

Case name: N. S Vardachari vs. G. Vasantha Pai and others (AIR 1973 SC 38)

(Brief analysed only from the view point of section 171-G of IPC, 1860)

Facts

The petition filed by the appellant is an election petition filed under section 116 A of the representation of the people's act 1951. This petition was filed by the appellant to challenge the election of the respondent in the Tamil nadu legislative council from the madras city graduates constituency. On the first count of the vote Vasantha Pai won the election or was elected, on the second count of the vote the appellant won the election. He challenged the election on the grounds that he was involved in corrupt practises, and providing false statement regarding a candidate. The high court stated that appellant failed to establish the grounds and the petition was dismissed. During the time the respondent in his propaganda made statements that appellant was sponsored by a political party and he being non graduate is not qualified to contest election from the madras city graduates constituency as no political party sponsored candidate were allowed to contest election from such constituency. The respondent even challenged the candidature of the appellant before the returning officer of the constituency on the grounds that he is sponsored by a political party and he is non graduate. The returning officer rejected such grounds to disqualify the candidature of the appellant as no such laws existed regarding the qualification.

Issue

Whether the statements made by the respondent against the appellant in his propaganda amounts to false statements according to the section 171 G of IPC 1860.

Arguments

It was argued that by the appellant that statements made by the respondent during his propaganda were false, and it created an impact on the mind of the voters of the constituency which caused him the loss of the election. He argued that he made such statements' deliberately to hamper his reputation among the voters. While the respondent negated all the contentions made by the appellant and stated that he presented the truth before the voters and he was doing so by remaining in his rights to campaign for himself.

Judgment

The court declared the respondent not guilty under the charge of 171 G regarding making false statement in connection with an election. The court held that to make an accused guilty under the charge of false statement in connection with an election the statements needs to be vulgar, virulent, or of scurrilous character which would create an impact on the mind of the voters and the same would deter them to vote for such candidate by exercising their free electoral rights but the statements has affected their choice. The court further held that statements made by the respondent were opinion and not even facts. Further the court held that the respondent did not even attempt to attack the character of the appellant. He only placed his views before the electorate and he had right to say that he will challenge the election of the appellant. Hence the appeal is dismissed with cost.

