

## **Topic: Power Of President Under Article 341**

Name of the Case: Bhaiyalal v. Harikrishna Singh, AIR 1965 SC 1557

Bench: Chief Justice P.B. Gajendragadkar, Justice K.N. Wanchoo, Justice M. Hidayatullah, Justice J.C. Shah, Justice S.M. Sikri

Fact of the Case: The appellant election was challenged inter alia, on the ground that he belonged to the Dohar caste which was not recognised as a Schedule Caste for the district in question and saw his declaration that he belonged to the Chamar caste which was a Schedule Caste was in properly and illegally accepted by the returning officer. The election tribunal declared the election invalid. The finding was confirmed by High Court and the appellant has filed the appeal before Supreme Court.

Judgment: The Supreme Court has observed as regard to the power of President under Article 341 as under

“it is obvious that in specifying caste, race or tribe, the President has been expressly authorised to limit the notification to parts of all groups within the caste, races or tribes and that must mean that after examining the educational and social backwardness of a caste, race or tribe, the President may well come to the conclusion that not the whole caste, race or tribe, but the part of or groups within them would be a specified. Similarly, the President can specify caste, race or tribe or part thereof in relation not only to entire state, but in relation to parts of the state where he is satisfied that the examination of social and educational backwardness of the race, caste or tribe justifies such specifications. In fact, it is well-known that before a notification is issued under Article 341(1), an elaborate enquiry is made and it is as a result of this enquiry that social justice is sought to be done to the caste, race or tribe as may appear to be necessary, and in doing justice, it would obviously be expedient not only to specify parts for groups of caste, race or tribes, but to make the said specification by reference to different areas in the State. Educational and social backwardness regard to this caste, race or tribe may not be uniform or of the same intensity in the whole of the state, if may vary in degree or in kind in different areas and may justify the division of the state into convenient and suitable areas for the purpose of issuing the public notification in question.”