

**Office of Shaktisinh Gohil**  
**National Spokesperson, AICC & MLA, Abdasa**

<http://www.shaktisinhgohil.com>

**Press Note**

**21<sup>st</sup> October,2015**

In a significant order with lasting repercussion the Honourable Gujarat High Court here on Wednesday declared an ordinance of Gujarat Government as unconstitutional and void. The State Government had passed an Ordinance delaying elections to 323 local self government bodies.

The Congress has called the Gujarat High Court verdict as Historical and path breaking. Senior Congress leader Shaktisinh Gohil has said the Gujarat High Court's verdict is a slap on the face of the BJP government of Gujarat which has till now been taking decisions and steps which are in complete violation of the Indian Constitution. Mr Gohil has welcome the Gujarat High Court decision.

The Anandiben Patel government had been unduly delaying local body polls in Gujarat because the atmosphere was not politically conducive to them. Her government also issued an ordinance and executive order delaying the local body polls. This was challenged in Gujarat High Court.

The Gujarat High Court today ruled that the decision of State Election Commission to delay the polls is illegal. The Gujarat High Court categorically said that the ordinance or executive order by the Gujarat Government, meant to delay local body polls in the state, is unconstitutional. The court has ordered the state Election Commission to start electoral process immediately. The state government has been asked to provide all necessary security measures. The court was hearing a petition filed on October 9, that challenged the executive order passed to delay the election by three months. The counsel for the petitioners, Shaktisinh Gohil, is a senior Congress leader and national spokesperson of the Party.

The Election Commission had suggested a delay after assessing the law and order situation. Lately there had been unrest in the state following the Patel agitation for quota.

Earlier, the high court had put on hold a controversial decision of the state government to make voting in local body elections compulsory. Acting Chief Justice Jayantbhai Patel and Justice N V Anjaria delivered the historical verdict in Gujarat High Court today.

Shaktisinh Gohil has said that it is unfortunate that Gujarat Government treats Gujarat as its personal property and takes decision which are clear violation of principles laid down in the Indian constitution. "It is sad that people of Gujarat have to go to the High Court for justice and to protest against the Government's decisions because the Gujarat government is not bothered about the interest and welfare of the common people of the State but is focussed on just its own political interests.

People cannot expect any justice or right decisions from the Gujarat government and unfortunately the Courts remain the only destination for justice, he said.

Gohil also came down heavily on the State Election Commission which he said instead of functioning in a fair and unbiased manner had ended up being a puppet of Gujarat government since last few years.

Interestingly, while hearing the petition challenging the Anandi Patel government's decision to delay local body polls, the Gujarat High Court took under its possession the original file of the State Election commission and observed that a meeting was held on the same day the Ordinance to delay local body polls was passed and it was attended by the Chief Secretary of the State also. However in the file notings and official minutes, no mention was made about the ordinance.

The Congress later told media persons that this is dangerous that even some IAS officers who act like government puppets are not doing their job in a fair manner. "the official minutes of the State Election commission meeting which was also attended by the State chief Secretary deliberately did selective noting. this is not just dangerous and unethical but technically wrong and prone to legal action". "It is sad that since last 14 years some IAS officers have started acting like political representatives of a particular party than government officers".

While declaring the Government ordinance as void and unconstitutional along with their demand to appoint an administrator, the Gujarat High Court has noted that the State government does not have powers to hand over power to administrators instead of elected

representatives as per the Constitution. The Gujarat government ordinance is unconstitutional and violates clause 15 and 257 of the Gujarat Panchayat Act.

The Gujarat High Court has also noted that while the petition was being heard, the High Court had instructed the State Election Commission to follow constitutional norms and organise the polls on time, "however the attitude of the State Election Commission was not positive on this issue".

The High Court has observed that the condition in Gujarat is not such that holding elections is impossible. There is no natural calamity or circumstances that warrant a delay. Delaying elections citing common incidents and that too man made is undemocratic and unconstitutional.

After the honorable High Court's verdict, the State Election Commissioner demanded a stay citing that the State government was keen to approach the Supreme Court. Shaktisinh Gohil challenging this arguing that this would further violate the spirit of the Constitution. The Gujarat High Court thereafter declined the Election Commission plea for a stay order.

Virendrasinh Vaghela and Jagdish Bhatt had filed a petition challenging Gujarat government's decision via ordinance delaying elections local body elections.

These elections were scheduled to be held on or before 10<sup>th</sup> November, 2015.

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To,  
The Editor,

Request to kindly publish this press note in your esteemed newspaper.



**(Sunil Rami)**  
Personal Assistant