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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

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नई दिल्ली, शुक्रवार, दिसम्बर 12, 2025/अग्रहायण 21, 1947
NEW DELHI, FRIDAY, DECEMBER 12, 2025/AGRAHAYANA 21, 1947

भारत निर्वाचन आयोग

अधिसूचना

नई दिल्ली, 8 दिसम्बर, 2025

आ.अ. 62(अ).— लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 (क) के अनुसरण में, भारत निर्वाचन आयोग, एतद्वारा, निर्वाचन याचिका सं. 7/2024 में कर्नाटक उच्च न्यायालय, बेंगलुरु का निर्णय/आदेश, दिनांक 30.07.2025 प्रकाशित करता है।

(संलग्न निर्णय/आदेश यहां प्रिंट करें)

[फा. सं. 82/केटी-एचपी/7/2024]

आदेश से,

पवन दीवान, सचिव

ELECTION COMMISSION OF INDIA

NOTIFICATION

New Delhi, the 8th December, 2025

O.N. 62(E).— In pursuance of Section 106 (a) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the judgment / orders of the High Court of Karnataka, Bengaluru dated 30.07.2025 in the Election Petition No. 7/2024.

(HERE PRINT THE JUDGMENT / ORDER ATTACHED)

[F. No. 82/KT-HP/7/2024]

By Order,

PAWAN DIWAN, Secy.

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

ELECTION PETITION NO.7 OF 2024

BETWEEN:

1. SMT. GAYITHRI SIDDESHWARA
W/O G.M. SIDDESHWARA
AGED 69 YEARS
RESIDENT OF NO.1906/25,
BANASHANKARI LAYOUT
SHABANUR, DAVANAGERE-577 005.

...PETITIONER

(BY SRI. VINOD KUMAR M., ADVOCATE)

AND:

1. DR. PRABHA MALLIKARJUN
W/O S.S. MALLIKARJUN
AGED 48 YEARS,
NO.2636/1, SHIVAPARVATHI
MCC 'b' BLOCK,
DAVANAGERE-577 004.
2. MR. D. HANUMANTHAPPA
S/O DANDEMMA
AGED 49 YEARS
R/AT NO.121/160,
DR. Y NAGAPPA ASHREYA BHAVANA,
HARIHARA, DAVANAGERE-577 601.
3. MR. ESHWARA SHENGA
S/O SIDDAPPA
AGED 38 YEARS,
R/AT OPP: SHYELA TESTING CENTRE
NEAR APMC GATE, R.M.C.
R.M. YARD, DAVANAGERE-577 003.

4. MR. ANABERU THIPPESWAMY
S/O LATE ANJINAPPA
AGED 36 YEARS
R/AT NO.684/2, 8TH MAIN ROAD,
P.G. EXTENSION,
DAVANAGERE-577 001.
5. MR. M.P. KHALANDAR
S/O ALLABAKSHA
AGED 42 YEARS
R/AT NO.503, 10TH WARD,
SHILARAGERI, HARAPANAHALLI TOWN,
HARAPANAHALLI TALUK
VIJAYANAGARA-583 131.
6. MR. DODDESH H.S.
S/O H. SHIVAMURTHAPPA
AGED 39 YEARS
R/AT NO.3367/14,
6TH CROSS, KUVEMPU NAGARA,
NEAR BAPUJI SCHOOL,
MCC 'B' BLOCK,
DAVANAGERE-577 004.
7. MR. RUDRESHA K.H.
S/O HALAPPA K.G
AGED 43 YEARS R/AT
NO.1675/202,
1ST FLOOR, RENUKA NILAYA,
NEAR SIDDAGANGA SCHOOL,
SIDDARAMESHWARA BADAVANE,
DAVANAGERE-577 005.
8. MR. VEERESHA S. (LION VEERESH)
S/O SHAMBUNATHA C.R.
AGED 31 YEARS
R/AT NO.269/61, DOLLARS COLONY,
BEHIND RAASTHA HOTEL,
SHAMANURU,
DAVANAGERE-577 004.

9. MR. K.S. VEERBHADRAPPA,
S/O SANNAYA
AGED 44 YEARS
R/AT MAIN ROAD GUDALU,
GOLLARAHATTI, GUDALU,
DAVANAGERE-577 512.
10. MR. M.G. SRIKANTH
S/O M. GURU RAJRAO
AGED 42 YEARS
R/AT NO.2581/11, 4TH CROSS,
BEHIND MADIVALA,
MACHIDEVA CHOULTRY,
MCC 'A' BLOCK,
DAVANGERE-577 004.
11. MR. M.C. SREENIVAS
S/O CHIKKAIAH
AGED 44 YEARS
R/AT 29, BRI COLONY,
AGRAHARA, DASARAHALLI,
BENGALURU-560 079.
12. MR. ABDUL NAZEER AHAMMED
S/O ABDUL RAOUF SAB
AGED 64 YEARS
R/AT HOSAHALLI VILLAGE,
HOSAHALLI POST, HANNALI TALUK,
DAVANAGERE-577 224.
13. MR. A K GANESH
S/O ANNESHAPPA A K
AGED 41 YEARS
R/AT NO.2322/43 C
DURGAMBIKA BADAVANE
NITTIVALLI
DAVANAGERE-577 004.
14. SMT. G.M. GAYITRI SIDDESHI
D/O G.M. SIDDESHI
AGED 50 YEARS
R/AT GODE VILLAGE,

PALLAGHATTA POST, JAGALURU TALUK,
DAVANAGERE-577 528.

15. MR. T. CHANDRU

S/O LATE M.R. TIPPESWAMY
AGED 41 YEARS
R/AT DEVARA MARIKUNTE
VILLAGE AND POST,
CHALLAKERE TALUK, KASABA HOBLI,
CHITRADURGA-577 538.

16. SMT. T. JABEENA AAPA

D/O T. YUSUF SAB
AGED 44 YEARS
R/AT NO.421/1, 6TH CROSS,
VENKA BOVI COLONY,
DAVANAGERE-577 001.

17. SMT. TASLIM BANU

W/O SUBHAN KHAN
AGED 45 YEARS
R/AT NO.1025, 2ND CROSS,
3RD MAIN, K.T.J NAGAR,
DAVANAGERE-577 002.

18. MR. PARAVEEJ H

S/O SIDDAPPA
AGED 41 YEARS
R/O. NO.162,
OPP: MUSTAFA MASJID,
SIDDARAMESHWARA EXTENSION,
BHATTI, DAVANAGERE-577 001.

19. MR. PEDDAPPA S

S/O SIDDAPPA
AGED 59 YEARS
R/AT VADDAVARATTI,
HUCCHHAVVANA HALLI,
DAVANAGERE-577 528.

20. G.M. BARKATH ALI BASHA
S/O MOHAMMAD ALI
AGED 44 YEARS
R/AT NO.1579, 2ND CROSS,
NEAR QUBA MASJID,
AHMED NAGAR
DAVANAGERE-577 001.
21. MR. BARKATH ALI
S/O LATE VAJEER SAB
AGED ABOUT 55 YEARS
R/AT NO.814, 16TH CROSS,
SIR MIRZA ISMAIL NAGAR,
BEEDI LAYOUT,
DAVANAGERE-577 001.
22. MR. MAHABUB BASHA
S/O ABDUL KHAILD SAB
AGED 35 YEARS
R/AT NO.985/1, 1ST MAIN,
1ST CROSS, AZAD NAGARA,
DAVANAGERE-577 001.
23. MR. MOHAMED HAYATH M
S/O MAQBOOL SAB
AGED 39 YEARS
R/AT 13TH CROSS, 2ND MAIN,
RAZA-UL-MUSTHAF A NAGAR,
DAVANAGERE-577 001.
24. MR. MANJU MARIKOPPA
S/O CHOUDAPPA
AGED 37 YEARS
R/AT NO.225, 1ST CROSS,
TUNGABHADRA BADAVANE,
HONNALI TOWN, HONNALI TALUK
DAVANAGERE-577 566.
25. MR. RAVINAIK B
S/O GANGYANA I K
AGED 41 YEARS
R/AT NO.53, BENDIGERI,

SANNATHANDA, BENDIGERI POST
HARAPANHALLI TALUK,
VIJAYANAGARA-583 131.

26. MR. RASHEED KHAN

S/O IBRAHIM SAB
AGED 65 YEARS
R/AT 248/1, 2ND CROSS,
NARASARAJA PETE,
DAVANAGERE-577 001.

27. MR. G.B. VINAY KUMAR

S/O BASAVANTA GUDAGATTI AVAR
AGED 39 YEARS
R/AT NO.2451/45,
GROUND FLOOR, 10TH CROSS,
SS LAYOUT 'A' BLOCK
DAVANAGERE-577 004.

28. MR. SALEEM S.

S/O SYED NAYAZ
AGED 31 YEARS
R/O 1ST CROSS, 3RD MAIN,
VIJAYANAGARA BADAVANE,
DAVANAGERE-577 004.

29. MR. SYED ZABIULLA K

S/O SYED GAFAR SAB
AGED 54 YEARS
R/AT NO.1590/1, S.H. ROAD,
MALEBENNUR, HARIHARA TALUK,
DAVANAGERE-577 601.

...RESPONDENTS

(BY SRI. PRASHANT F. GOUDAR, ADVOCATE FOR R.1; SRI PRAVEEN KUMAR N.K., ADVOCATE FOR R.7;
RESPONDENT NOS.2, 3, 5, 6, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 24, 26 AND 29 ARE SERVED.)

THIS ELECTION PETITION IS FILED UNDER SECTIONS 80, 80A, 81 AND 100 READ WITH SECTION 123 OF THE REPRESENTATION OF PEOPLE ACT, 1951, PRAYING TO SET ASIDE THE ELECTION OF THE FIRST RESPONDENT TO THE 18TH PARLIAMENTARY FROM NO 13 DAVANAGERE LOKASABHA CONSTITUENCY, ETC.

THIS PETITION, COMING ON FOR HEARING ON I.A., THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

1. Respondent No.1 in the election petition is the successful candidate from the Davanagere Lokasabha constituency, for which the election was held in the year 2024. Respondent No.1 has contested the Lokasabha election on a ticket from Indian National Congress Party. The petitioner had contested the same from Bharatiya Janata Party and has lost the election by a margin of 26,094 votes.

2. The instant election petition is filed by the petitioner alleging corrupt practices against respondent No.1 with the following prayers:

- "(i) Set aside the election of the first Respondent to the 18th Parliamentary from No 13 Davanagere Lokasabha Constituency;
- (ii) Declaring that the Respondent No 1 has committed corrupt practice under section 123(1) 123(2) 123(4) 123(6) of Representation of People Act 1951 and she was not qualified to be chosen to fill the seat of No 13Davanagere Lokasabha constituency under section 100 (1) (b) (1) (d) (iv) of the Representation of People Act.
- (iii) Declare petitioner as duly elected to fill the seat of Parliament from No 13 Davanagere Lokasabha Constituency;
- (iv) To award cost of the election petition
- (v) Pass such other order/s as this Hon'ble Court deems fit in the facts and circumstances of this case, in the interest of justice."

3. Respondent No.1 has not filed her objections. But, she has filed the application-I.A.No.2/2024 under Order VII Rule 11(a) of CPC read with Section 86(1) of the Representation of People Act, 1951 ('hereinafter referred to as the Act' for short) with a prayer to reject the election petition for the reason of failure to disclose cause of action.

4. While considering an application made for rejection of the election petition, at the threshold on the ground that it does not disclose cause of action, the Courts are required to be stringent. The averments in the election petition will have to be read as a whole to find out whether it discloses a cause of action or not and only upon reading the election petition as a whole and concluding that it does not disclose any cause of action only in that event, an election petition can be rejected on the threshold and not otherwise. Thus, in the instant case, the entire averments made in the election petition are required to be considered to find out whether the election petition discloses a cause of action or not.

5. The allegations made in the election petition are that respondent No.1 has committed corrupt practice as defined under Sections 123(1), 123(2), 123(4) and 123(6) of the Act. The aforementioned provisions read as under:

"123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:—

- (1) "Bribery", that is to say,—
 - (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—
 - (a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or
 - (b) an elector to vote or refrain from voting at an election, or as a reward to—
 - (i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or
 - (ii) an elector for having voted or refrained from voting;
 - (B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—
 - (a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or
 - (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation.—For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) xxx

(4) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) xxx

(6) The incurring or authorizing of expenditure in contravention of section 77."

6. Mere allegation that respondent No.1 has committed corrupt practice under the aforementioned sections is not sufficient. The election petition is required to disclose a specific instance of corrupt practice alleged against the successful candidate, which can be considered as a corrupt practice under the aforementioned provisions.

7. In the instant case, the only corrupt practice alleged in the entire election petition pertains to distribution of the '**Congress Guarantee Cards**' to the electors by respondent No.1 and the Indian National Congress Party. This, according to the petitioner, amounts to a corrupt practice as envisaged under Section 123 of the Act. There is no other specific allegation made against respondent No.1 or her agents.

8. Thus, the question to be answered while disposing of the instant application is whether distribution of the '**Congress Guarantee Cards**' by respondent No.1 and her agents amounts to a corrupt practice as contemplated under Section 123 of the Act.

9. Along with the election petition, the petitioner has produced a copy of the '**Congress Guarantee Card**' which promises a payment of Rs.1,00,000/- to all the educated youth of the State along with a job; Rs.1,00,000/- to a lady belonging to a poor family; waiver of loan to farmers; a minimum wage of Rs.400/- to daily wagers and conducting caste census. The '**Congress Guarantee Card**' also provides for filling up of the details of the voters.

10. It is not in dispute that the '**Congress Guarantee Card**' is not issued by respondent No.1 but by the Indian National Congress Party and similar guarantee card was issued by the Indian National Congress Party during the assembly elections to the Karnataka State Legislature. It is not issued in respect of an individual candidate but in respect of all the candidates. It is issued in pursuance of the manifesto of the Indian National Congress party and it promises to cater to the needs of certain category of persons by providing them pecuniary gains through a policy. It is a policy promise to be brought in by the Indian National Congress, if it is voted to power. It is not issued subsequent to filing of the nomination of respondent No.1, but much earlier to it but after the elections have been announced. This Court had the opportunity of examining the legal validity of a similar '**Congress Guarantee Card**' issued by the Indian National Congress party for the elections conducted to the Karnataka State Legislature in the year 2023 in E.P.No.15/2023, which has been upheld by the Apex Court in Civil Appeal No.6263/2024. In paragraphs 11, 13 and 14 of the order in E.P.No.15/2023, it has been held as under:

"11. A perusal of the aforementioned Section discloses that, a practice shall be considered as a corrupt practice when the same is done by a candidate or his agent or by any other person with the consent of the candidate or his agent, and not otherwise. A declaration by a party as to the policy that they intend to bring

about cannot be considered as a corrupt practice. Whether the said policy is sound or not and whether it has the effect of doling out freebies or appeasing a section of the society to the detriment of others, is a matter to be debated and it is for the voters to enlighten themselves about the viability of the said promises and vote for a particular party. The same cannot be considered as a corrupt practice for the purpose of Section 123 of the RP Act.

13. In the light of the aforementioned observations made by the Hon'ble Apex Court, the five guarantees of the Indian National Congress have to be considered as social welfare policies. Whether they are financially viable or not is altogether a different aspect. It is for the other parties to show as to how implementation of the said schemes amounts to bankruptcy of the State Treasury and it can only lead to malgovernance of the State. It is possible that they can be termed as wrong policies under the given facts and circumstances of the case, but cannot be termed as corrupt practices.

14. As the petitioner in the instant petition has challenged the election of the respondent to the Karnataka State Assembly only on the ground that the manifesto of the Indian National Congress amounts to corrupt practices and as it has to be held otherwise for the reasons mentioned above, it has to be concluded that the petition in the instant case does not disclose the cause of action and the same is liable to be rejected."

11. In the instant case also, the only ground alleged as a corrupt practice is the issuance of the '**Congress Guarantee Card**'. The same cannot be considered as a corrupt practice and it has been considered as a policy promised by the Indian National Congress Party to the voters.

12. For the aforementioned reasons, I.A.No.2/2024 filed by respondent No.1 is hereby allowed and the election petition filed by the petitioner is hereby rejected.

Pending I.As., if any, stand disposed of.

SD/-
JUDGE