

(2026) 03 SC CK 1471

In the Supreme Court Of India

Case No : Civil Appeal No. Of 2026 (Arising out of Special Leave Petition (Civil)
No. 12490 Of 2024)

Rashmi Singh

APPELLANT

Vs

State Of Bihar And Others

RESPONDENT

Date of Decision : 10-03-2026

Acts Referred:

Constitution of India, 1950 — Article 226
Bihar Panchayat Raj Act, 2006 — Section 44(3), 70(4), 72(2)

Citation : (2026) 03 SC CK 1471

Hon'ble Judges : Surya Kant, CJI; Joymalya Bagchi, J

Bench : Division Bench

Advocate : Sharan Dev Singh Thakur, Sudeep Kumar, Kumar Harshvardhan, Manisha, Rupali, Amit Pawan, Anshul Narayan, Anshuman Harsh, Prem Prakash, Sarim Naved, Nand Sagar, Saurabh Sagar, Maulshree Pathak, Zeeshan Ahmad, Mohd Noumaan, Kumar Mihir, Vivek Kumar, Dr. Priyanka, Sanskriti Mishra, Akshat Srivastava

Final Decision : Disposed Of

Judgement

Surya Kant, CJI

1. Delay condoned. Leave granted.

2. These Civil Appeals are directed against the judgement dated 16.05.2024 (Impugned Judgement) passed by a Full Bench of the High Court of Judicature at Patna (High Court), wherein it has answered a reference, holding that a no-confidence motion brought under Sections 44(3) and 70(4) of the Bihar Panchayat Raj Act, 2006 (Panchayat Act) would succeed if a 'majority of the members present' vote in favour of the motion at the Special Meeting convened for this purpose.

A. PROCEDURAL AND FACTUAL HISTORY OF THESE CASES

3. Before we proceed to our analysis, it may be relevant to first elucidate how

this question was referred to the Full Bench of the High Court.

3.1. A learned Single Judge of the High Court, in *Sarita Kumari v. State of Bihar*, 2008 SCC OnLine Pat 1485 considered the validity of a no-confidence motion brought against the Adhayaksha (or Up-Adhayaksha) of a Zila Parishad under Section 70(4) of the Panchayat Act and held that the motion would succeed only if a majority of the total number of members of the Parishad voted in favour of it. This was subsequently affirmed by a Division Bench of the High Court in an intra-court appeal 'High Court of Judicature at Patna, Letters Patent Appeal No. 940 of 2008, order dated 20.08.2009'.

3.2. Twelve years thereafter, in the case of *Dharamsheela Kumari v. Hemant Kumar*, 2021 SCC OnLine Pat 1276 the High Court considered various issues on the interpretation of Section 44(3) of the Panchayat Act, pertaining to the removal of Pramukh and Up-Pramukh of a Panchayat Samiti through a no-confidence motion. A Division Bench of the High Court, thereupon, concluded that the affirmative vote of a majority of only those members of the Samiti 'who are present at the Special Meeting' is sufficient for the said motion to succeed.

3.3. We may highlight that Sections 44(3) and 70(4) of the Panchayat Act are *pari materia* in all material aspects, with the only difference being that the former applies to the elected leaders of the Panchayat Samiti, while the latter pertains to the Heads of the Zila Parishad. There is no dispute that the interpretation of either sub-section would be applicable, *mutatis mutandis*, to the other.

3.4. In late 2023 and early 2024, efforts were made to initiate no-confidence motions against the heads of various Panchayat Samitis and Zila Parishads across Bihar, including against the Appellants. Although more than half of the members present at the Special Meetings to consider the no-confidence motion supported it in most cases, this did not amount to a majority of the total elected members of the Samiti or Parishad. In some other cases, since less than fifty percent of the total membership attended the Special Meeting, it was decided that the no- confidence motion could not be considered. In most such instances, the State Administration relied on the interpretation in *Sarita Kumari* (*supra*) and held that the no-confidence motions had failed. In other cases, however, the prescribed Authority, supported by *Dharamsheela Kumari* (*supra*), declared the no-confidence motions to have passed. Formal orders reflecting either outcome were also issued. This prompted the aggrieved persons from across the State of Bihar to file a slew of petitions under Article 226 of the Constitution of India before the High Court. Some of these petitions were resolved, either in one way or another, resulting in intra-court appeals filed by the aggrieved litigants under the Letters Patent jurisdiction of the High Court.

3.5. Since the divergent views of the two Division Benches led to inconsistency in the decision being taken in these matters, various cases, including those of the Appellants, were referred to a Full Bench of the High Court for an authoritative

pronouncement on the question as to, "whether in a "no confidence" motion brought against a Adhyaksh or Upadhyaksh of Zila Parishad under the [Panchayat Act], the motion would be successfully carried out by a majority of the total number of directly elected members from the territorial constituencies of Zila Parishad or by the majority of the directly elected members present and voting." There is no quarrel that this issue, effectively, also covered the analogous issue re: the Pramukh and Up-Pramukh of a Panchayat Samiti.

4. The Full Bench has vide the Impugned Judgement opined that the affirmative support of a majority of the directly elected members who are present and voting would be sufficient to pass a motion of no- confidence. In doing so, the Full Bench has approved the Division Bench's view in Dharamsheela Kumari (supra), while overruling the ratio laid down in Sarita Kumari (supra). Furthermore, the Full Bench has clarified that no quorum is required for holding a Special Meeting for this purpose.

5. The Appellants have, thus, preferred the instant appeals, contending that the interpretation of Sections 44(3) and 70(4) done by the Full Bench of the High Court is erroneous and would lead to absurd outcomes.

6. When these cases came up for hearing on 17.09.2024, this Court, as an interim measure, directed that any further action arising from the no-confidence motion(s) be kept in abeyance, and the Appellants were thus permitted to continue to serve as elected representatives.

7. Thereafter, these appeals and other similar cases were heard at considerable length on 10.02.2026, when the following order was passed:

"2. In light of the circumstances pointed out in Court, we find it appropriate to modify the interim orders passed from time to time by this Court to the following effect:

(i) In the following cases, a fresh special meeting shall be called regarding the no-confidence motion:

a. the no-confidence motion was not voted upon in the first meeting; or

b. the no-confidence motion has been voted upon in the first meeting with less than half of the total elected members having voted in favour of the motion;

(ii) Such special meetings shall be held notwithstanding the outcome of the second meeting on the no-confidence motion, if any, or the second no-confidence motion, if any, having been notified;

(iii) In the fresh special meetings, the motion shall be voted upon only if at least two-thirds of the total elected members are present and voting;

(iv) The no-confidence motion shall be held to have passed if more than half of the total elected members vote in favour of the no-confidence motion;

(v) The no-confidence motion shall be taken to have failed if the minimum

members prescribed in Clause (iii) are not present or if the required votes as per Clause (iv) are not met; and

(vi) In case the no-confidence motion succeeds, the State Authorities and the State Election Commission shall to proceed with the relevant procedure for conducting bye-elections to the newly vacant positions.

3. It is clarified that the above modification shall only apply to the cases involved in the present batch of petitions, specifically only those covered by Clause (i), above. The interim protection granted in other cases before us, which are not covered by the said Clause, shall continue to operate."

[Sic] [Emphasis supplied]

8. Learned senior counsel/counsel for the parties have informed us that pursuant to the above-quoted order, necessary steps for consideration of the no-confidence motion(s) have been taken. It is stated that the final outcome of such consideration has been notified in some Districts, while the formal process is yet to be concluded in other areas.

9. We have conclusively heard learned senior counsel and counsel representing the parties and minutely perused the record. While the State of Bihar, along with its functionaries, are represented by the learned Standing Counsel, we are cognisant that formal notice has not been issued in the Civil Appeal arising out of Diary No. 37207/2024. However, in our considered opinion, the interim orders of this Court having already been substantially complied with, there is no need to delay the final adjudication of the instant appeals for want of formal notice to the private respondents.

B. ANALYSIS

10. The singular point of contention that needs to be resolved by this Court revolves around the correctness of the interpretation of the expression 'majority' forwarded by the High Court through the Impugned Judgement.

11. For reference, Sections 44(3) and 70(4) of the Panchayat Act are reproduced hereafter:

"S.44: Resignation and Removal of Pramukh and Up- Pramukh.-

xx xx xx xx

(3) (i) A Pramukh/Up-Pramukh of the Panchayat Samiti shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Panchayat Samiti at a meeting specially convened for the purpose.

The requisition for such a special meeting shall be presented to the Pramukh in writing with a copy to the Executive Officer of the Panchayat Samiti, by not less than one third of the total number of members elected directly from the territorial constituencies of the Panchayat Samiti. The Executive Officer shall

immediately bring the requisition to the notice of the Pramukh. The Pramukh shall convene such meeting on a date falling within 15 days of such requisition. If the Pramukh fails to call the special meeting, the Up-Pramukh or one third of the total number of directly elected members may fix a date for such meeting and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting. The Executive Officer shall necessarily issue such notice in time and convene the meeting. No such meeting shall be postponed once the notice for the same has been issued. No quorum shall be required for the special meeting convened to discuss no confidence motion.

(ii) No confidence motion shall not be moved against the Pramukh or the Up-Pramukh within the first two year period of their tenure. Such a no confidence motion may be brought only once in the whole tenure of Pramukh/Up-Pramukh.

(iii) No confidence motion against the Pramukh or Up-Pramukh or both, as the case may be, shall not be brought during the last six months of the term of the Panchayat Samiti as mentioned in Section 39(1) of this Act.

(iv) [absent]

(v) Such reasons/charges, on the basis of which no confidence motion has to be moved against the Pramukh or Up-Pramukh, shall be clearly mentioned in the notice of meeting called to consider the no confidence motion.

(vi) As soon as the meeting called under this Section begins, the presiding member of this meeting shall read out the motion on which the meeting has been called to consider before the members present and declare it open for discussion. Any discussion on the motion shall not be adjourned.

(vii) During discussion, opportunity shall be given to the Pramukh/Up-Pramukh against whom no confidence motion has been moved for his defence before the Panchayat Samiti. The motion shall be put to vote on the same day after discussion and shall take place by secret ballot in the prescribed manner.

(viii) In case of no confidence motion against a Pramukh, the meeting shall be presided by the Up-Pramukh; in case of motion against Up-Pramukh by the Pramukh and in case of motion against both Pramukh and Up Pramukh, by any member elected from among the members of the Panchayat Samiti present in the meeting.

In case of the post of Up-Pramukh being vacant or his absence from the meeting convened for discussion on no confidence motion against the Pramukh or the post of Pramukh being vacant or his absence from the meeting convened for discussion on no confidence motion against the Up-Pramukh, as the case may be, shall be presided over by any member elected from amongst the directly elected members from the territorial constituency of the Panchayat Samiti present in the meeting.

XX XX XX XX

70. Resignations or Removal of Adhyaksha and Up- adhyaksha.-

XX XX XX XX

(4) (i) Adhayaksha and Up-Adhayaksha shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of directly elected members from territorial constituencies of the Zila Parishad at a meeting specially convened for the purpose. The requisition for such a special meeting shall be signed by not less than one fifth of the total number of directly elected members of the Zila Parishad and shall be delivered to the Adhyaksha with a copy to the District Magistrate. The Adhyaksha shall within seven days from the date of receipt of such requisition convene a special meeting of the Zila Parishad. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. The meeting shall be presided over by the Adhyaksha if the motion is against the Up- adhayaksha; if it is against the Adhyaksha the Upadhyaksha shall preside over the meeting and if it is against Adhyaksha and Upadhyaksha both then the District Magistrate shall preside over the meeting.

In case of the post of Up-adhyaksha being vacant or his absence from the meeting convened for discussion on no confidence motion against the Adhyaksha or the post of Adhyaksha being vacant or his absence from the meeting convened for discussion on no confidence motion against the Up-adhyaksha, as the case may be, the meeting shall be presided over by any member elected from amongst the directly elected members from the territorial constituencies of the Zila Parishad present in the meeting.

In case of failure to convene the meeting by the Adhyaksha, the District Magistrate shall convene the meeting in the same manner and the meeting shall be presided by him.

No such meeting shall be postponed once the notice for the same has been issued. No quorum shall be required for the special meeting convened to discuss no confidence motion.

(ii) During the first two year period of the tenure, no confidence motion shall not be moved against the Adhyaksha or the Upadhyaksha. Such a no confidence motion may be brought only once in the whole tenure of "Adhyaksha or Upadhyaksha".

(iii) No-confidence motion against the Adhyaksha or Upadhyaksha or both, shall not be brought within six months of the expiry of the term of the Zila Parishad.

(iv) Such reasons/charges, on the basis of which no confidence motion is to be moved against the Adhyaksha or Upadhyaksha, shall be clearly mentioned in the notice of the meeting called to consider the no confidence motion.

(v) As soon as the meeting called under this Section commences, the presiding

member at the meeting shall read out the motion on which the meeting has been called to consider, before the present members and declare it open for discussion. Any discussion on the motion under this Section shall not be adjourned.

(vi) During discussion, opportunity shall be given to the Adhyaksha or Upadhyaksha or both against whom no confidence motion is moved, for his defence before the Zila Parishad. The motion shall be put to vote on the same day after discussion which shall take place by secret ballot in the prescribed manner by the District Magistrate.

(vii) [deleted]"

[Emphasis supplied]

12. Though this Court is seized of the interpretation of both the above-reproduced Sub-Sections, we propose, for the sake of convenience and ease of reference, to consider the correctness of the Impugned Judgement and the contentions of the Parties in the context of Section 70(4) of the Panchayat Act. As observed earlier, the two provisions in question being similarly worded, the reasoning adopted by this Court for Section 70(4) shall also apply to Section 44(3) of the Panchayat Act.

B.1 Literal Interpretation: True Meaning of 'total number ... at a meeting'

13. The High Court has placed heavy reliance on the expression 'at a meeting specially convened for the purpose' to interpret Section 70(4) of the Panchayat Act. More specifically, the Full Bench has held the following in its opinion:

"14. The procedure has been well laid out in Section 70 (4) of the Act. It provides that Adhyaksh and Upadhyaksh would be deemed to have vacated their offices forthwith if a resolution expressing want of confidence in them is passed by a majority of total number of directly elected members from the territorial constituencies of the Zila Parishad at a meeting especially convened for the purpose.

(emphasis provided)

15. It ought not to be lost sight of that the opening part of the clause clearly provides that the motion would be carried out by the majority of the total number of directly elected members at a meeting especially convened for the purpose. The phrase "at a meeting especially convened for the purpose" has to be read as a necessary adjunct to the earlier part of the provision viz. the majority of the total of the directly elected members. The number which is conceived of for majority is the number of members who would be present in the meeting, especially convened for the purposes of discussing the "no confidence" motion.

xx xx xx xx

38. In our estimation, such comparison is not apt for the reason of total clarity in the Statute. If the opening sentence of Section 70 (4) of the Act is read as a whole, it would appear that what the Legislature intended was the majority of the directly elected members at especially convened meeting. This can only mean members present and voting and nothing else."

14. The High Court seems to have understood that the reference to the Special Meeting qualifies 'the total number of directly elected members from territorial constituencies of the Zila Parishad'. Accordingly, the conclusion reached is that the majority required is only of such elected members who are present 'at the Special Meeting'.

15. We, however, find this to be inconsistent with the legislative intention and incongruous to the language encapsulated within Section 70(4). The expression in the provision is "majority of the total number of directly elected members from territorial constituencies of the Zila Parishad." On a bare and plain reading of the provision without any external aid, we have no doubt in our mind that the reference therein is to a majority of all the elected members, not just those who are present and voting.

16. We say so for the reason that when the entire first sentence of Section 70(4) is viewed, the text makes it clear that the thrust of the expression 'ata meeting specially convened' is only to the extent that the motion shall not be considered or voted upon in an ordinary meeting. It cannot be construed in such a manner which would restrict the meaning of 'total members'.

17. The complete text of the provision projects no other meaning except that more than half of the total number of directly elected persons would be required to support the no-confidence motion, which would be considered and deliberated at a Special Meeting.

18. However, the reference to a 'Special Meeting' is not the only reason assigned by the High Court for holding that Section 70(4) unveils legislative intention to restrict the meaning of majority to only those elected members who are present at the said meeting.

B.2 The Effect and Import of the 'No-Quorum' Provision

19. In this regard, the Full Bench has given impetus to the fact that it is explicitly stated that no quorum is required for the Special Meeting. According to the High Court, if the 'majority' is taken to be that of the total elected members, the attendance of at least half of the total membership would become mandatory for the Special Meeting to pass the no-confidence motion. This, as per the Full Bench, would run contrary to the 'no-quorum' provision.

20. We are, however, not inclined to concur with the above understanding of Section 70(4). A holistic look into the text of Section 70(4) of the Panchayat Act brings to our attention some noteworthy stipulations contained within it:

- (i) A no-confidence motion is not permitted to be moved during the first two years and the last six months of the term of the Adhyaksha or Up-Adhyaksha;
- (ii) Only one no-confidence motion is permitted to be brought in a term of the Adhyaksha or Up-Adhyaksha;
- (iii) The date of the Special Meeting to consider the no-confidence motion shall be kept within 15 days of the receipt of the requisition for such meeting;
- (iv) The Special Meeting shall not be postponed once the notice for the same has been issued; and
- (v) The no-confidence motion is to be put to vote on the same day, after relevant discussion takes place in the Special Meeting.

21. It is apparent from the plain reading of the above conditions that certain limitations have been imposed on the bringing and consideration of a no-confidence motion. These provisions seem to arise from an attempt by the Legislature to ensure that (i) the motion for no- confidence is not weaponised to create short-term local governments and instability; and (ii) the doubt over the legitimacy of the Adhyaksha or Up-Adhyaksha does not sustain for an extended period of time.

22. In this context, if a minimum quorum is prescribed, it would permit the validity of a purported Special Meeting to be called into question. When the meeting is scheduled, but the required quorum is not met, it follows that the members will not be able to take up the agenda on that occasion. This would, rather, lead to the inevitable postponement of the Special Meeting, which would directly contradict the statutory bar against postponement of the Special Meeting.

23. We may also note that Section 72(2) of the Panchayat Act mandates a quorum of one-third of the total members for any meetings of the Zila Parishad. To prevent the above-envisaged situation from arising, it became imperative that Section 70(4) of the Panchayat Act contain an express negation of a minimum quorum. Hence, for the purpose of inculcating efficiency, speediness, and finality in the procedure, the Legislature decided to prescribe that no minimum quorum is required for a Special Meeting.

24. That being the demonstrable intent behind the 'no-quorum' provision, we find that the same is entirely disjointed from the issue of 'majority'. It was not the intention of the Legislature that the no-confidence motion must only be decided by those members present at the Special Meeting: the quorum stipulation is only qua the legality of the meeting. Given such dissonance in intent and scope, the conditions laid down by the Legislature on attendance and validity of the meeting cannot dilute the express mandate regarding the majority required for passing a no- confidence motion.

B.3 Addressing Potential Dangers to Democracy

25. Beyond the literal and intention-based reading of Section 70(4), there is

another reason why the conclusion of the High Court cannot sustain. If the threshold re: majority required to remove an Adhyaksha or Up- Adhyakasha is put into effect, it would open the doors to rampant misuse of Section 70(4) and present a real danger to democracy.

26. We say so for the reason that the High Court's opinion permits a no-confidence motion to be passed by just a handful of elected members. Since the majority required under Section 70(4) is held to be only from those elected members who are present at the Special Meeting, if most of the elected members remain absent, the no-confidence motion may be decided by a small minority of the electorate. Such an interpretation, thus, has the potential to trigger extraordinary, anomalous situations, shaped by the specific facts of each case.

27. To explicate, let us take a hypothetical example of a Zila Parishad having 80 elected members. Once a no-confidence motion is requisitioned, after the necessary procedures, the Special Meeting is scheduled and notified to all the members. However, due to a multitude of reasons, not all members may be able or allowed to attend the Special Meeting. These reasons may range from health-related exigencies, family engagements, and festivals to political strategies or criminal coercion. In more extreme circumstances, let us say only 20 persons finally attend the Special Meeting. In such a situation, the motion for no-confidence in the Adhyaksha of the Zila Parishad, which contains 80 members, would sail through with the votes of just 11 members.

28. The above example underlines that the High Court's construction of the expression 'majority' would result in elected functionaries being deemed to have lost the confidence of the House based on the affirmative action of a mere minuscule number of elected members. A single instance of non-attendance by a large group of elected members can have a drastic impact on the democratic and representative nature of local government.

29. The Impugned Judgement, thus, is likely to incentivise mischievous and mala fide attempts to surreptitiously remove elected heads, endangering democracy at the grassroots level, which would inevitably affect the entire State.

B.3.1 The Court's Role in Protecting Representative Democracy

30. As a fundamental element of the Indian Constitution's framework, the idea of representative democracy holds a significant place in the country's governance system. Democracy entails that the will of the people is paramount. Through their freely elected representatives, the choices of the citizens must be respected and dutifully accepted. It is this right that truly underpins our democratic government.

31. The system of Panchayats, encapsulated in Part IX of the Constitution, reflects and embodies these values. By bringing democratic principles to the grassroots, such institutions establish a multi-tiered mechanism for local self-

governance. Importantly, Panchayats allow each citizen in rural India to participate at the local level, empowering them to make an impact on their own lives and of those around them. In a representative democracy, this power is exercised through the electoral process.

32. It then goes without saying that once a representative is duly elected, the law must reflect a deference to the sanctity of the electoral decision to be represented by a certain individual. Similarly, respect also ought to be accorded to the leaders elected from among the representatives.

33. In this vein, the elected leaders in our democracy stand in as the voice of their entire constituency. Their choices carry the same weight as all the people they represent, and their decisions are considered to have been taken by the collective citizenship. It is for this reason that even the Leader of Opposition, i.e., the person whose party did not obtain the support of the larger majority of the people, is a celebrated and respected position in Indian democracy.

34. These ideals of democracy form part of the Basic Structure of our Constitution. As such, it is incumbent on the Legislative organs to recognise these principles and give them shape through Statutes like the Panchayat Act.

35. Concomitantly, as the custodian of the Constitution, this Court bears a responsibility to preserve these ideals and principles. The democratic spirit of our nation cannot be compromised, and the will of the people and the voice of their representatives must not be undermined. Whether through substantial restrictions or procedural malfeasance, if the situation reveals a 'danger to democracy', this Court is dutifully bound to intervene.

36. To put it in other words, if the choices of all elected representatives are not being acknowledged or given due weightage, such that it poses a risk to the democratic foundation of our institutions, the Constitutional Courts must address the issues that have arisen and restore the power to its citizens.

37. We may hasten to add here that a motion of no-confidence is another important facet of our democratic structure. It ensures that elected leaders do not act with impunity and instils accountability towards the citizens and the electorate. At the same time, such a procedure inherently doubts the previous democratic decision of the citizens and questions the basic presumption that the elected carries the will of the electorate. It births uncertainty and clouds the legitimacy of the representative's actions.

38. Hence, it is not unreasonable for the Legislature to incorporate appropriate and stringent safeguards within democratic processes to prevent such drastic measures from being operationalised in a cavalier manner. Such measures would not only improve stability within democratic institutions but also curb their misuse. The Full Bench of the High Court has also rightly recognised the need for guardrails within Section 70(4) in Paragraphs 22 to 25 of the Impugned Judgement.

39. Additionally, a no-confidence motion being a democratic process, it is crucial that representatives are enabled to voice their opinions and have a substantial impact on those proceedings. The procedure adopted to consider these decisions must, therefore, empower the elected voices.

40. Thus, this Court ought to keep the fundamental and Constitutional democratic values in mind while giving meaning to the words in Section 70(4) of the Panchayat Act. The aim must be to ensure that the pillars of our representative democracy are bolstered, not demolished.

B.3.2 Protecting the Voice of Elected Representatives under Section 70(4)

41. As noticed earlier, the High Court has acknowledged this Constitutional objective in Paragraphs 22 to 25 of the subject Judgement. Importantly, in Paragraphs 31 and 32, specific objections of the learned Advocate General have also been adverted to, wherein he specifically cautioned that "There could be a possibility of fraud not only on the Statute, but also on the basic principle of the democracy."

42. However, the High Court seems to have limited its consideration to the cases involving malicious and seemingly criminal actions by interested parties. In that context, the Full Bench has negated this concern with the observation that analogous arguments would arise if the approval of a stated minimum number of members is required for the vote of no- confidence to pass. Perhaps what has weighed with the Full Bench, and rightly so, is that illegal means can also be used to prevent the supporters of the no-confidence motion from attending the Special Meeting.

43. The High Court's construction of Section 70(4) of the Panchayat Act, nonetheless, effectively erodes the crucial right of each directly elected representative in the Zila Parishad to have a say on the matter of removing the Adhyaksha or Up-Adhyaksha. We need not repeat the issues that may arise due to the meaning placed on the term 'majority', other than to say that the opinion of the Full Bench can lead to disproportionate consequences. A single instance of absence can render the role of an elected representative illusory. Such procedural frameworks may impair the voice of the people and consequently undermine the democratic process.

44. Keeping this in mind, vide order dated 10.02.2026, a three-Judge bench of this Court, including both of us, had directed that the no- confidence motion shall not be taken to have passed in the absence of a majority of the total elected members.

B.4 Conclusion

45. We, thus, find that the text of Section 70(4) is plain and clear, and it falls in line with the underlying legislative intent. Accordingly, we hold that an Adhyaksha or Up-Adhyaksha can be removed only if the resolution of no-confidence is supported by more than half of the total number of elected

members for it to pass. This interpretation is warranted not only by the expressions used in the provision but also is directed at protecting the democratic integrity of the framework of local self-governance in the State of Bihar.

46. At the cost of repetition, this finding would also apply analogously to Section 44(3). The opinion of the Full Bench of the High Court, as given in the Impugned Judgement, is thus held to be erroneous in law.

C. DIRECTIONS

47. For the reasons set out above, the instant appeals are allowed, and the following directions are issued:

- (i) The Impugned Judgement of the High Court is set aside;
 - (ii) The judgement in Dharamsheela Kumari (supra) is modified to the extent of the conclusion drawn in Paragraph 45 of this Judgement, and the decision in Sarita Kumari (supra) is affirmed;
 - (iii) All the no-confidence motions across the State of Bihar, which remain pending or are to be taken up in future under Sections 44(3) and 70(4) of the Panchayat Act, shall be considered strictly as per the procedure contained in the said Sub-Sections and the threshold outlined in Paragraph 45 of this Judgement; and
 - (iv) In light of the above directions, the interim orders issued from time to time in these appeals stand modified to the extent that the process directed in Paragraph 2 of this Court's order dated 10.02.2026 shall be taken to its logical conclusion, as per the terms stipulated therein. The same shall be concluded by 31.05.2026.
48. All the pending interlocutory applications, if any, stand disposed of in the aforementioned terms. Ordered accordingly.