, Curchorem and Canacona.
31.03.2021 05.04.2021 08.04.2021	First Meeting convened of Bicholim, Curchorem, Canacona and Pernem Municipal Councils. First Meeting convened of Cuncolim Municipal Council. First Meeting convened of Valpoi Municipal Council
23.04.2021	General Elections held to five Municipal Councils: Mapusa, Quepem, Sanguem,

	Mormugao and Margao, following fresh reservation notifications.
09.05.2021 26.05.2021 30.05.2021	First Meeting convened of Quepem Municipal Council. First Meeting convened of Margao, Mormugao and Mapusa Municipal Councils. First Meeting convened of Sanguem Municipal Council.
12.03.2021	State of Goa v/s Fouziya Shaikh & Anr (2021) 8 SCC 401 – holds that under Article 243 ZA(1) the SEC is overall in charge of the Superintendence, directions and control of the preparation of the Rlectoral Roll and conduct of municipal elections.
10.05. 2022	Suresh Mahajan v/s State of Madhya Pradesh (2022 12 SCC 770) directs elections to be held only after delimitation of wards using triple test
07.01.2025	Goa State Election Commission letter to Director of Municipal Administration seeking duration of existing terms of municipalities.
14.08.2025	Section 9 Amended, number of Councillors raised from 25 to 27
29.10.2025	Director of Urban Development letter supplying expiry-of-term information for 11

	Municipal Councils to the Election Commission.
07.01.2025	Election Commission letter (No. 552GEN-ELNMC2025-26SEC954) regarding general elections to 11 Municipal Councils in 2026, listing last election dates.
16.12.2025	Draft Roll of Special Intensive Revision 2026 for Goa Legislative Assembly published (forming part of integrated electoral roll).
28.01.2026	Election Commission letter (No. 452GEN-ELNMC2025-26SEC843) to Urban Development on reservation of seats for OBCs in 11 Municipal Councils: backwardness data to be supplied by 15.03.2026.
13.02.2026	Petitioner in Writ Petition no.300/2026, made letter to Election commission to declare reservation
18.02.2026	Election Commission letter (No. 452GEN-ELNMC2025-26SEC958) to Directorate of Planning, Statistics and Evaluation seeking ward-wise SC/ST population for 11 Municipal Councils (data requested by 25.02.2026).

19.02.2026	Election Commission replied to Petitioner in writ Petition 300/2026 that election to be conducted according to the Municipal Act
21.02.2026	Special Intensive Revision 2026 electoral roll (qualifying date 01.01.2026) published; later adopted for municipal delimitation.
23 02.2026	Election Commission letter (No. 452GEN-ELNMC2025-26SEC977) to Joint Chief Electoral Officer requesting electoral rolls for delimitation of municipal wards.
08.03.2026	Village Panchayat bye-elections to 14 vacant wards across seven talukas held.
09.03.2026	Order (No. 452GEN-ELNMC2026-2026SEC1039) by State Election Commission adopting the Legislative Assembly electoral roll as on 01.01.2026 for division of municipal areas into wards for the 2026 municipal elections.
11.03.2026	General elections to Corporation of the City of Panaji (CCP) held
25.03.2026	Gazette publication (Series II No. 51) of Order No. 493Delimitation11-MC.2026SECPart1080 fixing the number of councillors for each municipal council (e.g., 25 for Mormugao, 24 for Margao, etc.).

30.03.2026	Public notice No. 493 Delimitation11-MC.2026SECPart1086) issued by the Election Commission inviting objections/suggestions on draft delimitation, inspection and objections allowed from 31.03.2026 to 07.04.2026
31.03.2026	Notification appointing Administrators to six Municipal Councils (Bicholim, Curchorem-Cacora, Canacona, Pernem, Cuncolim and Valpoi).
31.03.2026	Expiry of existing term of Bicholim, Curchorem, Canacona and Pernem Municipal Councils; elections to be held before this date.
31.03.2026 - 07.04.2026	Eight-day period during which the public could submit objections/suggestions on draft delimitation for 11 Municipal Councils.
05.04.2026 08.04.2026	Expiry of existing term of Cuncolim Municipal Council, Valpoi Municipal Council
23.04.2026	Goa Municipalities Amendment Ordinance, 2026 (Ordinance No. 4 of 2026)

	promulgated by the Governor of Goa and published in the Official Gazette
24.04.2026	Department of Urban Development letter (No. 10989-2025-DMAElectionM.C.264) to State Election Commission enclosing Gazette with Ordinance and asking for necessary action.
28.04.2026	State Election Commission letter (No. 493GEN-ELNMC2025-26SEC90) to Directorate of Planning, Statistics and Evaluation, seeking municipal-area-wise population for 11 Municipal Councils in light of the Ordinance.
29.04.2026	Directorate of Planning, Statistics and Evaluation letter (No. 403/IV/MISC/2023-24/DPSE/281) supplying municipal-area-wise population as per Census 2011.
07.05.2026	File submitted by State Election Commission to Government for consultation to fix number of elected councillors based on new population-based framework under amended Section 9(2).
09.05.2026	Expiry of existing term of Quepem Municipal Council.
21.05.2026	Gazette (Series II No. 8, Extraordinary) publishing Order No. 493 Delimitation11-MC.2026SEC163 by SEC declaring the earlier delimitation process (fixing the number of councillors for each municipal

	area) null and void in view of the Amendment Ordinance
26.05.2026 30.05.2026	Expiry of existing term of Margao, Mormugao and Mapusa Municipal Councils Sanguem Municipal Council
27.04.2026	Writ Petition No. 1241 of 2026 (filing).
01.04.2026	Writ Petition No. 951 of 2026 (filing).
10.06.2026	Writ Petition No. 1572 of 2026 (filing).
04.05.2026	Writ Petition No. 1344 of 2026 (filing).
04.03.2026	Writ Petition No. 300 of 2026 (filing).

274. Before entering upon the remaining issues, we must first deal with the preliminary objection founded upon Article 243ZG. The objection assumes particular importance because substantial parts of the amended Section 10 deal directly with delimitation of municipal wards and allotment or reservation of seats, and the learned Advocate General contends that the constitutional bar operates against a challenge to the validity of the statutory provisions themselves.

275. Article 243ZG begins with a non obstante clause and declares, insofar as relevant, that notwithstanding anything contained in the Constitution, 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. The width of this protection cannot be understated. In *State of Goa v. Fouziya Imtiaz Shaikh*, (supra) the Supreme Court has expressly held that the bar contained in Article 243ZG(a) mandates judicial hands-off in questioning the validity of statutory provisions dealing with delimitation and allotment of seats. The Court drew a distinction, however, between such statutory provisions and orders made in exercise of statutory power which have not themselves been accorded the force or status of law.

276. The distinction is consistent with *Anugrah Narain Singh v. State of Uttar Pradesh* (supra). There, the Supreme Court held that statutory provisions dealing with delimitation of municipal wards and allotment of reserved seats could not be questioned in a Court of law because of the express bar imposed by Article 243ZG. At the same time, an order of delimitation which the concerned statute had not invested with the force of law stood on a different footing. The constitutional protection therefore attaches to the character of the measure which is challenged and not merely to the fact that the controversy concerns an election.

277. We must consequently distinguish between the different forms of challenge placed before us. Insofar as the Petitioners invite the Court to examine the validity of statutory provisions which themselves constitute law relating to delimitation of constituencies or allotment of seats within Article 243ZG(a), the constitutional prohibition operates according to its terms. The Court cannot undertake a merits review of such legislation merely because its implementation affects the timing of the present election. A different question arises where

the challenge is directed to an administrative or statutory order which has not itself been invested with the force of law. The decision dated 21 May 2026 of the State Election Commission discontinuing the earlier delimitation exercise falls for consideration in that latter category.

278. A further distinction is necessary. The Petitioners have also invoked Article 213 and questioned the constitutional conditions attending promulgation of the Ordinance itself. Such a contention is conceptually distinct from inviting the Court to adjudicate upon the merits, wisdom or validity of the delimitation scheme embodied in the law. We do not consider it necessary in the present proceedings to pronounce finally upon the precise boundary between the non obstante prohibition in Article 243ZG(a) and the limited judicial review of Ordinance-making power recognised under Article 213. Even assuming that such limited review remains available at the threshold, the challenge must remain confined to the recognised constitutional parameters governing exercise of the Ordinance-making power and cannot become an indirect means of reopening the merits of protected delimitation legislation.

279. The independent prayer for enforcement of Article 243U stands on still a different footing. To require the constitutional and statutory authorities to complete an overdue election within the shortest period permitted by the law presently in force does not call in question the validity of the delimitation or seat-allotment law. Nor does judicial supervision which facilitates rather than arrests completion of the electoral process offend the purpose of Article 243ZG. *State of Goa v. Fouziya Imtiaz Shaikh* (supra) itself recognises the distinction

between the protected law and action taken in its implementation, while emphasising the constitutional responsibility of the State Election Commission to ensure legality in the electoral process.

280. Our jurisdiction will therefore be exercised within these limits. We shall not reconsider individual ward boundaries, the wisdom of particular delimitation choices or the merits of statutory provisions protected by Article 243ZG(a). We shall examine, to the limited extent necessary, the challenge founded upon Article 213; determine the independent constitutional obligations flowing from Article 243U; consider the legality and consequences of administrative action not possessing the force of law; and mould relief so that the continuing constitutional default is brought to an end at the earliest lawful point.

281. We must next determine the true character of Article 243U because every other issue in these Petitions ultimately depends upon the answer to that question. Article 243U(1) provides that every Municipality, unless sooner dissolved under law, shall continue for five years from the date appointed for its first meeting and no longer. Clause (3)(a) then commands that an election to constitute a Municipality shall be completed before expiry of its duration. The language employed by the Constitution is neither tentative nor directory.

282. The Constitution Bench in *Kishansing Tomar v. Municipal Corporation of the City of Ahmedabad* (supra) has authoritatively explained that the object of Part IX-A is to ensure regularity and continuity of elected local self-government and that the election to constitute the succeeding Municipality must be completed before expiry of the five-year term. The Court further held that revision of electoral rolls or

similar administrative exercises cannot ordinarily furnish a justification for postponing the election and that the authorities must organise their functions sufficiently in advance to comply with the constitutional mandate. The material before us reproduces this principle and the exceptional circumstances noticed by the Supreme Court.

283. We therefore have no hesitation in holding that Article 243U creates a constitutional deadline and not merely an administrative objective. The five-year period is known from the very day on which the first meeting of the elected body is appointed. The State Government, the State Election Commission and every statutory authority whose functions are necessary for holding the succeeding election are consequently aware, years in advance, of the date by which their respective exercises must ordinarily stand completed.

284. The constitutional significance of this requirement lies in the fact that Part IX-A does not merely create Municipalities as administrative institutions. It constitutionalises democratic local self-government. The periodic return of electoral authority to the people is therefore not a matter left to governmental convenience. The expression "and no longer" in Article 243U(1), read with the command in clause (3)(a), excludes the notion that an unelected interregnum may routinely arise merely because one or more preparatory exercises remain incomplete.

285. It is equally necessary to clarify that Article 243U does not prescribe a sliding scale under which a shorter delay becomes constitutionally permissible merely because a longer delay would be more serious. The duration of a breach may be relevant while moulding relief, but it

cannot convert non-compliance into compliance. The constitutional command operates in the same manner whether the delay is measured in weeks or months.

286. *Kishansing Tomar* (supra) recognises that situations of an extraordinary character may make strict adherence to the electoral timetable impossible. The instances noticed by the Supreme Court, including natural calamities, serious breakdown of law and order or comparable situations, indicate the exceptional nature of the departure contemplated. We would therefore be slow to enlarge those exceptions by judicial formulation. It is sufficient for the present case to hold that a departure from Article 243U cannot arise from ordinary administrative delay, lack of preparedness or a situation which the authorities themselves could reasonably have anticipated and avoided.

287. This distinction becomes important in the present case because the Respondents contend that the intervening legislation itself creates a legally compelling situation which must be accommodated. The existence of a valid legislative measure may indeed distinguish the present case from one of mere executive inaction. But it does not follow that every delay consequent upon valid legislation automatically acquires constitutional legitimacy. Legislative competence and the constitutional consequence of the timing of its exercise are distinct questions.

288. The controversy cannot, in our view, be resolved by treating Article 243U on the one hand and Articles 243R, 243T and 243ZA on the other, as competing provisions of which one must prevail over the

other. Part IX-A constitutes an integrated constitutional scheme. Article 243R concerns the representative composition of Municipalities; Article 243T deals with reservation; Article 243U secures the duration and periodic democratic reconstitution of Municipalities; and Article 243ZA entrusts the conduct of municipal elections to the State Election Commission while enabling the State Legislature to make law in relation thereto.

289. Article 243ZA(2), however, expressly makes the State Legislature's power subject to the provisions of the Constitution. That qualification is of controlling importance. A law relating to municipal elections may undoubtedly regulate composition, wards, delimitation, reservation and electoral procedure, but the power to enact such law does not stand outside Article 243U. The legislation must therefore operate within, and not independently of, the constitutional scheme of periodic elections.

290. Conversely, Article 243U cannot be understood as disabling the Legislature from correcting or improving the law merely because an election is approaching. There may be circumstances in which statutory correction becomes necessary to remove a constitutional defect or respond to a judicial declaration or accommodate a lawful restructuring or secure another requirement of representative democracy. Nothing in Article 243U creates an implied legislative embargo during the period preceding a municipal election.

291. The two provisions must therefore be allowed to operate together. A valid law made under Article 243ZA(2) must ordinarily be obeyed. At the same time, its enactment does not create a fresh constitutional period for holding elections, nor does it suspend the obligation already

imposed by Article 243U. The duty of the State and the State Election Commission is to implement the law in a manner which preserves, to the maximum extent legally possible, the constitutional requirement of timely democratic reconstitution.

292. This is why we are unable to accept the argument that the Ordinance is constitutionally irrelevant to Article 243U merely because it does not expressly extend the tenure of any existing Municipality. Constitutional review cannot be confined to the form of the enactment. If implementation of a new delimitation or reservation regime necessarily postpones the succeeding election beyond the constitutional term, its operation directly engages Article 243U even though the statute contains no express provision extending the outgoing Municipality.

293. Nor can the converse proposition be accepted that every delay flowing from otherwise valid legislation thereby becomes constitutionally legitimate. Legislative competence, validity of the statutory object and the constitutional consequences of the timing of its implementation are distinct considerations. A legitimate statutory objective does not, merely because it is legitimate, erase the obligation imposed by another provision of the Constitution.

294. The constitutional exercise is therefore one of harmonisation. The Court must avoid both extremes: it cannot treat Article 243U as disabling legislative correction altogether, and it cannot treat legislation under Article 243ZA(2) as authorising the constitutional electoral clock to begin afresh. The statutory process must continue, if the law survives constitutional scrutiny, but it must be administered under the discipline of Article 243U.

295. The argument of the Petitioners in respect of timing of the Ordinance therefore assumes constitutional significance. The Petitioners have repeatedly pointed out that the State did not discover in April 2026 either the existence of Article 243P, the constitutional provisions governing reservation or the fixed dates upon which the terms of the eleven Municipal Councils would expire. The case advanced before us is that the legislative concerns now relied upon by the State were capable of consideration substantially earlier.

296. The Petitioners further relied upon the intervening history to submit that several legislative sessions and local-body electoral exercises had taken place during the preceding years without the amendment now said to be necessary being brought into force. Their oral submission specifically referred to approximately seventeen intervening legislative sessions and to elections conducted during the intervening period. The significance of this chronology lies not in questioning legislative wisdom but in examining whether the eventual timing of the intervention was constitutionally avoidable.

297. The State's explanation that municipal representation ought to be based upon population rather than the number of voters may explain why the Legislature regarded an amendment as desirable. Likewise, the need to ensure that OBC political reservation complies with constitutional requirements may explain why a more structured reservation exercise was considered appropriate. Neither explanation, however, by itself answers the different question why the legislative change was introduced only after the municipal electoral cycle had reached its terminal stage.

298. By then, the State Election Commission had already undertaken significant preparatory steps for the ensuing general elections. The record shows that the Commission had adopted the relevant Assembly electoral roll for the eleven Municipal Councils and had commenced the process connected with division of the municipal areas into wards. The impugned intervention therefore did not occur against an untouched electoral field; it operated upon a process which had already substantially commenced.

299. An expiry of a municipal term is not an unforeseeable event. Except in cases of premature dissolution, the date is known from the commencement of the five-year tenure itself. The State, the Legislature and the State Election Commission must therefore organise foreseeable legislative, delimitation, reservation and administrative exercises with that terminal date in view.

300. Where the necessity for statutory correction is known or reasonably foreseeable well in advance, constitutional prudence requires the State to undertake that correction sufficiently early to permit its implementation without displacing the succeeding election. A State cannot ordinarily remain inactive during the period when such correction could have been undertaken and thereafter rely upon the time required to implement the late correction as a complete justification for non-compliance with Article 243U.

301. We nevertheless refrain from attributing to the Legislature or the Government a partisan or oblique motive merely from the chronology. A finding that legislation was enacted to secure political advantage, to postpone elections deliberately or to play a fraud upon the

Constitution is a grave finding and requires clear pleadings and cogent material. Suspicion arising from timing cannot substitute for proof.

302. But the absence of proof of subjective mala fides does not conclude the matter. The objective constitutional effect remains open to examination. The relevant facts include the known expiry dates of the Municipal Councils, the pre-existing constitutional and judicial position, the legislative opportunities which had intervened, the stage already reached by the State Election Commission and the inevitable consequence that the new statutory process would require substantial work to be undertaken afresh. The chronology therefore warrants serious constitutional criticism even though it does not, by itself, establish an oblique legislative purpose.

303. The Petitioners have separately assailed the Ordinance under Article 213. Their submission is that the circumstances which could render immediate legislative action necessary did not arise suddenly in April 2026 and that the matters now relied upon by the State were capable of consideration through the ordinary legislative process considerably earlier.

304. The scope of this challenge must be kept distinct from the attack upon the substance of the delimitation law. The Constitution Bench in *Krishna Kumar Singh v. State of Bihar* (supra) recognises that the satisfaction underlying exercise of the Ordinance-making power is not altogether beyond judicial review. The Court may examine whether the constitutional power has been exercised upon relevant material and whether the exercise is vitiated by fraud on power, an extraneous purpose or abuse of constitutional authority. It does not sit in appeal

over the sufficiency or adequacy of the material or substitute its own assessment of legislative necessity.

305. We need not determine in these proceedings the larger question whether, and to what extent, Article 243ZG(a) would itself preclude an Article 213 challenge to an Ordinance insofar as the resulting legislation falls within the protected field of delimitation or allotment of seats. We proceed on the assumption, favourable to the Petitioners, that the limited review recognised in *Krishna Kumar Singh* is available in relation to the constitutional conditions attending promulgation of the Ordinance. Even on that assumption, the Court must maintain the distinction between examining the existence and relevance of circumstances bearing upon the Ordinance-making power and reassessing the merits of the legislative scheme which Article 243ZG protects.

306. The chronology undoubtedly invites scrutiny. The dates of expiry of the Municipal Councils were known well in advance. The relevant census material was already available. The constitutional requirements governing reservation were not newly introduced in April 2026. The State Election Commission had, by then, undertaken substantial preparatory work. The Petitioners are therefore justified in asking why recourse to the extraordinary legislative route became necessary only when the electoral cycle had reached its terminal stage.

307. That circumstance, however, does not by itself establish absence of the constitutional satisfaction required by Article 213. The considerations relied upon before us by the State concern the representative basis of municipal composition, population-based determination of Council strength, delimitation and the statutory structure governing

reservation. Those considerations bear a rational relationship to the subject matter upon which the Ordinance operates. On the material placed before us, we are unable to hold that the Ordinance-making power rested upon no relevant circumstance at all, or that it was exercised for an extraneous purpose, as a fraud on power, or in abuse of the constitutional authority conferred by Article 213.

308. To proceed further and determine whether those circumstances were sufficiently compelling to justify immediate legislative action, or whether the amendment could or ought to have been enacted earlier through the ordinary legislative process, would carry judicial review into an assessment of adequacy and legislative necessity which the constitutional standard does not permit. The challenge founded upon Article 213 therefore fails within the limited field in which we have examined it.

309. That conclusion does not render the chronology constitutionally irrelevant. The validity of the exercise of legislative power and the consequences of its timing for an independently binding constitutional obligation are different questions. The circumstances surrounding the late intervention remain directly relevant in determining whether the resulting delay under Article 243U was foreseeable and avoidable, in fixing institutional responsibility, and in deciding how strictly the remaining statutory process must now be compressed. The chronology is considered for those purposes and not as a means of indirectly invalidating a delimitation law protected by Article 243ZG(a).

310. The constitutional principle which follows is that a later legislative intervention does not reset the electoral clock prescribed by Article

243U. The constitutional terminal date remains the date fixed by that Article. Where an operative law introduces additional statutory requirements after the electoral obligation has matured, those requirements must be fulfilled, but they do not create a fresh constitutional tenure or a fresh period within which the authorities may thereafter begin preparing for the election.

311. The resulting delay must therefore be confined to what is genuinely indispensable for compliance with the operative law. Every administrative stage capable of lawful acceleration must be accelerated; every independent preparatory function capable of simultaneous performance must proceed concurrently; and every authority concerned must organise its function around the continuing constitutional default rather than treating the intervening legislation as a fresh starting point.

312. Any contrary approach would make constitutional periodicity vulnerable to successive alterations in antecedent electoral processes. Delimitation, reservation, empirical inquiry, electoral-roll revision or other statutory exercises could then, merely by being undertaken late, repeatedly displace the date which the Constitution has fixed. Article 243U cannot be construed in a manner which produces that consequence.

313. At the same time, Article 243U does not authorise the State Election Commission to conduct an election in disregard of the law presently governing composition, delimitation and reservation. Electoral legitimacy requires both a lawful electoral structure and timely democratic renewal. Neither principle can be preserved by destroying the other.

314. The constitutional remedy must therefore preserve the operative statutory framework while reducing the continuing departure from Article 243U to the minimum which lawful implementation genuinely requires. Such a direction does not enlarge the constitutional period. It responds to a breach which has already occurred by requiring restoration of elected municipal government at the earliest point consistent with law.

315. Having regard to the limits of jurisdiction identified under Article 243ZG(a), it is unnecessary and, insofar as the protected field is concerned, impermissible for this Court to undertake a merits review of the delimitation and seat-allotment architecture enacted by the Ordinance. Certain aspects of the amended framework must nevertheless be noticed, not for determining the wisdom or validity of the protected legislative choices, but for understanding whether the law presently in force is capable of being implemented consistently with the other provisions of Part IX-A and for identifying the relief which can lawfully be granted.

316. Amended Section 9 substitutes population for voters and alters the numerical benchmark used for determining the number of elected Councillors. The substituted Section 10 then provides the consequential machinery concerning the number of wards, delimitation, objections, final delimitation and reservation. Whatever may be said about the legislative wisdom of that choice, these provisions presently constitute the statutory framework under which the ensuing election is required to proceed.

317. Article 243P(g) itself recognises population as a constitutionally relevant concept for Part IX-A, while Article 243T employs population expressly for reservation of seats for Scheduled Castes and Scheduled Tribes. We refer to those provisions only to note that population is not a constitutionally alien consideration in the structure of municipal representation. It is unnecessary for the disposal of these Petitions to decide whether the Constitution required the State to adopt population as the particular statutory criterion now chosen.

318. The position regarding reservation for Other Backward Classes is distinct. Article 243T(6) enables the Legislature to provide for such reservation, but where political reservation is provided, the exercise must conform to the constitutional requirements declared by the Supreme Court, including a dedicated Commission, contemporaneous rigorous empirical inquiry, local-body-specific determination and compliance with the applicable aggregate ceiling. The State Election Commission and the dedicated Commission remain bound by those requirements notwithstanding the urgency created by Article 243U.

319. It is therefore necessary not to conflate two different matters. The first is the statutory choice concerning municipal composition and delimitation. The second is constitutional compliance in the subsequent OBC reservation exercise. Our directions concerning empirical inquiry are directed to the latter. They neither approve nor reopen the merits of the protected legislative choices embodied in the former.

320. The practical legal position is consequently that the Ordinance remains operative. Insofar as its provisions constitute law relating to delimitation or allotment of seats within Article 243ZG(a), their

validity cannot be reopened through a merits challenge in these proceedings. Insofar as the Ordinance has been separately challenged under Article 213, we have, even assuming limited judicial review to be available, found no ground within the recognised constitutional parameters for holding the exercise of that power invalid. No other independently sustainable ground has been established which requires the present statutory framework to be treated as constitutionally inoperative.

321. The consequence must be kept distinct from the question of remedy. Preservation of the operative law does not legitimise the failure to comply with Article 243U, nor does it confer upon the Respondents a new constitutional period for implementation. Equally, the Court cannot respond to that breach by directing the authorities to act as if the law presently governing the election did not exist.

322. The election must therefore proceed under the operative statutory regime. The constitutional infirmity requiring remedial intervention lies not in any judicially established invalidity of that regime, but in the continuing failure to complete the election within Article 243U. The appropriate response is accordingly to preserve the law while subjecting its implementation to the strictest timetable which its own provisions, the material placed by the constitutional authorities and the requirements of fair electoral administration permit.

323. We now turn to the alternative submission advanced on behalf of the Petitioners. It is contended that even if the Ordinance is not struck down, it ought not to govern the present round of municipal elections. The Petitioners submit that the electoral process had already substantially commenced under the pre-existing law; that the

constitutional obligation under Article 243U had already matured; and that the present elections should therefore be completed on the basis of the earlier delimitation and electoral framework. This alternative relief is specifically sought in the Petitions.

324. The submission has considerable attraction at first sight. It seeks to preserve the Ordinance for the future while preventing its immediate application from prolonging an existing constitutional default. It also proceeds upon the factual circumstance that, prior to promulgation of the Ordinance, the State Election Commission had already adopted the relevant electoral roll, fixed the number of Councillors and undertaken the process of delimitation. The chronology placed before us shows that the State itself had furnished the dates of expiry of the eleven Municipal Councils as early as October 2025; the State Election Commission adopted the Assembly electoral roll on 9 March 2026; fixed the number of Councillors on 25 March 2026; and thereafter proceeded with the delimitation exercise.

325. The difficulty, however, lies in the juridical basis upon which such a direction can be issued. We have declined to invalidate the impugned Ordinance. We have also declined to hold that the amendments introduced by it are, in their substance, constitutionally impermissible. Once that conclusion is reached, the Court must be slow to fashion a remedy which, in effect, directs the constitutional and statutory authorities to proceed as though the operative law did not exist.

326. There is a fundamental distinction between interpreting a statute so as to preserve its constitutionality and suspending its application to a particular set of elections while leaving its validity otherwise

untouched. Reading down is permissible where the statutory language is reasonably capable of a constitutionally compliant construction. Severance may be employed where an offending provision is separable from the remainder. But neither doctrine authorises the Court to create an election-specific exemption which the Legislature itself has not enacted merely because application of the law produces a difficult constitutional consequence.

327. The principle assumes particular significance in the light of the decision of the Supreme Court in *Dhanraj v. Vikram Singh* (supra). The Supreme Court disapproved a course whereby statutory provisions were directed to be ignored without those provisions first being held constitutionally invalid. The underlying principle is straightforward: so long as a statutory provision remains valid and operative, a Court cannot ordinarily direct the authority bound by it to act contrary to it merely because another course appears more convenient or desirable.

328. That principle applies with added force to the State Election Commission. The Commission is an independent constitutional authority, but its independence does not confer upon it a power to disregard an operative statute. Article 243ZA(2) itself contemplates State legislation governing municipal elections. The Commission must therefore act independently of the executive while remaining subject to the Constitution and the valid law governing the election. Independence from Government is not independence from law.

329. The Petitioners sought to overcome this difficulty by relying substantially upon the Karnataka litigation, particularly *Sri M. Shivaraju v. State of Karnataka* (supra), where the High Court had taken the view that the amended delimitation regime should not

govern elections which had already become due. We have considered that line of authority with care because the factual resemblance is undeniable. Yet its subsequent history prevents us from treating the Karnataka High Court's approach as furnishing a secure foundation for the relief now sought.

330. The Karnataka High Court had, in substance, restricted the application of the intervening amendment in order to preserve the election timetable under Article 243U. The State of Karnataka carried the judgment to the Supreme Court. The official record of the Supreme Court confirms that the challenge to the common judgment dated 4 December 2020 was entertained in the proceedings arising from *State of Karnataka v. M. Shivaraju*(supra). The subsequent proceedings and orders relied upon before us demonstrate that the Supreme Court did not treat the amended statutory framework as simply non-existent merely because the election had earlier become due. The Karnataka litigation therefore cautions against converting the High Court's solution in that case into a general proposition that an intervening electoral statute may, while remaining valid, be kept aside for an ongoing election.

331. Nor do we consider the subsequent Karnataka orders as laying down the converse proposition that every intervening law necessarily justifies whatever delay its implementation produces. Those orders arose in their own factual setting, including subsequent statutory and structural developments. The correct lesson to draw from Karnataka legislation as to where the statutory law has changed and remains operative, the constitutional Court must be circumspect in directing the election authority to proceed under a superseded regime; but the

continued operation of the new law does not relieve the Court of its duty to enforce Article 243U through appropriate directions.

332. We are therefore unable to accept the alternative prayer in the form in which it is made. To declare that the Ordinance shall remain valid generally but shall be treated as inapplicable to the present elections would, in substance, achieve indirectly what we have declined to do directly. It would suspend the statutory scheme for one electoral cycle without striking it down, severing it or identifying a permissible interpretative basis for excluding its operation.

333. This conclusion, however, does not render the substantial work undertaken before the Ordinance constitutionally irrelevant. The Petitioners are correct in submitting that the State Election Commission had not remained at the starting point. Considerable preparatory work had been undertaken before 22 April 2026. The relevant question is therefore not whether the earlier law can continue to govern despite the Ordinance, but whether anything lawfully undertaken under the earlier regime remained capable of being utilised consistently with the amended law.

334. This brings us to the separate challenge in Writ Petition No.1572 of 2026 to the decision of the State Election Commission dated 21 May 2026 declaring the earlier delimitation exercise null and void. The petitioner specifically challenges that decision and contends that the Commission unnecessarily destroyed an advanced electoral exercise instead of adapting it to the amended statutory regime. The relief sought in that petition separately questions the declaration by which the earlier delimitation process was rendered infructuous.

335. The Commission's position is that the Ordinance altered the very basis upon which municipal composition and delimitation had earlier been undertaken. The earlier exercise proceeded upon the statutory criterion of voters, whereas amended Section 9 substitutes population and alters the numerical norm for determining the strength of the Council. Once the number of Councillors and, consequentially, the number and structure of wards were required to be reconsidered on the amended statutory basis, the Commission contends that the earlier delimitation could not simply be carried forward.

336. In principle, we find substance in that explanation. A delimitation exercise is not an isolated cartographic exercise. It follows the determination of the number of Councillors and the number of wards under the governing statute. Where the statutory foundation which determines those matters changes materially, the Commission cannot be compelled to preserve an earlier delimitation if doing so would produce wards inconsistent with the law now in force.

337. At the same time, the expression "null and void" employed in relation to the entire previous exercise should not obscure the constitutional responsibility of the Commission to preserve and utilise, wherever lawfully possible, preparatory work which does not conflict with the amended statute. Electoral rolls, demographic material, administrative mapping, municipal boundaries, objections or other factual material do not necessarily lose all utility merely because the legal criterion governing the final delimitation has changed. Whether a particular component could be reused is essentially an administrative matter for the Commission, provided that the resulting exercise conforms strictly to the amended Sections 9 and 10.

338. We would therefore not invalidate the decision dated 21 May 2026 merely because the Commission discontinued the earlier delimitation. The change from voters to population and the consequential reconsideration of the number of Councillors supplied a legal basis for commencing the statutory exercise afresh. The chronology itself shows that after the Ordinance the Commission again fixed the number of Councillors on 25 May 2026 in accordance with the amended framework.

339. Our concern lies elsewhere. The Commission was constitutionally obliged, once the Ordinance intervened, to ensure that the transition from the old regime to the new one caused the least possible additional loss of time. A valid change in the statutory foundation justified such repetition as the new law genuinely required; it did not justify treating every prior act as wasted work or commencing each consequential administrative exercise sequentially from the beginning where parallel or adapted performance remained legally possible.

340. This follows also from the nature of the Commission's constitutional office. The State Election Commission possesses the same broad constitutional responsibility, in the field entrusted to it, to secure the timely conduct of local-body elections. The Supreme Court has recognised that where a constitutional or statutory infraction threatens the election, the Commission may call upon the State or other authority to correct it and may even approach the writ Court for necessary directions. The Commission cannot therefore regard itself as a passive recipient of successive governmental or statutory developments. Its duty is to anticipate the constitutional deadline and actively organise every lawful component of the election around it.

341. We must nevertheless acknowledge an important feature of the present record. The Commission had, in fact, commenced the election-related exercise before the Ordinance. Our criticism is therefore not that it remained wholly inactive. The more precise constitutional concern is whether, once a substantial change in law occurred, the Commission sufficiently asserted its independent constitutional role by immediately identifying the shortest lawful pathway to complete the revised process, securing timely assistance from the State and other statutory authorities and insisting upon simultaneous performance wherever the law permitted it.

342. The State Election Commission is neither a department of the Government nor an adversary of the Government. It occupies an independent constitutional position. That independence requires constitutional distance from executive convenience, but it equally requires cooperation where the statute legitimately assigns interdependent functions to different authorities. The Commission must therefore cooperate with the State without becoming dependent upon its pace and must implement State legislation without surrendering its independent obligation under Article 243U.

343. It follows that neither the State nor the Commission can invoke the statutory change as a complete answer to the constitutional default. The State cannot say that because a valid law was enacted, the time consumed by its implementation is constitutionally irrelevant. The Commission cannot say that because the statute requires consultation, empirical data or other action by different authorities, its constitutional obligation remains suspended until those authorities act. Each institution must perform its own function and, where

functions overlap, must cause them to proceed with the degree of simultaneity which the law permits.

344. We accordingly reject the prayer that the impugned Ordinance be kept out of operation for the present elections. We also decline to set aside the State Election Commission's decision to discontinue the earlier delimitation merely because an earlier exercise had substantially progressed. The elections must now proceed under the law presently in force.

345. That conclusion does not end the matter. Indeed, it brings us to the most important remedial question in these Petitions. If the amended statutory regime must govern the present elections, the Court must determine whether every period mentioned in the statute must necessarily operate consecutively and to its outer limit; which stages admit of simultaneous performance; how the empirical exercise relating to OBC reservation is to be accommodated; and what binding timetable is required to bring the existing breach of Article 243U to an end at the earliest lawful point.

346. The answer to that question requires us next to consider together the amended Section 10, the stage-wise statement furnished by the State Election Commission, the affidavit of the Goa State Commission for Backward Classes and the constitutional requirement that statutory compliance must now proceed with the urgency demanded by an electoral term which has already expired.

347. The controversy at this stage is therefore no longer whether the amended statutory regime is to be followed. We have held that it must. The question is how that regime is to be implemented after the

constitutional date contemplated by Article 243U has already passed. This requires us to identify, with some care, what the amended Section 10 actually mandates, which periods are irreducible, which are outer limits within which an authority must act, and which administrative exercises can proceed simultaneously.

348. The distinction is important. A statutory period granted for exercise of a power cannot invariably be treated as a statutory entitlement to consume the whole of that period. Much depends upon the language employed and the purpose for which the period is prescribed. Where the Legislature requires objections to remain open for a specified number of days or expressly requires expiry of a specified period before the next stage can commence, the Court cannot curtail that period merely because expedition is desirable. To do so would amount to rewriting the statute. Where, however, the statute requires an authority to complete an exercise "within" a stipulated period, the stipulated period ordinarily fixes the outer limit and does not prohibit the authority from completing the exercise earlier if it is reasonably capable of doing so.

349. Amended Section 10 itself illustrates the distinction. Sub-section (3) requires the draft delimitation to be published inviting objections and suggestions from the public within a period of thirty days. The opportunity made available to the electorate for raising objections is an integral part of the statutory process and cannot be judicially abbreviated. The same is true of the thirty-day period made available under sub-section (5) for objections and suggestions to the draft reservation. These are not merely administrative conveniences. They

confer an opportunity upon persons affected by delimitation and reservation and must be respected.

350. Different considerations apply to the period prescribed for consideration of objections and issuance of the final delimitation notification under Section 10(3), and to the corresponding exercise under Section 10(6). In both cases, the statute requires the final notification to be issued "within a period of 30 days" from the last date for submission of objections. The language fixes the outer boundary of permissible action. It does not compel the State Election Commission or the Government, during consultation, to remain inactive until the thirtieth day.

351. The State Election Commission itself has accepted this construction in substance. In the stage-wise statement furnished to this Court, it states that after closure of objections to draft delimitation the objections can be considered, necessary alterations made, the proposal transmitted for Government consultation and the final notification issued within approximately three weeks, provided the Government completes consultation expeditiously. Similarly, in relation to finalisation of reservation under Section 10(6), the Commission estimates that scrutiny of objections, consultation and issuance of the final notification can be completed in approximately twenty days if the Government responds within a defined timeframe.

352. These statements are significant. They demonstrate that the periods of thirty days prescribed for finalisation are not, even according to the constitutional authority entrusted with the process, irreducible periods which must necessarily be exhausted. They are outer statutory limits. Once Article 243U has already been breached, there can be no

justification for treating an outer limit as a period available for routine administrative consumption.

353. Section 10(7) stands on a different footing. It provides that the State Election Commission shall declare elections "after expiry of 30 days" from publication of the final notification of reservation. The Legislature has therefore expressly interposed a period which must expire before declaration of elections. The State Election Commission has treated that period as mandatory, and we see no interpretative basis upon which this Court could reduce it while simultaneously preserving the provision.

354. The same discipline must apply to this Court. The anxiety to restore constitutional government cannot authorise us to remove a period which the Legislature has expressly required to expire. Judicial enforcement of Article 243U cannot be converted into judicial amendment of Section 10. Our function is to compress what is legally compressible and to insist upon simultaneous performance where the statute permits it, not to dispense with safeguards which the Legislature has expressly made part of the election process.

355. The amended Section 10 is drafted sequentially in the sense that certain legal consequences depend upon completion of the preceding statutory stage. Final delimitation must precede the ward-specific empirical data contemplated by Section 10(4); receipt of the required data precedes publication of draft reservation; final reservation follows the period of objections; and declaration of elections follows expiry of thirty days from the final reservation notification. That statutory sequence must be respected.

356. It does not follow, however, that every administrative or preparatory act associated with those stages must also await formal completion of the preceding stage. A distinction must be maintained between a statutory act which can legally occur only after a specified event and the preparatory work necessary to enable that act to be performed promptly when the event occurs.

357. This distinction assumes particular importance because the constitutional default which presently exists is substantially the product of treating interconnected electoral exercises as though each must commence only after the preceding exercise has been completely exhausted. Article 243U requires precisely the opposite approach to constitutional administration. Where the date of election is known in advance, independent and interdependent authorities must undertake all preparatory functions capable of lawful parallel performance sufficiently early so that only those acts which legally depend upon the preceding stage remain to be performed later.

358. The Supreme Court in *Suresh Mahajan* (supra) has emphasised, in the context of delimitation, that such an exercise is a continuing one and ought to be commenced well in advance so that it does not become a reason for withholding elections. The principle is directly relevant here. The constitutional obligation is not satisfied by commencing each antecedent process when the preceding process formally ends; it requires institutional preparedness well before the electoral deadline. The material placed before us reproduces the Supreme Court's insistence that ongoing delimitation cannot ordinarily furnish a legitimate ground for the State Election Commission to withhold discharge of its constitutional obligation.

359. We would therefore read the amended statutory scheme in a manner which preserves its sequence without importing into it an unnecessary requirement of administrative sequentiality. Thus, while the final ward-wise operation of reservation may necessarily depend upon the final delimitation, collection and analysis of the underlying empirical material need not remain dormant merely because final ward boundaries have not yet been notified.

360. This brings us to the Goa State Commission for Backward Classes. The affidavit filed by its Member Secretary assumes considerable significance. The Commission states that it is the dedicated body which must undertake the contemporaneous rigorous empirical inquiry into the nature and implications of backwardness qua local bodies. More importantly, it accepts that it already has available with it the Census of 2011 and the report prepared by the Centre for Development, Planning and Research in 2013 relating to OBC, SC and ST population in the State of Goa, including the eleven Municipalities presently concerned.

361. The Commission has further stated that it had been awaiting directions from the Government and the State Election Commission because the amendment transferred the delimitation exercise to the State Election Commission. It has, however, accepted, after the issue was examined during the hearing, that it can commence the contemporaneous rigorous empirical inquiry without awaiting such further directions and that the inquiry can begin on the basis of the material already available with it.

362. This clarification materially narrows the difficulty which was initially projected before us. Section 10(4) undoubtedly contemplates that the empirical data ultimately obtained by the State Election Commission must relate to each Municipal area and the wards and must be based on the final notification of delimitation. We do not therefore suggest that the final ward-specific determination can precede final delimitation. What need not await final delimitation is the substantial foundational inquiry which does not depend upon the precise drawing of ward boundaries.

363. The identification of relevant backward classes, examination of the nature and extent of political backwardness, analysis of existing demographic and empirical material, verification of available data and such other municipality-level inquiry as the law requires are matters capable of being undertaken before the final ward map is placed before the Commission. Once the final delimitation becomes available, the remaining exercise is to apply the completed or substantially completed empirical inquiry to the finally constituted wards in the manner required by law.

364. We are conscious that the rigorous empirical inquiry required for political reservation cannot be reduced to a mechanical mathematical allocation. Nor can this Court prescribe to the dedicated Commission the substantive conclusion which its inquiry must reach. The constitutional requirement of an independent empirical determination must remain intact. What Article 243U does permit, and in the present circumstances requires, is that the Commission be compelled to undertake the inquiry with urgency and preparedness

rather than postpone commencement of all work until the final ward boundaries are formally notified.

365. The affidavit seeks a minimum period of thirty days for the Commission to conduct the contemporaneous rigorous empirical inquiry concerning the eleven Municipalities and also refers to completion of the exercise within the period stated by it after the necessary direction from the State Election Commission. We do not read the affidavit as requiring two successive blocks of thirty days. Such a construction would be inconsistent with the Commission's own assurance that substantial municipality-wise work can commence immediately on the basis of the material already available to it. The foundational inquiry must therefore proceed contemporaneously with completion of delimitation, leaving only such ward-linked application as genuinely requires the final delimitation to be undertaken thereafter.

366. This approach does not dilute the Triple Test. It gives effect to it. The constitutional object of the requirement of a contemporaneous rigorous empirical inquiry is to ensure that political reservation for backward classes reflects present and localised political backwardness and is not granted mechanically. That object is not furthered by allowing the dedicated Commission to remain institutionally unprepared until an election becomes imminent. The rigour of an inquiry and the timeliness with which the institution prepares to conduct it are not competing values.

367. The present case, in fact, demonstrates why this distinction matters. The Commission is not an authority constituted afresh for each election. It

is a continuing statutory institution. The need for political reservation in local bodies and the jurisprudential requirement of a dedicated empirical inquiry have been in the field for years. The Commission cannot therefore organise its institutional functioning on the assumption that meaningful preparatory work will begin only when the State Election Commission, after final delimitation, formally calls for a report.

368. We must, however, be careful not to attribute to the Commission a legal obligation which the statute does not impose. Section 10(4), in its present form, expressly makes final delimitation relevant to the ward-specific data ultimately required by the State Election Commission. Our criticism is not that the Commission ought to have completed the entire statutory exercise before delimitation. It is that institutional preparedness, maintenance and analysis of available empirical material, and all municipality-level work which does not legally depend upon final ward boundaries ought not to have remained in abeyance.

369. The issue is not new even to municipal governance in Goa. In *Naresh Gaunekar v. State of Goa* (supra), this Court was confronted with delayed municipal elections in the context of reservation and empirical data. The Court observed that a man-made situation, whether intentionally or otherwise created, could not normally justify deferment of elections and emphasised the responsibility of the State and the Election Commission to act promptly. We refer to that decision not to equate the statutory framework then existing with the amended law now before us, but because the recurring institutional

problem it identifies has regrettably reappeared: an antecedent reservation exercise was permitted to approach the constitutional electoral deadline without being institutionally completed in time.

370. The State Government's role is equally important. Amended Section 10 requires consultation with the Government before final notification of delimitation and again before final notification of reservation. Consultation is therefore part of the statutory scheme and cannot be dispensed with. The State Election Commission itself accepts that Government consultation is mandatory.

371. What is mandatory is consultation, not administrative delay. The Government cannot convert a constitutional consultation into an indefinite file movement. Once the State Election Commission places the relevant proposal before it, the Government must arrange its internal decision-making so that consultation is meaningful but expeditious. The very authority which enacted the altered statutory framework cannot thereafter become the reason why implementation of that framework consumes time beyond what is genuinely necessary.

372. The stage-wise statement submitted by the State Election Commission makes the dependence explicit. It states that completion of both final delimitation and final reservation within the shorter periods identified by it depends upon the Government undertaking consultation within a particular timeframe. The responsibility for timely completion therefore rests not upon the State Election Commission alone. The Government bears a corresponding constitutional duty to place at the

Commission's disposal timely decisions, personnel, infrastructure, funds and other assistance necessary for the election.

373. This is not a new constitutional proposition. In the earlier Goa municipal-election litigation, directions were issued requiring the State to respond to communications of the State Election Commission within a reasonable period and to provide the assistance necessary for the Commission to discharge its constitutional obligations while preserving its independence. The recurrence of the same concern reinforces the need for institutional discipline rather than weakens it.

374. Of particular importance is the answer given by the State Election Commission to a direct question put by the Court. The Commission states that, subject to the minimum periods identified in its stage-wise schedule, there is "no legal or practical impediment" to holding the elections within that schedule. It further states that, subject to those minimum periods, there is no constitutional or statutory reason why the entire electoral process cannot be completed within the period identified by it.

375. That statement is important for two reasons. First, it removes any suggestion that some unidentified statutory obstacle presently prevents completion of the elections. Secondly, it confirms that the remaining delay is capable of judicial control by fixing responsibility for each stage and ensuring that outer statutory limits are not routinely exhausted where the work is capable of earlier completion.

376. The Commission has also candidly stated that, had the Ordinance not intervened, the election under the earlier framework would, subject to completion of the then remaining process, have concluded by the end of May 2026 or, at the latest, during the first week of June 2026. That circumstance does not render the Ordinance invalid or justify reverting to the earlier law, for reasons already recorded. It does, however, demonstrate concretely the extent to which the intervening statutory regime displaced an electoral process which had reached an advanced stage. It therefore reinforces the obligation to permit no avoidable delay from this point forward.

377. The Commission estimates that, after declaration of elections, approximately twenty-five days are required for the actual election programme, including nominations, scrutiny, withdrawal, polling and declaration of results. That is the electoral component which follows completion of the antecedent statutory process. The constitutional objective must consequently be to bring the antecedent process to its lawful conclusion at the earliest possible date so that the election programme can immediately follow the statutory waiting period.

Constitutional preparedness as an institutional obligation

378. The constitutional obligation under Article 243U carries with it a corresponding obligation of institutional preparedness. The authorities concerned cannot organise the electoral process on the assumption that each antecedent step will begin only when the preceding authority has formally completed its function. Delimitation, reservation, empirical inquiry, preparation of electoral rolls and election logistics are interrelated components of a recurring

constitutional exercise and must, to the extent permitted by law, be planned and undertaken in advance.

379. This obligation does not authorise an authority to act before the statute permits it to act, nor does it require anticipation of every conceivable future legislative change. Its content is narrower and more practical. Where preparatory work can lawfully be undertaken before completion of another statutory stage, the authority responsible for that work must not remain inactive merely because the final legal act depends upon a later event.

380. The distinction is therefore between statutory sequencing and administrative sequencing. A statutory act which, by the terms of the law, can occur only after completion of a preceding stage must await that stage. But preparatory, empirical, administrative and consultative work which does not legally depend upon such completion must proceed simultaneously wherever necessary to preserve the constitutional electoral timetable. Administrative sequencing cannot be superimposed upon statutory sequencing so as to multiply delay.

381. Applied to the present case, the statutory periods prescribed for public objections and the express waiting period under Section 10(7) must necessarily be honoured. Those periods cannot be shortened merely because the elections have become overdue. The constitutional urgency arises in relation to everything which the law does not require to remain in abeyance.

382. Accordingly, classification and preliminary scrutiny of objections, municipality-wise empirical inquiry, preparation of voter lists, Governmental consultation to the extent capable of advance preparation, staffing, logistical arrangements and every other independent activity which can lawfully proceed alongside another statutory stage must be undertaken contemporaneously. No authority can claim an additional period for work which could reasonably and lawfully have been performed during a period already running.

383. The constitutional choice is therefore not between a legally compliant process of delimitation and reservation on the one hand and timely elections on the other. Both requirements must be fulfilled. The obligation of the institutions concerned is to organise the process so that compliance with one does not, through avoidable administrative sequencing, become the cause of failure of the other.

384. Having identified the constitutional and statutory principles which must govern the remaining process, we must now translate them into a workable timetable. The exercise is not one of choosing an arbitrary date by which the elections should be held. Nor can we simply adopt every outer period appearing in Section 10 and add them consecutively. The appropriate course is to begin with the stage which the process has presently reached, preserve every period which the statute makes irreducible, require completion substantially earlier wherever the statute merely prescribes an outer limit, and compel simultaneous performance of all preparatory functions which do not legally depend upon completion of an earlier stage. The resulting timetable must represent, as nearly as the law permits, the shortest

route from the present constitutional default to an elected Municipal Council.

The timetable which must now govern the process.

385. Certain stages contemplated by amended Sections 9 and 10 already stand completed. The number of wards has been fixed; the fresh delimitation exercise contemplated by Section 10(2) has been undertaken; and the draft delimitation has been published. The thirty-day period made available under Section 10(3) for objections and suggestions to the draft delimitation is presently running. We have already held that this statutory opportunity cannot be curtailed. The first operative date for the purposes of the remaining schedule must therefore be the last date already notified for receipt of objections to the draft delimitation.

386. What follows after that date requires closer consideration. Section 10(3) permits the State Election Commission a period of up to thirty days to consider the objections, make such modifications as are warranted, consult the Government and issue the final delimitation notification. The Commission itself has not claimed that all thirty days are indispensable. Its written response initially stated that these stages could be completed in approximately three weeks, provided the Government undertakes consultation expeditiously. During the hearing, after the matter was further examined, the possibility of bringing this stage within approximately fifteen days was also considered.

387. We see no legal reason why the entire thirty-day outer period should be consumed. The objections will already have been received during the preceding thirty days. Nothing prevents the State Election Commission from classifying and scrutinising them as and when they are received, without finally deciding the exercise until the statutory period closes. Officers can identify repetitive objections, collate municipality-wise issues, verify maps and supporting material and prepare the administrative groundwork contemporaneously. What must await the closing date is the final consideration of the complete body of objections, not the commencement of every preparatory act connected with their consideration.

388. We accordingly consider Fifteen days from the last date for submission of objections to be a fair and legally sustainable outer period for completion of the entire exercise under the latter part of Section 10(3), including consideration of objections, necessary corrections, consultation with the Government and publication of the final delimitation notification. This is not a reduction of the statutory period prescribed for public participation. It is a direction that the constitutional authorities perform within fifteen days an exercise which the statute permits them to complete at any time within thirty days and which the State Election Commission itself accepts is administratively capable of substantial compression.

389. Government consultation must be accommodated within, and not added after, those Fifteen days. The file cannot be permitted to travel to the Government on the Fifteenth day and thereafter commence another unregulated period of consultation. The Commission must

structure its consideration so that the proposal is transmitted sufficiently early, and the Government shall return its considered response within the period fixed by the Commission consistent with the fifteen-day outer limit. The State cannot enact a statutory consultation requirement and thereafter allow that very consultation to defeat the constitutional timetable.

The empirical inquiry and the final delimitation

390. The next stage requires particular care. Section 10(4) provides that the empirical data pertaining to political backwardness shall be obtained from the Goa State Commission for Backward Classes in respect of the Municipal area and the wards, based upon the final delimitation. Literally applied to the final ward-specific product, the provision requires final delimitation first. It does not, however, require the dedicated Commission to remain inactive until that date. The affidavit filed before us removes any possible doubt on this aspect.

391. The Commission has stated on oath that it possesses the Census 2011 material and the 2013 survey report concerning OBC, SC and ST population and that it will commence the contemporaneous rigorous empirical inquiry in respect of the eleven Municipalities on the basis of that material without awaiting further directions from the Government or the State Election Commission. Its plea regarding time must therefore be understood in the setting in which the undertaking has been given. The substantial municipality-wise inquiry is to proceed now; only that part of the exercise which genuinely requires the finally constituted wards can remain for completion after the final delimitation notification.

392. We are not prepared to permit a fresh thirty-day period to commence for the first time on publication of final delimitation. That would disregard both the undertaking of the Commission and the constitutional principle of simultaneous preparedness which we have already explained. Equally, we cannot direct the Commission to complete the ward-specific exercise before the wards legally come into existence in their final form.

393. The proper balance is therefore this. The Goa State Commission for Backward Classes shall continue and substantially complete, during the period in which the delimitation objections are being considered, every component of the rigorous empirical inquiry which can be undertaken municipality-wise. By the time the final delimitation is notified, the Commission should be left only with the work which genuinely depends upon application of that inquiry to the finally delimited wards.

394. The thirty days which the Commission has sought for undertaking its rigorous empirical inquiry cannot, in the circumstances, be treated as thirty additional days following final delimitation. The Commission's affidavit was filed in the first week of August 2026 and records its undertaking to commence the exercise immediately. If the Commission acts in accordance with that undertaking, the municipality-wise empirical exercise will have had substantially the period which it itself regarded as necessary before the final delimitation becomes available.

395. Upon publication of the final delimitation, the Commission shall complete the residual ward-specific exercise and communicate the requisite empirical data and recommendations to the State Election Commission within seven days. We emphasise that this period is not prescribed for undertaking the Triple Test or the rigorous empirical inquiry afresh. It is confined to the residual application, to the finally delimited wards, of the municipality-wise inquiry which, under the Commission's own undertaking and the directions recorded above, must already have proceeded for substantially the period which the Commission itself regarded as necessary. The seven-day direction does not prescribe, abbreviate or otherwise interfere with the substantive methodology to be adopted by the dedicated Commission.

395A. If, notwithstanding diligent completion of all municipality-wise work capable of being undertaken before final delimitation, the Commission finds that some identified component which genuinely depends upon the finally notified ward structure cannot, for reasons inherent in the empirical exercise itself, be lawfully completed within the residual period fixed above, it shall approach this Court before expiry of that period. Any such application shall identify with precision the work remaining, explain why it could not lawfully have been undertaken earlier, disclose the work already completed and indicate the minimum additional period asserted to be indispensable. Administrative inaction, want of prior preparation or work which could reasonably have proceeded before final delimitation shall not furnish such a ground.

396. This direction also answers the concern that expedition might compromise the quality of the empirical inquiry. It need not. The Commission is not being required to compress a thirty-day substantive inquiry into seven days. It is being required not to waste the period available before final delimitation and thereafter to complete only the legally dependent part of the exercise with urgency.

Publication of draft reservation.

397. Section 10(5) becomes operative upon receipt of the requisite data from the Backward Classes Commission. The State Election Commission's chart indicates a composite period of approximately thirty-four days at this stage, which includes preparation and publication of the draft reservation and the mandatory thirty-day period for objections. Since thirty of those days represent the statutory period for public objections and cannot be curtailed, the administratively compressible element is the short interval between receipt of the empirical data and publication of the draft reservation.

398. No substantial additional inquiry by the State Election Commission has been demonstrated as requiring a prolonged period before publication of the draft. The Commission will already know the number of wards and their final boundaries; it will have the SC and ST population material; and it will receive the OBC empirical determination from the dedicated Commission. We therefore consider four days from receipt of the report under Section 10(4) sufficient for the State Election Commission to prepare and publish the draft reservation notification under Section 10(5).

399. Thereafter, the full thirty-day period prescribed by Section 10(5) for objections and suggestions must run. It cannot be shortened. As in the case of delimitation objections, however, the State Election Commission need not remain administratively inactive during that period. Objections can be received, indexed, municipality-wise classified and subjected to preliminary scrutiny as they arrive, without foreclosing consideration of any objection filed until the final day.

400. Section 10(6) requires consideration of the objections and publication of the final reservation notification, in consultation with the Government, within thirty days from the last date for submission of objections. Here again, thirty days is an outer limit and not a compulsory period of inaction. The State Election Commission has stated in its own stage-wise assessment that this exercise, including scrutiny, correction where necessary, Government consultation and publication of the final notification, requires approximately twenty days, subject to timely consultation by the Government.

401. We see no basis to substitute our own administrative estimate for that of the constitutional authority conducting the election. We therefore accept twenty days as the maximum period for completing the exercise under Section 10(6). Again, consultation with the Government must be completed within those twenty days and cannot be treated as a further period to be added thereafter.

402. The Government shall accordingly constitute, if it has not already done so, an appropriate nodal arrangement so that proposals received from the State Election Commission under Sections 10(3) and 10(6) are

considered without ordinary departmental delay. The requirement of consultation must be meaningful, but meaningful consultation does not require leisurely consultation. The constitutional urgency now attached to these elections requires the Government to make officers and decision-makers available whenever the State Election Commission forwards the proposals.

403. After publication of the final reservation notification, the statute itself introduces a period which this Court cannot compress. Section 10(7) provides that the State Election Commission shall declare the election after expiry of thirty days from publication of the final reservation notification. The Commission has treated this as mandatory. We agree. The full thirty days must therefore expire.

404. This thirty-day period, however, cannot become another period of institutional inactivity. Amended Section 11(3) requires copies of the ward-wise voters lists to remain open for public inspection at least thirty days prior to the election notification. The two requirements are capable of substantial, and indeed complete, concurrency. Once final reservation and ward structure are available, the ward-wise voters lists shall be prepared and placed for inspection immediately so that the thirty-day requirement under Section 11(3) runs concurrently with the thirty-day waiting period under Section 10(7).

405. During the same period, the State Election Commission and the State Government shall complete every logistical preparation for the actual election: appointment and training of Returning Officers and polling personnel, identification of polling stations, arrangement of security,

transport, ballot or voting equipment as applicable, material, funds and all other election infrastructure. The State Election Commission's own response identifies these as matters in respect of which the Government must provide assistance. None of these matters requires an additional period after the expiry of Section 10(7).

406. The State Election Commission has stated that the actual election programme contemplated by Rule 4 of the Goa Municipalities Election Rules, 1969 requires approximately twenty-five days from notification through nominations, scrutiny, withdrawal, polling, counting and declaration of results. We find no reason to interfere with that estimate. The election notification shall therefore be issued immediately upon expiry of the statutory period under Section 10(7), and the entire electoral process shall be completed within the ensuing twenty-five days.

407. The schedule which emerges is thus not one created by judicial convenience. Its constituent periods are drawn from the statute, the affidavit of the dedicated Commission and the State Election Commission's own assessment of the minimum practical time required. The Court has preserved in full the two thirty-day periods made available to citizens for objections and the express thirty-day waiting period under Section 10(7). We have not reduced a single period which the statutory language requires to run for a specified duration.

408. What has been removed is avoidable interstitial delay. The thirty-day outer period for finalisation of delimitation under Section 10(3) has

been confined to fifteen days, while the corresponding thirty-day outer period for finalisation of reservation under Section 10(6) has been confined to twenty days. In each case, the statute permits earlier completion and the periods fixed by us proceed upon the practical position placed before the Court by the State Election Commission. The empirical inquiry is required to proceed contemporaneously rather than commence only after final delimitation. The ward-wise voter-list requirement is made to run concurrently with Section 10(7), while Government consultation and election logistics are absorbed within the respective existing stages rather than being added as independent periods.398. Thus, calculated from the last date already fixed for objections to the draft delimitation, the remaining process would ordinarily comprise: Fifteen days for final delimitation; seven days for the residual ward-specific work of the Backward Classes Commission; four days for publication of draft reservation; thirty days for objections to reservation; twenty days for final reservation; thirty days required by Section 10(7), during which Section 11 and all election preparations must proceed simultaneously; and approximately twenty-five days for the actual election programme.

409. Even that arithmetic must not be understood as authorising every authority to wait until the final day assigned to it. These are outer judicial limits. If any stage is completed earlier, the next stage shall commence immediately. No authority may retain the benefit of unused days merely because this judgment has specified a maximum period.

410. There is a further reason for taking this approach. The Supreme Court in *Suresh Mahajan* (supra) described the constitutional timeline under

Articles 243E and 243U in uncompromising terms and rejected delimitation or formation of wards as a ground for postponing local-body elections. The judgment records that neither the State Election Commission, the State Government nor the State Legislature can countenance a dispensation contrary to the constitutional mandate. We are presently dealing with an intervening law which, for reasons already recorded, must be implemented. That circumstance explains why some further statutory time has become unavoidable. It cannot justify one day more than lawful implementation genuinely requires.

411. The directions which we propose are therefore not an extension of Article 243U. No Court can grant such an extension. They constitute a remedial timetable imposed after the constitutional deadline has already been breached, for the sole purpose of bringing that breach to an end at the earliest point compatible with the law which we have upheld.

412. Since the statutory scheme contains several successive stages and different kinds of time periods, we consider it appropriate to set out the position in a comparative form. This will also make clear the limited nature of the intervention which we have undertaken. Wherever the statute prescribes a period which must necessarily run, we have left it untouched. Wherever it merely fixes an outer limit for performance of an administrative or consultative function, we have required completion within the shorter period which the State Election Commission itself regards as practicable. We have also directed concurrent performance only where one statutory act does not legally depend upon completion of another.

413. The remaining electoral process shall accordingly be understood in the following manner:

Stage	**Statutory / existing position**	**SEC's stated practical position**	**Direction of this Court**	**Nature of intervention**
Draft delimitation and objections under Section 10(3)	30 days for public objections to draft delimitation	Treated by SEC as mandatory	**Full 30 days retained**	No interference
Consideration of delimitation objections, modification, Government consultation and final delimitation under Section 10(3)	Final notification to be issued **within 30 days** from last date for objections	SEC initially sought for 3 weeks, subject to expeditious Government consultation; but during hearing on bifurcation of constituent period an overall period of about 15 days was worked out	**Maximum 15 days** from closure of objections	Outer limit compressed; public-objection period untouched

Stage	**Statutory / existing position**	**SEC's stated practical position**	**Direction of this Court**	**Nature of intervention**
Municipality-wise OBC empirical inquiry	Section 10(4) requires empirical data in respect of Municipal area and wards based upon final delimitation; no separate statutory number of days prescribed	OBC Commission seeks about 30 days for rigorous empirical inquiry and states that Census 2011 and 2013 survey material are already available	Foundational municipality-wise inquiry to proceed **concurrently forthwith**	No statutory period curtailed; sequential administrative delay removed
Residual ward-specific OBC exercise after final	Final ward-specific application necessarily follows final	Commission's affidavit contemplates completion after receipt of necessary	**Maximum 7 days** after final delimitation	Only residual work confined; substantive inquiry must

Stage	**Statutory / existing position**	**SEC's stated practical position**	**Direction of this Court**	**Nature of intervention**
delimitation	delimitation	delimitation-related direction/material		already have proceeded
Preparation and publication of draft reservation under Section 10(5)	To follow receipt of empirical data; thereafter 30 days for objections	SEC chart contemplates approximately 34 days including the 30-day objection period	**4 days** to prepare/publish draft reservation	Administrative interval fixed; statutory objection period untouched
Objections to draft reservation under Section 10(5)	**30 days**	SEC treats the period as mandatory	**Full 30 days retained**	No interference
Consideration of reservation objections, Government	Final notification to be issued **within 30 days** from	SEC states approximately 20 days, subject to timely Government consultation	**Maximum 20 days**	Outer limit compressed in accordance with SEC's

Stage	**Statutory / existing position**	**SEC's stated practical position**	**Direction of this Court**	**Nature of intervention**
consultation and final reservation under Section 10(6)	last date for objections			own estimate
Waiting period under Section 10(7)	Election to be declared **after expiry of 30 days** from final reservation notification	SEC treats this period as mandatory	**Full 30 days retained**	No interference
Ward-wise voters lists under Section 11(3)	Lists to remain open for inspection at least **30 days prior to election notification**	Separate statutory obligation	To run **concurrently with the Section 10(7) thirty-day period**	No statutory period curtailed; concurrency directed

Stage	**Statutory / existing position**	**SEC's stated practical position**	**Direction of this Court**	**Nature of intervention**
Election logistics	No separate period in Section 10	Government to provide polling personnel, stations, security, vehicles, funds and machinery	Entire preparation to proceed **during preceding statutory stages and particularly during Section 10(7) period**	Administrative sequencing eliminated
Actual election programme under Rule 4	Election programme governed by Rules	SEC estimates approximately **25 days** from notification to completion	**Approximately 25 days; elections to be completed within that period**	SEC's own operational estimate accepted

414. The above comparison demonstrates that the Court has not reduced the three periods which the amended law requires to be afforded in full: the thirty days for objections to draft delimitation, the thirty days for objections to draft reservation, and the thirty days which must

expire after publication of final reservation before declaration of elections. Nor have we curtailed the thirty-day voter-list inspection requirement under Section 11(3). That requirement is instead capable of operating concurrently with the statutory waiting period under Section 10(7).

415. The only periods which have been judicially confined are those in which the statute permits the competent authority to act earlier. Thus, the expression "within a period of 30 days" in the latter parts of Sections 10(3) and 10(6) prescribes the latest permissible date and does not compel the authorities to consume the entire period. The fifteen-day period fixed for completion of the exercise under Section 10(3) and the twenty-day period fixed under Section 10(6) proceed upon the material placed before us concerning the work involved at the respective stages and remain subject principally to timely Government consultation.

416. The empirical exercise under Section 10(4) stands on a different footing because the statute prescribes no independent numerical period for its completion. The seven-day period following final delimitation is therefore not a curtailment of a statutory minimum. It rests upon the Commission's undertaking to undertake the substantial municipality-wise rigorous empirical inquiry contemporaneously, the material already available to it, and the distinction drawn above between foundational inquiry and the residual exercise which legally depends upon final ward boundaries. The period does not control the Commission's substantive methodology; and the limited liberty recognised in paragraph 395A protects against any demonstrated legal

or empirical impossibility which could not, despite due diligence, have been addressed during the period already available. On this basis, the timetable represents the minimum further period which the present record permits without requiring any authority to act contrary to law. It is equally important to reiterate that the periods fixed by this Court are maxima and not allowances. Completion of a stage before expiry of the period assigned to it must immediately trigger the next legally dependent stage.

417. Before dealing with the remaining apprehension concerning proximity of the elections to the Legislative Assembly, we consider it necessary to address a wider constitutional concern which arises directly from the facts before us. A constitutional timetable cannot be preserved merely by judicial directions issued after breach. The primary responsibility lies upon the institutions entrusted with the electoral process to conduct their respective functions in a manner which prevents such breach from arising.

418. Article 243U operates through several institutions. The State Legislature frames the governing law; the State Government performs statutory and administrative functions and provides the machinery necessary for elections; the State Election Commission exercises constitutional superintendence, direction and control over the electoral process; and specialised bodies may perform antecedent functions concerning reservation or empirical inquiry. Their functions are distinct, but the constitutional result is indivisible: an elected Municipality must be democratically reconstituted within the period

prescribed by the Constitution. No authority can therefore treat compliance with Article 243U as the responsibility of another.

419. Constitutional powers do not operate in isolation. Each is conferred within the larger constitutional structure and must be exercised consistently with its other commands. A power legitimately conferred for one constitutional purpose cannot ordinarily be exercised, or its exercise timed, in a manner which renders another express constitutional obligation incapable of performance. This is especially so where the competing obligation fixes the duration of a democratically elected institution in the emphatic terms "and no longer".

420. The Supreme Court in *Suresh Mahajan*, while reiterating *Kishansing Tomar* (supra), has made clear that all authorities concerned are obliged to ensure installation of the newly elected local body before expiry of the five-year term and has described that constitutional mandate as inviolable. The Court specifically included within that discipline the State Election Commission, the State Government and the State Legislature, and rejected ongoing delimitation as a legitimate ground for withholding elections where such exercise could and ought to have been commenced sufficiently in advance.

421. The consequence is that constitutional periodicity imposes not merely a prohibition against formal extension of an elected body's tenure, but a continuing obligation of institutional foresight. Where the need for legislative correction, delimitation, reservation, empirical inquiry, electoral-roll preparation or other antecedent work is known or

reasonably foreseeable, the corresponding exercise must be undertaken sufficiently early to enable both the governing law and the constitutional election calendar to be honoured.

422. This does not mean that legislative power becomes dormant as an election approaches, nor that a genuine legal or constitutional defect must remain uncorrected because an election is imminent. The Legislature retains its constitutional competence. The controlling limitation is that the exercise of such competence does not, merely by reason of its timing, create a fresh constitutional period for holding elections or suspend the operation of Article 243U.

423. The distinction is therefore between the existence of constitutional power and the responsibility attending its exercise. The power to legislate may exist; the power to delimit may exist; the power to prescribe reservation may exist; and the authority to undertake the corresponding statutory processes may exist. Yet none of those powers can proceed on the premise that Article 243U will accommodate whatever period their exercise ultimately consumes. The Constitution fixes the electoral calendar; the institutions must organise their functions around it. The calendar cannot be reorganised around institutional delay.

424. We would describe this as the principle of constitutional non-manipulability of the electoral calendar. The expression does not attribute manipulation or improper motive to any particular authority. It describes an objective constitutional limitation. Once the Constitution fixes the duration of an elected institution and the date

by which democratic renewal must occur, that date cannot be treated as an adjustable governmental variable. Administrative convenience, belated institutional action or the introduction of a new statutory process cannot, by themselves, convert the constitutional terminal date into a moving date dependent upon completion of successive governmental exercises.

428. Any other view would reduce Article 243U to a guarantee in form but not in substance. If every fresh delimitation, restructuring, reservation exercise or legislative alteration introduced near the end of the term were sufficient to postpone the election, the Constitution would prescribe a five-year democratic tenure while leaving the actual return to the electorate dependent upon the timing of antecedent institutional action. Such a construction cannot be accepted.

429. The Legislature therefore bears a particular responsibility when altering the legal architecture of elections. Electoral legislation is undoubtedly an exercise of plenary legislative power within the field constitutionally assigned to the State, but Article 243ZA(2) itself makes that power subject to the Constitution. Where an amendment materially affects composition, delimitation, reservation or the sequence preceding an election, constitutional prudence requires consideration not only of the substantive object of the amendment but also of whether sufficient time remains for its lawful implementation without defeating Article 243U.

430. The present chronology illustrates the importance of that obligation. The Petitioners have pointed to several legislative opportunities

preceding promulgation of the Ordinance and to the fact that the relevant constitutional and electoral circumstances were not newly discovered in April 2026. We have declined to infer partisan purpose from that chronology. Its constitutional significance lies elsewhere: where the circumstances underlying a legislative intervention have existed for a substantial period, introduction of a materially altered electoral regime at the terminal stage places a heightened obligation upon the institutions concerned to ensure that its implementation does not unnecessarily prolong the constitutional default.

431. The State Government bears a corresponding responsibility. It ordinarily knows the dates on which Municipal Councils will complete their terms and the statutory exercises which must precede the succeeding elections. Its obligation therefore cannot begin only when the State Election Commission seeks assistance. Government departments must maintain the data, administrative machinery and institutional coordination necessary for timely elections. Where consultation is prescribed, it must be undertaken promptly; where personnel, funds, security, transport or infrastructure are required, they must be made available without avoidable delay.

432. This assumes particular importance during an unelected interregnum, when administration of the local body passes into an appointed arrangement. We do not suggest that appointment of an Administrator, where authorised by law, is itself unconstitutional. The constitutional concern arises when an arrangement intended to be temporary is prolonged through institutional delay and thereby

displaces elected local government beyond what the Constitution permits.

433. The State Election Commission occupies a distinct constitutional position. Article 243ZA entrusts to it the superintendence, direction and control of the preparation of electoral rolls and conduct of municipal elections. Its independence is therefore not merely structural; it is a functional safeguard intended to ensure that the electoral process, including its timing, does not become subordinate to the convenience or interests of the executive Government.

434. In *State of Goa v. Fouziya Imtiaz Shaikh* (supra), the Supreme Court emphasised the independence of the State Election Commissioner from the State Government and recognised the office as an important constitutional institution overseeing elections to Panchayats and Municipalities. The judgment also recognises that, where another authority acts contrary to constitutional or statutory requirements affecting the election, the State Election Commission is not powerless to seek correction in discharge of its constitutional responsibility.

435. The practical content of that independence becomes most significant when timely conduct of an election requires the Commission to insist upon performance by the Government or another statutory authority. The Commission cannot merely accommodate avoidable executive delay or treat governmental inaction as determinative of its own electoral calendar. Its constitutional role requires it to identify the steps necessary for the election and call upon the competent authorities to perform them within the required time and furthermore,

where an unlawful impediment threatens its constitutional duty, invoke the remedies available in law.

436. This does not place the State Election Commission above the statute. Its independence does not confer a power to disregard valid legislation. The Commission must obey the law, but it must do so independently. It must implement the statutory framework without surrendering its constitutional obligation to ensure that every legally compressible or concurrent step is undertaken with the urgency required by Article 243U.

437. Nor should cooperation between the State Election Commission and the Government be mistaken for dependence. Elections necessarily require administrative cooperation in relation to personnel, security, infrastructure, funds and statutory consultation. Such cooperation is both lawful and necessary. But it must occur between institutions performing distinct constitutional functions, and the electoral timetable of the Commission cannot merely become a reflection of the pace preferred by the executive Government.

438. Courts must, and we have, exercised restraint before attributing partisan motives to constitutional authorities. The constitutional standard does not depend upon proof of subjective motive. Institutions entrusted with elections must nevertheless conduct themselves in a manner which preserves public confidence that the timing of elections is governed by the Constitution and law, and not by governmental convenience.

439. The resulting principle is institutional rather than partisan. No Government has a constitutional entitlement to choose a politically convenient date for an election whose periodicity is fixed by the Constitution. No Legislature can proceed on the assumption that enactment of a new electoral requirement automatically supplies additional constitutional time for its implementation. No State Election Commission can surrender the electoral calendar to the pace at which another authority chooses to act. Each must exercise its powers so that the Constitution, rather than institutional convenience, determines when democratic authority returns to the electorate.

440. The need to state the principle is reinforced by the recurrence of disputes concerning delayed local-body elections. In *Suresh Mahajan*, the Supreme Court was confronted with a situation involving thousands of local bodies functioning without elected representatives and characterised it as approaching a breakdown of the rule of law and a palpable infraction of the constitutional mandate. Judicial intervention after expiry of elected terms cannot therefore become a substitute for advance constitutional planning by the institutions themselves.

441. Article 243U must consequently be understood as imposing two connected obligations, firstly, the immediate obligation to complete the particular election within the constitutional period, and secondly, the continuing institutional obligation to plan legislative, administrative, delimitation, reservation and electoral functions sufficiently in advance so that the first obligation remains capable of performance. The second obligation is not an independent extension

of Article 243U but it is the discipline necessary to make the first obligation effective.

442. These observations are confined to the constitutional authorities and statutory institutions whose functions arise in the present proceedings. We do not pronounce upon the conduct of Governments or election authorities in electoral processes which are not before us. The broader constitutional principle, however, follows from Part IX-A itself, where the Constitution fixes democratic periodicity, every institution exercising power in relation to that election must exercise its authority in a manner which preserves, rather than displaces, that periodicity.

443. We may now address the apprehension expressed by the State Election Commission concerning the proximity of the forthcoming election to the Goa Legislative Assembly. In its response to the Court's questionnaire, the Commission states that Assembly elections fall within the domain of the Election Commission of India, but points out that polling personnel, polling stations, revenue officers, law-and-order machinery, vehicles and other administrative resources may substantially overlap between the two electoral exercises. It therefore apprehends practical difficulty if the municipal elections are permitted to drift too close to the Assembly election process.

444. The apprehension is understandable as a matter of administration. It cannot, however, furnish a legal basis for extending the municipal election timetable. Article 243U does not make the periodicity of municipal elections contingent upon convenience created by the

electoral calendar of another representative institution. On the contrary, the possibility of overlap furnishes an additional reason why the authorities ought to complete the municipal elections at the earliest lawful date.

445. We would be entering an impermissible field if we were to prescribe how or when the Election Commission of India should conduct the election to the Legislative Assembly. That authority is not the subject of the present proceedings and its constitutional functions arise under a different part of the Constitution. Our concern is narrower. The possibility of a future Assembly election cannot be invoked by the State Government or the State Election Commission to postpone municipal elections which are already constitutionally overdue.

446. Administrative resources are capable of planning but a constitutional deadline are mandatory and not subjected to administrative convenience or availability. If additional personnel, vehicles, security arrangements or other resources are required to ensure that the municipal process is completed before the Assembly election machinery becomes fully engaged, it is for the State Government to make those arrangements. An anticipated future demand upon the same administrative machinery cannot legitimise continuation of an existing breach of Article 243U.

447. We accordingly hold that proximity to the Legislative Assembly elections shall not constitute a ground for enlargement of any period fixed by this judgment. On the contrary, the State Government and the State Election Commission shall organise the remaining process so

that the municipal elections are brought to their lawful conclusion without their being allowed to drift into avoidable conflict with the Assembly election process.

448. In view of the foregoing discussion, the questions formulated for determination may now be answered. Since several of them overlap in their constitutional content, our answers must be read together and not as isolated propositions.

449. As to the first question, Article 243ZG does not render the present Petitions wholly non-maintainable. Insofar as the challenge is directed to statutory provisions which constitute law relating to delimitation of constituencies or allotment of seats within Article 243ZG(a), the constitutional bar operates according to its terms and their merits cannot be reopened before this Court. That prohibition does not extend in the same manner to administrative action not invested with the force of law, nor does it prevent enforcement of the independent constitutional mandate contained in Article 243U. Our jurisdiction has accordingly been exercised within those limits.

450. As to the second question, Article 243U embodies a mandatory constitutional command. The duration of a Municipality is five years and no longer, and the election constituting its successor must be completed before expiry of that duration. Ordinary administrative delay, want of preparedness or circumstances which the authorities could reasonably have anticipated cannot constitute an exception to that mandate.

451. Article 243U consequently requires not only performance when the terminal date arrives but institutional preparation sufficiently in advance to make timely performance possible. Authorities entrusted with legislative, delimitation, reservation, empirical, electoral-roll and logistical functions must organise their respective duties with the known constitutional date in view.

452. As to the third question, the power of the State Legislature under Article 243ZA(2), and the Ordinance-making power under Article 213 where its constitutional conditions are satisfied, do not become dormant merely because an election is approaching or has become due. Article 243U creates no legislative paralysis. Equally, exercise of legislative power does not suspend Article 243U or create a fresh constitutional period for the succeeding election.

453. Where an operative statutory alteration intervenes, the statute and Article 243U must therefore be performed together. The statutory requirements remain binding, but implementation must proceed with the degree of expedition required by an electoral deadline which has already been breached.

454. As to the challenge under Article 213, we have proceeded on the assumption that the limited judicial review recognised for exercise of the Ordinance-making power remains available notwithstanding the protection which Article 243ZG(a) accords to the resulting delimitation law. Within that limited review, the material does not establish absence of every relevant circumstance, extraneous purpose, fraud on power or abuse sufficient to invalidate the Ordinance. We

have not entered upon the adequacy or sufficiency of the circumstances relied upon by the State.

455. The legal consequence is that the Ordinance remains operative. Insofar as its provisions fall within Article 243ZG(a), their merits are protected from judicial challenge in these proceedings. The separate Article 213 challenge also fails for the reasons recorded above, and no independently sustainable constitutional ground has been established which requires the remaining framework to be treated as inoperative.

456. This conclusion must not be understood as constitutional approval of the timing of the legislative intervention. The expiry dates were known in advance, substantial preparatory work had already been undertaken, and the considerations relied upon by the State were not shown to have arisen for the first time immediately before April 2026. Those circumstances do not establish partisan motive or fraud on the Constitution, but they are relevant to foreseeability, institutional preparedness and the strictness of the remedial timetable now required under Article 243U.

457. The distinction is fundamental. A law may remain operative while the institutional timing which accompanied its introduction warrants constitutional criticism. The former question concerns validity and the limits imposed by Articles 243ZG and 213; the latter concerns the continuing force of Article 243U and the responsibility of the constitutional authorities to prevent foreseeable legislative or administrative processes from prolonging an electoral default.

458. As to the fifth question, once the Ordinance is held valid and operative, neither the State Election Commission nor this Court can direct that it be ignored for the present election merely because the pre-existing process had advanced substantially. To keep the Ordinance valid generally but exclude it from the present electoral cycle, without striking it down, severing any provision or identifying a permissible interpretative basis for such exclusion, would in substance amount to suspending the law for one election. That course is not available merely as a matter of convenience.

459. We therefore reject the alternative prayer that the present elections be conducted wholly under the superseded statutory regime. We also decline to set aside the State Election Commission's decision to discontinue the earlier delimitation exercise merely because that exercise had substantially progressed. The amended criterion of population materially altered the statutory foundation on which the number of Councillors and wards was to be determined.

460. The earlier work is, however, not constitutionally meaningless. To the extent that factual, administrative or electoral material generated earlier remains capable of lawful use under the amended framework, the State Election Commission is expected to utilise it. A change in the statutory basis justifies repetition only of such work as the new law genuinely requires. It does not justify discarding every earlier preparatory act and beginning all administrative work afresh.

461. As to the sixth question, Articles 243R, 243T, 243U and 243ZA are not competing provisions which require one constitutional value to be

sacrificed to another. Lawful composition, fair delimitation, constitutionally compliant reservation and timely democratic renewal are all parts of the same constitutional scheme. The correct approach is therefore one of harmonious performance.

462. The OBC reservation exercise must satisfy the constitutional requirements governing political reservation, including the contemporaneous rigorous empirical inquiry and local-body-specific determination required by the Supreme Court. That constitutional requirement cannot be diluted merely to save time. Equally, it cannot be administered through avoidable sequentiality so as to defeat Article 243U. The substantive rigour of the Triple Test must remain intact while every component capable of lawful advance or simultaneous performance must proceed without interruption.

463. The same principle governs the amended Section 10. The periods which the statute requires to run in full must be preserved. Thus, the thirty-day periods for public objections to draft delimitation and draft reservation and the thirty-day period which must expire under Section 10(7) cannot be judicially abridged. By contrast, where the statute requires an authority to act "within" thirty days, that period ordinarily operates as an outer limit and does not confer a right to consume all thirty days notwithstanding the urgency created by an existing constitutional default.

464. As to the seventh question, we hold that the State Government, the Legislature, the State Election Commission and every statutory body entrusted with an antecedent electoral function bear a continuing duty

of constitutional preparedness. The responsibility for Article 243U is collective in performance though distinct in institutional function. Each authority must anticipate the known electoral calendar and perform its own role sufficiently in advance.

465. The Legislature must be conscious that substantial alterations to electoral architecture made at the terminal stage of an elected body's tenure may carry consequences for a constitutional deadline which is not movable. The State Government must provide consultation, personnel, funds, security and administrative assistance with a degree of urgency commensurate with the constitutional obligation. The dedicated Backward Classes Commission must maintain institutional readiness to perform the recurring empirical function entrusted to it.

466. The State Election Commission bears a distinct constitutional responsibility. Its independence does not mean freedom from statute; it means independence in enforcing the Constitution and the valid law governing elections. It must not remain a passive recipient of governmental delay. It must identify the statutory steps required, insist upon timely performance by the authorities concerned and organise the electoral process around the constitutional deadline rather than around executive convenience.

467. The principle which emerges may be stated in this manner. The constitutional electoral calendar is not an instrument of governmental adjustment. A constitutional authority may exercise every power lawfully conferred upon it, but the timing and manner of that exercise cannot proceed on the assumption that a fixed constitutional election

date will automatically yield to whatever period the exercise ultimately consumes. This is the principle of constitutional non-manipulability of the electoral calendar.

468. The above referred principle is objective and institutional. It does not depend upon proof of partisan intent. Its purpose is to prevent constitutional periodicity from becoming vulnerable to successive legislation, delimitation, reservation or administrative interventions introduced belatedly so that the election date is repeatedly displaced. The Constitution cannot prescribe a five-year democratic tenure in a form and leave its actual return to the administrative convenience of the electorate to complete foreseeable antecedent exercises.

469. We therefore hold that a valid intervening law may have to be implemented even after an Article 243U default has occurred, but the resulting departure from the constitutional timetable must be confined to the irreducible period genuinely required for lawful implementation. All avoidable delay must be eliminated. All administrative periods capable of compression must be compressed. All legally independent preparatory functions capable of simultaneous performance must proceed concurrently.

470. As to the eighth and final question, the appropriate relief is therefore neither to strike down the Ordinance nor to direct its non-application to the present elections. The proper constitutional remedy is to preserve the operative law while imposing a binding timetable which ensures that the existing breach of Article 243U is brought to an end at the earliest lawful date.

471. In doing so, this Court is not extending the constitutional period under Article 243U. That period has already expired in respect of several of the Municipal Councils. Nor are we creating a judicial substitute for the statutory scheme. We are enforcing the statute in the manner which most closely restores compliance with the Constitution after an existing default.

472. The timetable set out earlier therefore represents the maximum permissible periods for completion of the remaining stages. Mandatory statutory periods have been retained intact. Outer administrative periods have been confined consistently with the State Election Commission's own assessment. The municipality-wise empirical inquiry has been directed to proceed contemporaneously; the residual ward-specific exercise has been confined to the short period following final delimitation; Government consultation is to take place within, and not in addition to, the periods fixed; and the voter-list requirement under Section 11(3) is to operate concurrently with the waiting period under Section 10(7).

473. The possible proximity of the Legislative Assembly election does not alter these conclusions. It may present an administrative consideration which the authorities should sensibly anticipate, but it cannot constitute a constitutional ground for further postponement of elections already overdue under Article 243U. The State Government and the State Election Commission must therefore arrange the necessary machinery so that the municipal election process is completed within the timetable fixed by this Court.

474. The controversy before us may ultimately be reduced to a single constitutional proposition. The Constitution does not require a choice between lawful elections and timely elections; it requires both. Where a valid statutory change intervenes after an election has become constitutionally due, the law cannot ordinarily be ignored, but neither can the constitutional clock under Article 243U be treated as having restarted. The intervening law must therefore be implemented with the greatest expedition legally possible, and any departure from the constitutional electoral deadline must remain confined to the irreducible period genuinely necessary for its lawful implementation.

475. This approach preserves the respective constitutional fields without permitting one provision to consume another. It respects the legislative authority recognised by Article 243ZA(2), the constitutional requirements governing composition and reservation under Articles 243R and 243T, and the independent authority of the State Election Commission under Article 243ZA, while preserving the controlling discipline of Article 243U. Harmonious construction in this context therefore means that lawful delimitation and reservation must be completed, but they must be administered in a manner which does not permit avoidable legislative, administrative or institutional delay to displace the constitutional periodicity of elected local government.

476. The significance of this principle extends beyond remedying a default after it has occurred. Constitutional periodicity necessarily requires constitutional foresight. A Government which knows the terminal date of an elected body, a Legislature which proposes to alter the electoral framework, a State Election Commission charged with conducting the

election, and every statutory authority whose function forms part of that process must organise their respective duties sufficiently in advance so that the exercise of one constitutional or statutory power does not become the cause of failure of another constitutional command. An unelected arrangement after expiry of a municipal term can only be temporary and exceptional; it cannot, through foreseeable institutional delay, become a substitute for the periodically renewed democratic mandate contemplated by Part IX-A.

477. We accordingly answer the questions for determination in the terms set out above. The impugned Ordinance survives the challenge. It will govern the present electoral process. The earlier statutory regime cannot be revived merely for these elections. The validity of the Ordinance, however, does not legitimise the delay which has already occurred, nor does it confer any further discretionary period upon the Respondents. The remaining process must now be completed strictly within the compressed constitutional timetable which follows from our conclusions.

478. We shall therefore proceed to formulate the final directions. In doing so, the relative periods already identified must be translated, so far as the record permits, into definite calendar dates. The object is to leave no uncertainty as to who must perform each remaining act, the last date by which it must be performed, which functions must run concurrently, and the date by which the elected Municipal Councils must ultimately be constituted.

479. Having regard to the conclusions recorded above, it is necessary that our directions should now operate by reference to definite dates rather than merely relative periods. This is particularly necessary because the terms of several Municipal Councils have already expired and the constitutional default under Article 243U is continuing. A direction merely requiring the authorities to act "expeditiously" would, in the circumstances which have led to these Petitions, leave too much uncertainty in a field where the Constitution itself insists upon certainty.

480. The draft delimitation under the amended Section 10(3) was published on 24 July 2026. This fact was confirmed on behalf of the State Election Commission during the hearing. Section 10(3) requires the period of thirty days for objections and suggestions to be preserved. Computed from the date of publication, that period expires on 23 August 2026. We shall therefore take 23 August 2026 as the starting point for the remaining timetable.

481. The dates which follow are outer limits. They do not confer upon any authority an entitlement to wait until the last date. If any stage is completed earlier, the immediately succeeding stage shall commence without waiting for the date indicated in this judgment. Conversely, no stage may be carried beyond the date fixed merely because an earlier stage was completed before its own outer limit.

482. We have also taken care not to prescribe a date which makes performance legally impossible. The State Election Commission has itself stated that, subject to the minimum statutory periods identified

by it, there is no constitutional or statutory impediment to completion of the elections according to the compressed schedule. It has further identified Government consultation and provision of election machinery as the principal matters requiring cooperation from the State. The timetable which follows therefore proceeds substantially upon the material placed before us by the authorities themselves.

483. The State Election Commission shall receive objections and suggestions to the draft delimitation until expiry of the statutory period on 23 August 2026. Nothing in this judgment curtails that right of objection.

484. Immediately thereafter, the State Election Commission shall consider all objections and suggestions, make such alterations to the draft delimitation as may lawfully be required, complete the consultation contemplated by Section 10(3) with the State Government and publish the final notification of delimitation on or before 9 September 2026. The entire process, including Government consultation, shall thus stand completed within fifteen days after closure of objections.

485. The State Government shall treat consultation under Section 10(3) as an urgent constitutional matter. Whenever the proposal is received from the State Election Commission, it shall be considered and returned within such short period as enables the final delimitation notification to be issued by 9 September 2026. Ordinary departmental movement, circulation between departments, absence of officers or other routine administrative considerations shall not constitute grounds for exceeding the date fixed by this Court.

486. The Goa State Commission for Backward Classes shall, meanwhile, continue without interruption the contemporaneous rigorous empirical inquiry which it has undertaken before this Court to commence on the basis of the material already available with it, including Census 2011 and the 2013 survey report concerning the eleven Municipalities. The Commission shall not await the final delimitation for completion of any municipality-wise component of the inquiry which can lawfully be undertaken before that event.

487. Upon publication of final delimitation, the Goa State Commission for Backward Classes shall undertake only the residual exercise which genuinely depends upon the finally constituted wards and shall furnish to the State Election Commission the empirical data and recommendations contemplated by Section 10(4) on or before 16 September 2026.

488. We reiterate that the period until 16 September 2026 is not granted for commencement of the empirical inquiry. The inquiry has already been undertaken to commence pursuant to the statement made before this Court. The seven days following final delimitation are confined to completion of its ward-related application. The substantive requirements laid down by the Supreme Court concerning contemporaneous rigorous empirical inquiry, local-body specificity and the aggregate constitutional ceiling upon reservation shall be complied with in their entirety.

489. Upon receipt of the report and data from the Backward Classes Commission, the State Election Commission shall complete the

exercise necessary for preparing the draft reservation and shall publish the draft notification contemplated by Section 10(5) on or before 20 September 2026. The Commission's own stage-wise assessment contemplated approximately four administrative days in addition to the statutory objection period at this stage.

490. The statutory period of thirty days for objections and suggestions to the draft reservation shall thereafter remain available in full. On the outer dates now fixed, that period shall expire on 20 October 2026. No part of this statutory opportunity is abridged by our directions.

491. During that thirty-day period the State Election Commission may, without prejudging any objection, receive, register, classify and undertake preliminary scrutiny of the objections as they are filed. It need not wait until 20 October 2026 before commencing the administrative work necessary for their eventual consideration.

492. After closure of the objections, the State Election Commission shall finally consider them, effect such lawful corrections as may be required, undertake the consultation with the State Government contemplated by Section 10(6), and publish the final reservation notification on or before 9 November 2026. The period of twenty days accords with the State Election Commission's own estimate of the minimum administrative time reasonably required for this stage, subject to prompt Government consultation.

493. The State Government shall ensure that consultation under Section 10(6) is completed within the aforesaid twenty-day period.

Consultation cannot be added to it as an independent block of time. The Chief Secretary shall ensure that an appropriate officer or group of officers is designated in advance to deal with the proposal immediately upon its receipt from the State Election Commission.

494. Section 10(7) expressly requires expiry of thirty days from publication of final reservation before the State Election Commission declares the elections. That requirement shall remain wholly untouched. If the final reservation is published on the outer date of 9 November 2026, the statutory thirty-day period will expire on 9 December 2026, and the election programme shall be declared forthwith thereafter, on 10 December 2026.

495. The requirement under Section 11(3), that the ward-wise voter lists remain open for public inspection at least thirty days prior to the election notification, shall operate concurrently with the period under Section 10(7). Section 11(3) itself prescribes the thirty-day requirement. The State Election Commission shall therefore ensure that the ward-wise lists are prepared and placed for inspection sufficiently in advance and, on the outer schedule now fixed, not later than 9 November 2026. There shall be no additional thirty-day period thereafter.

496. The State Election Commission and the State Government shall simultaneously complete, during this period, all logistical arrangements necessary for the poll, including appointment and training of Returning Officers, Assistant Returning Officers and polling personnel; identification and preparation of polling stations;

security and law-and-order arrangements; deployment of revenue and other officers; transportation; procurement and positioning of election material; allocation of funds; and every other administrative requirement. The Commission itself identifies these matters as the assistance required from the State.

497. The actual election programme, after notification, has been assessed by the State Election Commission at approximately twenty-five days, including nomination, scrutiny, withdrawal, polling and declaration of results. The State Election Commission shall accordingly complete the entire election process, including declaration of results, within twenty-five days of the election notification and, on the outer schedule presently fixed, not later than 4 January 2027.

498. The resulting calendar may, for clarity, be stated in one place. The statutory delimitation objection period has expired on 23 August 2026. Further period is calculated accordingly, i.e. final delimitation shall be notified by 9 September 2026; the residual OBC empirical exercise shall be completed by 16 September 2026; draft reservation shall be published by 20 September 2026; objections thereto shall close by 20 October 2026; final reservation shall be published by 9 November 2026; the statutory waiting period shall expire on 9 December 2026; the election notification shall be issued on 10 December 2026; and the electoral process shall stand completed by 4 January 2027.

499. These dates represent the outermost schedule on the assumptions recorded above. If final delimitation, the empirical report, draft

reservation or final reservation is completed earlier, every subsequent date shall correspondingly advance. In no circumstance shall earlier completion of one stage be converted into idle time before commencement of the next.

500. We also make it clear that the election programme need not await any further approval of the State Government after completion of the statutory stages. Article 243ZA vests the superintendence, direction and control of municipal elections in the State Election Commission. Once the legal prerequisites stand completed, the determination and notification of the election programme are matters for the State Election Commission in exercise of its constitutional authority.

501. The State Government shall therefore not issue, and the State Election Commission shall not entertain, any request which has the effect of postponing the timetable fixed by this Court on considerations of administrative convenience, political events, availability of particular officers or anticipated proximity of the Legislative Assembly elections. Nothing prevents the institutions concerned from coordinating their administrative resources, but such coordination must take place around the constitutional timetable and not by displacing it.

502. Equally, the pendency of any proposal to amend, replace or otherwise alter the statutory provisions presently governing these elections shall not by itself suspend the directions contained in this judgment. We do not and cannot restrain the competent Legislature from exercising its constitutional legislative power. What follows from Article 243U, however, is that the authorities presently bound by the law must

continue to discharge their existing duties unless and until the governing legal position is lawfully altered. A contemplated legislative measure cannot become a reason for administrative inaction.

503. If any subsequent legislative measure is enacted before completion of these elections, its legal consequences will necessarily depend upon its terms and constitutional validity and cannot be adjudicated prospectively in these proceedings. What cannot be accepted is the assumption that the mere possibility of future legislation entitles the Respondents to stop or slow the process which they are presently required to complete.

504. Compliance with the above timetable shall be personally supervised, in their respective institutional spheres, by the State Election Commissioner, the Chief Secretary to the Government of Goa and the Member Secretary of the Goa State Commission for Backward Classes. This direction is not intended to centralise functions which the statute assigns to different officers. It is intended to ensure that responsibility for constitutional compliance does not become diffused between institutions.

505. We consider such accountability necessary in the present case because the constitutional breach has already occurred. Once a Court has preserved the intervening legislation notwithstanding its late introduction, the corresponding obligation upon the authorities to complete its implementation within the shortest lawful period becomes particularly stringent. The preservation of the law cannot become the source of a further open-ended postponement.

506. The State Election Commission shall maintain a stage-wise record of compliance with the dates fixed above. If any authority anticipates a genuine legal impossibility in meeting a particular date, it must place the difficulty before this Court before expiry of that date and not after default has occurred. Mere administrative inconvenience, shortage of personnel which could reasonably have been addressed, pendency of inter-departmental consultation or anticipated Assembly-election work shall not constitute sufficient grounds for modification.

507. Liberty to apply is accordingly confined to a supervening circumstance of a genuinely exceptional and unavoidable nature which renders compliance legally or factually impossible despite due diligence. This liberty shall not be understood as an invitation to seek enlargement of time on considerations which have already been considered and rejected in this judgment.

Operative Order:

508. For the reasons recorded above, the Petitions are disposed of by the following order:

(i) The challenge seeking invalidation of the Goa Municipalities (Amendment) Ordinance, 2026 is rejected for the reasons recorded in this judgment. The Ordinance accordingly remains operative and shall govern the present general elections to the eleven Municipal Councils.

(ii) The alternative prayer seeking a declaration that the Ordinance shall remain inapplicable to the present electoral cycle and that the

elections be conducted under the pre-amendment statutory regime is rejected.

(iii) The challenge to the decision of the State Election Commission dated 21 May 2026 discontinuing the earlier delimitation exercise is rejected, subject to the clarification that all factual and administrative material generated in the earlier process which is capable of lawful utilisation under the amended regime may and shall, wherever practicable, be utilised.

(iv) The State Election Commission shall complete consideration of objections to draft delimitation, Government consultation and publication of final delimitation under Section 10(3) on or before 9 September 2026.

(v) The Goa State Commission for Backward Classes shall continue forthwith the municipality-wise contemporaneous rigorous empirical inquiry and, upon final delimitation, complete the residual ward-specific exercise and furnish its report/data under Section 10(4) to the State Election Commission on or before 16 September 2026, subject only to the limited liberty contained in paragraph 395A of this judgment.

(vi) The State Election Commission shall publish the draft reservation notification under Section 10(5) on or before 20 September 2026 and shall afford the full statutory period of thirty days for objections and suggestions.

(vii) Upon closure of objections on the outer schedule on 20 October 2026, the State Election Commission shall complete their

consideration, Government consultation and publication of final reservation under Section 10(6) on or before 9 November 2026.

(viii) The thirty-day period under Section 10(7) shall remain untouched. On the outer schedule, the State Election Commission shall declare the elections on 10 December 2026.

(ix) The requirements under Section 11(3) shall be complied with concurrently with the period under Section 10(7), and no additional period shall be claimed on that account.

(x) The actual election programme shall thereafter be completed within twenty-five days and, on the outer schedule fixed by this judgment, the results of the elections to all eleven Municipal Councils shall be declared not later than 4 January 2027.

(xi) Every date specified above is an outer limit. Earlier completion of any stage shall result in immediate advancement of every succeeding stage to the extent legally permissible.

(xii) The State Government shall furnish to the State Election Commission all personnel, infrastructure, security, funds, transport and other assistance required for compliance with this timetable and shall complete consultations under Sections 10(3) and 10(6) within the respective periods fixed above.

(xiii) Proximity of the Legislative Assembly election, ordinary administrative inconvenience or shortage of governmental machinery shall not constitute grounds for postponement of the municipal elections beyond the schedule fixed herein.

(xiv) The State Election Commissioner, the Chief Secretary of the State of Goa and the Member Secretary of the Goa State Commission for Backward Classes shall ensure compliance with these directions within their respective spheres.

(xv) Liberty to apply is restricted to a genuinely exceptional supervening circumstance rendering compliance impossible despite due diligence. Any such application shall be made before expiry of the relevant period and shall disclose, on affidavit, the precise impediment, steps already undertaken and the minimum further period, if any, claimed to be indispensable.

509. Rule is made absolute to the aforesaid extent. In the circumstances, there shall be no order as to costs.

HITEN S. VENEGAVKAR, J. **VALMIKI MENEZES, J.**

Signed by: MARIA SUZANA REBELLO
Designation: Personal Assistant
Date: 25/08/2026 20:06:23