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

+ **W.P.(C) 609/2019**

ARVIND KUMAR Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. T.P. Singh, Adv. for UOI.
Mr. P.R. Chopra, Adv. for R-2/ECI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.02.2019

1. Petitioner has filed this writ petition in public interest and the relief claimed by the petitioner reads as under:

“a. Direct the Election Commission of India to supervise and manage the internal election of parties who have garnered more than 1% of voters in a state or national election in interest of democracy.

b. Direct the Union of India to act in line with the recommendations of the Law Commission of India and The National Commission for Review of Working of the Constitution, to bring about intra-party democracy within all political parties.

c. Direct the Respondents to initiate action to the effect that no person and family should be allowed to be Hold the main position in the party, by whatever name, for more than five years.

d. Direct the Respondents to ensure that no member of a family be allowed to be nominated/elected to any post within the party or the government in which the party is in support for

a term of five years since cessation of influence/power.

e. Issue such other writ, direction or order, which this Hon'ble court may deem fit and proper under the facts and circumstances of the case."

2. In sum and substance, the petitioner states that there are no guidelines or provisions to regulate intra-party democracy for political parties registered in India and has prayed the relief as indicated hereinabove.

3. In our considered view, in a Public Interest Litigation it is beyond the jurisdiction of this Court to go into all these aspects of the matter and interfere. The petitioner may represent to the Election Commission or the Government of India in the concerned Department and it would be for the Election Commission or the Government of India to bring into place statutory provision or regulation for regulating the elections of political parties. A *mandamus* exercising extraordinary jurisdiction under Article 226 of the Constitution of India cannot be issued for the purpose of enforcing or bringing into force such a regulation, statutory provision or guidelines.

4. The petition being devoid of substance stands disposed of with the aforesaid.

CHIEF JUSTICE

V. KAMESWAR RAO, J

FEBRUARY 06, 2019

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