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PROFORMA FOR FIRST LISTING

The case pertains to (Please tick/check the correct box)

	Central Act: (Title)	32 of constitution of India
	Section:	
	Central Rule: (Title)	N.A.
	Rule No. (S)	N.A.
	State Act: (Title)	N.A.
	Section:	N.A.
	State Rule: (Title)	N.A.
	Rule No (S)	N.A.
	Impugned interim order: (Date)	N.A.
	Impugned final order/decree: (Date)	N.A.
	High Court: (Name)	N.A.
	Names of judges:	N.A.
	Tribunal/Authority (name)	NA
1.	Nature of <input type="checkbox"/> Civil <input type="checkbox"/> Criminal matter:	Civil
2.	(a) Petitioner:	MR. SURJIT SINGH YADAV
	(b) E-mail ID:	N.A.
	(c) Mobile phone number:	N.A.
3.	(a) Respondent	Union of India & Others
	(b) E-mail ID:	N.A.

	(c) Mobile phone number:	N.A.		
4.	(a) Main category classification			
	(b) Sub classification:			
5.	Note to be listed before	N.A.		
6.	(a) Similar disposed of matter with citation, if any, & case details:	No similar matter has been disposed off.		
	(b) Similar pending matter with case details:	No similar matter has been pending.		
7.	Criminal matters	N.A.		
	(a) Whether accused/convict has surrendered	N.A.		
	(b) F.I.R. No.	N.A.		
	(c) Police Station:	N.A.		
	(d) Sentence awarded:	N.A.		
	(e) Period of sentence undergone including period of detention /custody undergone:	N.A.		
8.	Land acquisition matters:	N.A.		
	(a) Date of Section 4 notification	N.A.		
	(b) Date of Section 6 notification	N.A.		
	(c) Date of Section 17 notification	N.A.		
9.	Tax matters: State the tax effect:	N.A.		
10.	Special category (First petitioner/appellant only)	N.A.		
	Senior citizen >65 Years <input type="checkbox"/>	SC/ST <input type="checkbox"/>	Women/child <input type="checkbox"/>	Disabled <input type="checkbox"/>
	Legal aid case <input type="checkbox"/>	In custody <input type="checkbox"/>		
11.	Vehicle number (in case of Motor			

	Accident claim matters):	N.A.
NEW DELHI DATE:19.02.2022	 (Abhishek) Advocate for the Petitioner Registration No.1785 abhisheksharma.office@gmail.com	

SYNOPSIS, LIST OF DATES AND EVENTS

This is a Writ Petition in the shape of Public Interest Litigation (PIL) challenging the averments made by political parties during elections of assembly of freebies to the voters and public, if their government is voted in power. Such an offer or promise by a political party, its leader, candidates set up in the elections, may be declared to be indulging in corrupt practices and bribery in terms of provisions of Section 123 (1)(b) of the Representations of People Act, 1951 and the candidates set up by such political parties may be declared disqualified from contesting the election in that state. This is important for free and fair voting of the candidates of elector choice. Further to maintain the purity of election process, corrupt practices adopted by the political parties, their agents, candidates and leader must be deprecated at the threshold.

Therefore, the Election Commission is required to be directed to evolve a mechanism at the time of filing nominations, declaration to the effect that their political parties on whose symbol, they are contesting election, have

not made any offer and promise of freebies at the cost of public money, if they are voted to power. If such declaration by the candidates are found wrong, such candidates must be declared disqualified from contesting the election and if elected, such election may be declared void

Therefore, mass offer or promise by political parties for electoral gains can be categorized as corrupt practices.

Therefore, the instant Writ Petition is being preferred that fundamental right of freedom of speech requires consideration by this Hon'ble court in view of Article 19 (2) and Section 123 (1)(b) of the Representation of People Act, 1951.

It is important to mention certain important dates and events accordingly, dates and events are narrated herein below;

Year, 1950 The Constitution of India came into operation in the year, 1950. Part -III of the Constitution provides for fundamental rights of the Citizen of India, Articles 12 to 35 deals with the Fundamental Rights. For the

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purpose of the present Writ Petition, the question of law raised in this Writ Petition involves Article 19 on one hand and Section 123(1)(b) of the Representation of People Act, 1951 on the other hand.

Year, 1950 The Representation of People Act, 1950 consist of total 32 Sections and 4 Schedules. The Representation of People Act, 1950 makes provision for allocation of seats and delimitation of constitutes in Lok Sabha, Legislatives Assemblies and Councils. It further provides for officers, electoral roll for parliament as well as assembly constituency. It further provides for manner of filling seas in the council of states etc.

Year, 1951 The Representation of People Act, 1951 was enacted by the Parliament consisting of total 170 Sections.

Chapter -III of the Representation of People Act, 1951 provides for disqualification for

Membership of Parliament and State Legislature. Further under Chapter –I Part-VII of the Representation of People Act, 1951, provision has been made Under Section 123 relating to corrupt practices. Section 123 of the Representation of People Act, 1951 reads as under;

“123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:— 1/

(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—

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- (a) a person to stand or not to stand as, or
2[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 3[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 4[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*

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induce any elector to vote or refrain from voting, or any candidate 2[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 5[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 publication, 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. 6[(3) The appeal by a candidate or his agent or by any other person with the consent of a candidates or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate: 7[Provided that no symbol allotted

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under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.] 8[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the

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furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate. Explanation.—For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

- (4) *The publication by a candidate or his agent or by any other person 9[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,10[***] of any candidate, being a statement reasonably*

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calculated to prejudice the prospects of that candidate's election.

- (5) *The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person 11[with the consent of a candidate or his election agent] 12[or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll: Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt*

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practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power: Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause. Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

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

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person 11[with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:—

(a) gazetted officers;

(b) stipendiary judges and magistrates;

(c) members of the armed forces of the Union;

(d) members of the police forces;

(e) excise officers; 13[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue

and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]

(g) such other class of persons in the service of the Government as may be prescribed: 14[Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements,

facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.] 15[(8) Booth capturing by a candidate or his agent or other person.] Explanation.—(1) In this section the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

*(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent 16[***] of that candidate.] 17[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the*

Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

- (i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and*
- (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service,*

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dismissal or removal from service such person ceased to be in such service with effect from the said date.] 18[(4) For the purposes of clause (8), “booth capturing” shall have the same meaning as in section 135A.]”

08.01.2022 That the ECI has issued Press Note dated 08th January, 2022 for General Election to Legislative Assemblies of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh is due to expire on the following dates. The term and the strength of the Assemblies is also indicated as below:

Name of State	Term of Assembly	No. of Assembly Seats
Goa	16th March, 2017 to 15th March, 2022	40
Manipur	20th March, 2017 to 19th	60

	March, 2022	
Punjab	24th March, 2017 to 23th March, 2022	117
Uttarakhand	24th March, 2017 to 23th March, 2022	70
Uttar Pradesh	15thMay, 2017 to 14th May, 2022	403

19.02.2022 Hence, this Writ Petition.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2022

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

MR. SURJIT SINGH YADAV
S/O SH. INDERJIT SINGH YADAV
R/O VILLAGE BHERAMPUR FEROPUR,
DISTRICT GURUGRAM, HARYANA,

PRESENTLY RESIDING AT ;
410, SANT NAGAR,
EAST OF KALIASH, NEW DELHI -110065

...PETITIONER

VERSUS

1. UNION OF INDIA
THROUGH ITS SECRETARY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA,
NORTH BLOCK, NEW DELHI
2. ELECTION COMMISSION OF INDIA
THROUGH THE CHIEF ELECTION COMMISSIONER
NIRVACHAN SADAN, ASHOKA RAOD ,
NEW DELHI - 110001.
3. INDIAN NATIONAL CONGRESS
THROUGH ITS PRESIDENT
24, AKBAR ROAD, NEW DELHI – 110011.

ALSO AT:
10, MALL ROAD, THE MALL AVENUE,
LUCKNOW, UTTAR PRADESH 226001

4. SAMAJWADI PARTY
THROUGH ITS PRESIDENT
18 COPERNICUS LANE, NEW DELHI.

ALSO AT:
19, VIKRAMADITYA MARG,
LUCKNOW, UTTAR PRADESH.

5. BAHUJAN SAMAJ PARTY
THROUGH ITS PRESIDENT
12, GURUDWARA RAKABGANJ ROAD,
NEW DELHI – 110001.

ALSO AT:
MALL AVENUE, NEW LUCKNOW,
LUCKNOW, UTTAR PRADESH – 226004.

6. AAM AADMI PARTY
THROUGH ITS PRESIDENT
206, ROUSE AVENUE,
DEEN DAYAL UPADHYAY MARG,
ITO, NEW DELHI-110002.

ALSO AT:
3/117, PATRAKAR PURAM ROAD,
VINAY KHAND -3, GOMTI NAGAR,
LUCKNOW, UTTAR PRADESH -226010

.....RESPONDENTS

THIS IS WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA IN THE SHAPE OF PUBLIC
INTEREST LITIGATION WHEREBY THE PETITIONER IS
PRAYING FOR ISSUANCE OF WRIT OF MANDAMUS

COMMANDING THE RESPONDENT NO.1 & 2 TO
DISQUALIFY THE CANDIDATES SET UP IN THE
ASSEMBLY ELECTIONS BY THE REGISTERED
POLITICAL PARTIES UNDER THE REPRESENTATION OF
PEOPLE ACT, 1951, IN THE EVENT THE REGISTERED
POLITICAL PARTIES OFFER OR PROMISE TO THE
VOTERS / ELECTORS ABOUT FREEBIES IF THEY ARE
VOTED TO THE POWER / GOVERNMENT AT THE COST
OF PUBLIC MONEY AND TO TREAT SUCH OFFER OR
PROMISE BY THE POLITICAL PARTIES, ITS LEADERS
OR CANDIDATES AS CORRUPT PRACTICES IN TERMS
OF SECTION 123 (1)(B) OF THE REPRESENTATION OF
PEOPLE ACT, 1951 AND DISQUALIFY THEM FROM
CONTESTING ELECTIONS IN THAT PARTICULAR STATE
AND IF ELECTED, THEIR ELECTION MAY BE
CANCELLED BY THE RESPONDENT NO.2 OR PASS SUCH
OTHER OR FURTHER ORDER AS THIS HON'BLE COURT
MAY DEEM FIT AND PROPER IN THE FACTS AND
CIRCUMSTANCES OF THE CASE

To,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES
OF HON'BLE SUPREME COURT OF INDIA

The Humble Petition of above-named Petitioner.

MOST RESPECTFULLY SHOWETH:

1. That the present public interest litigation is being preferred by the petitioner as a citizen of India.
2. That the petitioner has not approached the concerned authorities prior to the filing of the instant writ petition
3. That the Applicant is the permanent resident of Village Bherampur Ferojpur, District Gurugram, Haryana, presently the Applicant is residing at 410, Sant Nagar, East of Kaliash, New Delhi.

The Applicant is a farmer as well as a social worker. He is also holding post of Vice –President of non government organization namely Hindu Sena. The Applicant has been raising the issue of public cause before the government, authorities.

4. The Petitioner has preferred the instant writ Petition in the shape of Public Interest Litigation being aggrieved by the offer and promises made by Respondents No.3 to 6 political parties in the ongoing assembly election being held in five states i.e. Goa, Manipur, Punjab, Uttarakhand & Uttar Pradesh.
5. The present petition is being filed by the way of Public Interest Litigation and the Petitioner does not have any personal interest in the matter. The petition has been filed pro-bono in the interest of public at large.
6. That the Petitioner has not filed any other same or similar writ petition either in this Hon'ble Court or in any other High Court seeking same or similar directions as prayed in the instant writ petition.
7. Petitioner's full name is Surjit Yadav, permanent resident of Village Bherampur Ferojpur, District Gurugram, Haryana, presently the Petitioner is residing at 410, Sant Nagar, East of Kaliash, New Delhi, M. No:9650268976, Aadhar No.867006964048, Pan: DATPS8759C, Annual Income is approximately

Rs.5/- Lakhs. That the Petitioner is farmer as well as a social worker and also take up cases of downtrodden people of the society.

8. That the Respondents State are under Article 12 of Constitution of India and as such they are amenable to the Writ Jurisdiction of this Hon'ble Court.
9. This is a Writ Petition in the shape of Public Interest Litigation (PIL) challenging the offer and promises made by political parties during elections of assembly of freebies to the voters and public, if their government is voted in power. Such an offer or promise by a political party, its leader, candidates set up in the elections, may be declared to be indulging in corrupt practices and bribery in terms of provisions of Section 123 (1)(b) of the Representations of People Act, 1951 and the candidates set up by such political parties may be declared disqualified from contesting the election in that state. This is important for free and fair voting of the candidates of elector choice. Further to maintain the purity of election process, corrupt

practices adopted by the political parties, their agents, candidates and leader must be deprecated at the threshold.

Therefore, the Election Commission is required to be directed to evolve a mechanism at the time of filing nominations, declaration to the effect that their political parties on whose symbol, they are contesting election, have not made any offer and promise of freebies at the cost of public money, if they are voted to power. If such declaration by the candidates are found wrong, such candidates must be declared disqualified from contesting the election and if elected, such election may be declared void.

BRIEF FACTS :

10. That the Constitution of India came into operation in the year, 1950. Part -III of the Constitution provides for fundamental rights of the Citizen of India, Articles 12 to 35 deals with the Fundamental Rights. For the purpose of the present Writ Petition, the question of law raised in this Writ Petition involves Article 19 on

one hand and Section 123(1)(b) of the Representation of People Act, 1951 on the other hand.

11. That The Representation of People Act, 1950 consist of total 32 Sections and 4 Schedules. The Representation of People Act, 1950 makes provision for allocation of seats and delimitation of constitutes in Lok Sabha, Legislatives Assemblies and Councils. It further provides for officers, electoral roll for parliament as well as assembly constituency. It further provides for manner of filling seats in the council of states etc.
12. The Representation of People Act, 1951 was enacted by the Parliament consisting of total 170 Sections.

Chapter –III of the Representation of People Act, 1951 provides for disqualification for Membership of Parliament and State Legislature. Further under Chapter –I, of Part-VII of the Representation of People Act, 1951, provision has been made Under Section 123 relating to corrupt practices. Section 123 of the Representation of People Act, 1951 reads as under;

“123. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:— 1[

(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 2[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 3[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 ⁴[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 ²[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 5[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 publication, 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. 6[(3) The appeal by a candidate or his agent or by any other person with the consent of a candidates or his election agent to vote

or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate: 7[Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate

or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.] 8[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate. Explanation.—For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

- (4) *The publication by a candidate or his agent or by any other person 9[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,10[***] of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.*
- (5) *The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person 11[with the consent of a candidate or his election agent] 12[or the use of such vehicle or vessel for the free conveyance] of any elector (other*

than the candidate himself the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll: Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power: Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall

not be deemed to be a corrupt practice under this clause. Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

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

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person 11[with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the Government

and belonging to any of the following classes, namely:—

- (a) gazetted officers;*
- (b) stipendiary judges and magistrates;*
- (c) members of the armed forces of the Union;*
- (d) members of the police forces;*
- (e) excise officers; 13[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]*
- (g) such other class of persons in the service of the Government as may be prescribed: 14[Provided that where any person, in the service of the Government*

and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.] 15[(8) Booth capturing by a candidate or his agent or other person.] Explanation.—(1) In this section the expression “agent” includes an election agent, a polling agent and any person who is held to have acted

as an agent in connection with the election with the consent of the candidate.

*(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent 16[***] of that candidate.]*

17[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

- (i) *of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and*
- (ii) *where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such service with effect from the said date.] 18[(4) For the purposes of clause (8), “booth capturing” shall have the same meaning as in section 135A.]”*

Thus, under Section 123 of The Representation of People Act, 1951, provisions has been about corrupt

practices. The corrupt practice during election has got wider connotations. The word “Bribery” has been defined in Section 123(1) of the Representation of People Act, 1951.

13. That under Section 123(1) the term “Bribery” as defined in Sub-Section (a) where any gift, offer or promise by a candidate or his agent or by any other person with the consent with the candidate or his election agent of any gratification to any person with the objects to directly or indirectly inducing and elector / voter may be inclusive of the registered political party may also be read as any other person. It is the registered political party who are allotted symbol under The Election symbols (Reservation and Allotment) Order, 1968. Therefore, it is the registered political party who allots symbols to their candidates in parliamentary and assemblies elections and therefore, the candidates set up by the political party is bound by the conditions for allotment of symbol by the Election Commission of India. Therefore, the voters / electors

cast their vote on the symbol allotted to the political party and the political party is given support by way of vote through the candidates set up by the respective political parties. Therefore, the registered political party and its candidate set up in the elections of assembly or parliament are for the purposes of Section 123(1) are one and the same. Therefore, the corrupt practices adopted by the registered political party through making offer / promise to the voters / electors of freebies at the cost of public money, would certainly fall within the definition of bribery. Therefore, candidate set up that political party may be declared disqualified during the election campaign or before the election are held or the post election by the Election Commission of India itself.

14. That the Petitioner has witnessed in last five years that registered political parties to induce the voter in their favour have been making offer / promise of freebies like free water, free electricity, free wifi, free gifts like bicycle, laptop, mobile phones etc., if voted to form the

government. Therefore, the question arises, can a political party, its leaders can make public announcement during election campaign or prior to election campaign or offer / promise which is to be fulfilled at the cost of public money. It further requires consideration by this Hon'ble Court that a political party can make an offer / promise which are directly or indirectly related to public money and without any budgetary provision for the same, can such offer / promise we made to induce the voters / electors in their favour. It further requires consideration by this Hon'ble Court that in the vent of involvement of public money to fulfill offer or promise, it would attract Section 123(1)(a) of the Representation of People Act, 1951.

15. That the Petitioner has come across the offer / promise made by the leaders of Congress, Samajwadi Party and Aam Admi Party who have made offer of freebies during Assembly Elections, 2022 which are being held

in the states of Uttar Pradesh, Uttarkhand, Punjab, Goa, Manipur.

“The Congress leader Ms. Priyanka Gandhi made following offer / promise;

“In yet another move to win over women voters ahead of 2022 UP assembly elections, Congress national general secretary Priyanka Gandhi Vadra on Thursday announced that if voted to power, her party would give smartphones to girls who pass Class XII and electronic scooter to those who are graduates.

On Tuesday, Congress had announced it would give 40% tickets to women candidates in the upcoming assembly elections due early next year.

“I had met some girl students who said they need smartphones for studies and security. I am happy that with the consent of the manifesto committee, the UP Congress today took a decision to give smartphones to

the girls who pass Intermediate and electronic scooter to graduates,” Priyanka tweeted.

Priyanka also shared a video clip of schoolgirls whom she had spoken to on Wednesday. One girl said that Priyanka asked them if they had phones to click selfies. “We told her that we don’t have phones and that they are not allowed in our colleges. She promised to announce that girls would get phones and we said that would help in our safety also,” said a girl.

“She told us to study hard. We want her to continue meeting and interacting with us,” said another student.

Later, UP Congress president Ajay Kumar Lallu said successive governments made tall claims of providing a safe and conducive environment to women, but all of them fell flat.

A copy of the Article dated October 21, 2021 reported in The Times of India titled as *Priyanka Gandhi: Congress will give smartphones, e-scooters to girls if elected in UP* , is annexed herewith as **ANNEXURE P-1** (Page No. 55 to 59).

16. That Samajwadi Party's Sh. Akhilesh Yadav has also made offer / promise in its manifesto which is as under;

“Announcing another list of poll promises, Samajwadi Party president Akhilesh Yadav on Thursday said Yash Bharti awards, conferred on personalities from various fields, will be revived if his part is voted to power in the February-March assembly elections.

“Under Netaji's (Mulayam Singh) government (in 1995), a scheme was started to honour people... with Yash Bharti awards. When our government is formed again, we

will start these awards again, and it will be part of our manifesto,” said Akhilesh. He said that these awards, discontinued by the Mayawati government in 2007-12 and later by the BJP, will be given at the state and district levels.

The former chief minister also announced pension schemes for the elderly and government employees. On the pension scheme for the elderly, he said. “We have discussed the modalities with financial experts.”

On Wednesday, the SP chief promised that under the Samajwadi Pension scheme, women from underprivileged backgrounds will receive Rs 18,000 a year against the current Rs 6,000 if his party comes to power.

Akhilesh asked the BJP to release its manifesto. “We have named our candidates, and we ask the BJP to release its manifesto.

We have already told you what all will be part of our manifesto,” said Akhilesh.

A copy of the report published in Express News Service, Lucknow dated January, 21, 2022 titled as *UP elections: Akhilesh’s new poll promise says ‘will revive old pension scheme’* , is annexed herewith as **ANNEXURE P-2** (Page No. 60 to 61).

17. That the Aam Admi Party chief Arvind Kejriwal has also made offer / promise which is as under;

“Aam Aadmi Party chief Arvind Kejriwal on Wednesday said that if his party is voted to power in Punjab, it will ensure justice in all sacrilege cases and wipe out the drug syndicate in the state. He promised round-the-clock free electricity supply across Punjab. He also said that the party will provide Rs 1,000 per month to every woman in Punjab over the age of 18. Speaking at a party event in Mohali, Kejriwal said that his party has prepared a 10-point ‘Punjab Model’

which is aimed at making Punjab developed and prosperous if his party is voted to power in the upcoming assembly elections.

“We will make such a prosperous Punjab that the youth who went to Canada for employment will return in the next five years. If voted to power, we will wipe out the drug syndicate from Punjab, ensure justice in all cases of sacrilege, and end corruption. We will set up 16,000 mohalla clinics and provide free treatment to every Punjabi. We will also provide 24/7 free electricity,” Kejriwal said.

“If AAP comes to power in Punjab, we will give Rs 1000/month to every woman above 18 years of age,” he added.

Kejriwal also said that if Sanyukt Samaj Morcha – a new political outfit led by farmer union leader Balbir Singh Rajewal –

contested the elections, it will eat into the votes of AAP.

The AAP chief also assured to set up 16,000 mohalla clinics across Punjab and provide free treatment to every Punjabi.

On sacrilege incident, Kejriwal said, "There has been growing number of sacrilege in Punjab. Due to this, there is a law and order issue in the state. Those who are accused of sacrilege will be brought to justice. We bring back peace and harmony in the state."

He added, "Punjab has a debt of Rs 3 lakh crore. We will make a corruption-free state."

The Delhi CM also said that the AAP would focus on improving education and schools in the state, and 16,000 mohalla clinics will be set up Punjab and provide free medical treatment to all citizens of the state.

A copy of the report published India.com News Desk edited by Analiza Pathak dated January, 12, 2022 titled as *Punjab Polls 2022: AAP Pitches Delhi-Like 'Punjab Model'; Promises Free Electricity, Mohalla Clinics, Ghar Wapasi of Punjabi Canadians*, is annexed herewith as **ANNEXURE P-3** (Page No. 62 to 65).

18. That the offer / promise made by aforesaid three leaders of three political parties, clearly indicate that they are indulged inducement of voter/ electors to cast vote in their favour and in lieu of that benefits linked to public money are made. Therefore, this is clearly amounts to bribery of the voters by the registered political parties with have also been allotted symbol by Election Commission of India are indulging in corrupt practices to garner support and vote for the candidates set up by them in the assembly election.
19. That the registered political parties who set up the candidates in the assembly elections and those political parties make offer / promise to induce the voters to take votes in favour of their candidates are

deemed to be under consent of their candidates for making such offer /promise to the voter /electors. Therefore, the registered political parties are inclusive in the provisions of Section 123(1)(a) of the Representation of People Act, 1951.

20. That the ECI has issued Press Note dated 08th January, 2022 for General Election to Legislative Assemblies of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh is due to expire on the following dates. The term and the strength of the Assemblies is also indicated as below:

Name of State	Term of Assembly	No. of Assembly Seats
Goa	16th March, 2017 to 15th March, 2022	40
Manipur	20th March, 2017 to 19th March, 2022	60

Punjab	24th March, 2017 to 23th March, 2022	117
Uttarakhand	24th March, 2017 to 23th March, 2022	70
Uttar Pradesh	15thMay, 2017 to 14th May, 2022	403

A copy of press note issued by ECI dated 08th January, 2022 for General Election to Legislative Assemblies of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh is annexed herewith as **ANNEXURE P-4** (Page No. 66 to 113).

In view of the aforesaid facts and circumstances the Petitioner has preferred instant writ Petition, interalia on the following grounds;

GROUNDS

- A. Because Section 123(1)(a) of the Representation of People Act, 1951 provides corrupt practices as an offence. Therefore, the legislatures have made all

endeavor to maintain purity in the events related to the elections of parliament and state assemblies. Therefore, specific provision has been made in Section 123 of the Representation of People Act, 1951. Therefore, the offer / promises made by the political parties, their leaders, either rally or through election manifestoes are inducement of voters / electors by the offering smart phone, laptop, free electricity, cash by way of Samajwadi Pension Scheme, by offering Rs.1000/- p.n. to every women in Punjab over the age of 18 years. These benefits which are offered to the voters are directly linked to the public money which are suppose to be handled by state government. The public money are not to be used to individual public free of cost unless there is a law providing for the same or a scheme as envisaged by the directive principle of state policy read with fundamental rights as guaranteed under Part – III of the Constitution of India.

B. Because the registered political parties at the time of registration have to comply with the provisions of Section -29 (A)(5) of the Representation of People Act, 1951. Section 29A(5) of the Representation of People Act, 1951 provides for the registered political party to bear true faith and allegiance of the Constitution of India. As by law established and to principles of socialism, secularism and democracy which is basis structure of the Indian Constitution. The registered political parties are constitutionally under obligation to maintain high standard of practices in the election in terms of the election rules and regulations. The registered political parties are under statutory obligation also to decise from inducing the voters / electors by offering any gift, offer or promise of any pecuniary benefit or benefit of any kind. Therefore, the Respondents political parties have indulged into corrupt practices.

C. Because the under Section 123(1) the term “Bribery” as defined in Sub-Section (a) where any gift, offer or promise by a candidate or his agent or by any other person with the consent with the candidate or his election agent of any gratification to any person with the objects to directly or indirectly inducing and elector / voter may be inclusive of the registered political party may also be read as any other person. It is the registered political party who are allotted symbol under The Election symbols (Reservation and Allotment) Order, 1968. Therefore, it is the registered political party who allots symbols to their candidates in parliamentary and assemblies elections and therefore, the candidates set up by the political party is bound by the conditions for allotment of symbol by the Election Commission of India. Therefore, the voters / electors cast their vote on the symbol allotted to the political party and the political party is given support by way of vote through the candidates set up by the respective political parties. Therefore, the registered political

party and its candidate set up in the elections of assembly or parliament are for the purposes of Section 123(1) are one and the same. Therefore, the corrupt practices adopted by the registered political party through making offer / promise to the voters / electors of freebies at the cost of public money, would certainly fall within the definition of bribery. Therefore, candidate set up that political party may be declared disqualified during the election campaign or before the election are held or the post election by the Election Commission of India itself.

- D. Because the Petitioner has witnessed in last five years that registered political parties to induce the voter in their favour have been making offer / promise of freebies like free water, free electricity, free wifi, free gifts like bicycle, laptop, mobile phones etc., if voted to form the government. Therefore, the question arises, can a political party, its leaders can make public announcement during election campaign or prior to

election campaign or offer / promise which is to be fulfilled at the cost of public money. It further requires consideration by this Hon'ble Court that a political party can make an offer / promise which are directly or indirectly related to public money and without any budgetary provision for the same, can such offer / promise we made to induce the voters /electors in their favour. It further requires consideration by this Hon'ble Court that in the vent of involvement of public money to fulfill offer or promise, it would not attract Section 123(1)(a) of the Representation of People Act, 1951.

- E. Because the offer / promise made by aforesaid three leaders of three political parties, clearly indicate that they are indulged inducement of voter/ electors to cast vote in their favour and in lieu of that benefits linked to public money are made. Therefore, this is clearly amounts to bribery of the voters by the registered political parties with have also been allotted symbol by

Election Commission of India are indulging in corrupt practices to garner support and vote for the candidates set up by them in the assembly election.

- F. Because the registered political parties who set up the candidates in the assembly elections and those political parties make offer / promise to induce the voters to take votes in favour of their candidates are deemed to be under consent of their candidates for making such offer /promise to the voter /electors. Therefore, the registered political parties are inclusive in the provisions of Section 123(1)(a) of the Representation of People Act, 1951.

21. The Petitioner has not filed any other petition before this Hon'ble Court or any other Court within the territory of India on the subject matter of the instant petition and for the reliefs prayed for herein

PRAYERS

In view of the facts and circumstances stated above it is most respectfully prayed that this Hon`ble court may graciously be pleased :-

- (i) To issue writ of mandamus commanding the Respondents No.1 & 2 to disqualify all the members set up by the Indian National Congress, Samajwadi Party in the State of Uttar Pradesh and the candidates set up by the Aam Admi Party in the State of Punjab in the Assembly Election, 2022 ;
- (ii) To issue writ of mandamus commanding the Respondent to register FIR's against the political parties i.e. Respondent No.3 to 6 for inducing the electors / voters by making offer of gift, goods, money from the public exchequer, if they are voted to form the state government in the state of Uttar Pradesh, Uttarkhand, Punjab, Goa and Manipur respectively for an offence committed under Section 123(1)(A) of Representation of People Act, 1951;

(iii) Issue or pass any other writ, directions or orders, which this Hon`ble court may deem fit and proper under the facts and circumstances of this case.

FILED BY:



(Abhishek)
Advocate for the Petitioner

DRAWN BY:

Mr. Barun Kumar Sinha, Advocate

Drawn on: 14.02.2022

Filed on: 19.02.2022

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2022

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF :

SURJIT SINGH YADAV

...PETITIONER

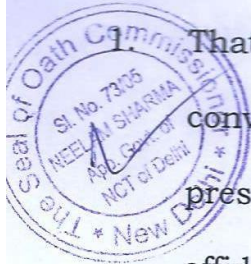
VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFIDAVIT

I, Surjit Singh Yadav S/o Sh. Inderjit Singh Yadav, aged 58,
R/o 410, Sant Nagar, East of Kailash, New Delhi- 110065
do hereby make oath and state as under:-



1. That I am the Petitioner and as such I am fully conversant with the facts and circumstances of the present case and hence competent to swear this affidavit.

2. That I say that I have understood the contents of synopsis list of dates and events at pages B to 5 and contents of Writ Petition under Article 32 of the Constitution from Para ' to 2/, at page 1 to 4. I say that contents have been incorporated as per my

instructions and same are true to the best of my knowledge and belief and nothing material has been concealed therefrom.

- 3. That I say that Annexures P-1 to P4 at pages 55 to 113 annexed along with the Special Leave Petition (C) and Applications are true copies of its respective originals.

Syed
DEPONENT

VERIFICATION:

15 FEB 2022

Verified at New Delhi on this day of February, 2022 that the contents of the above Affidavit are true and correct to the best of my knowledge and belief and nothing material is concealed therefrom.

Ple
I certify that the contents of the above Affidavit are true and correct to the best of my knowledge and belief and nothing material is concealed therefrom.

Syed

DEPONENT



read over & explained to the deponent
Admitted to be correct.

Oath Commissioner, New Delhi

15 FEB 2022

APPENDIX

Section 123 in The Representation of the People Act, 1951

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 2[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 3[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 4[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 2[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 5[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 publication, 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. 6[(3) The appeal by a candidate or his agent or by any other person with the consent of a candidates or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate: 7[Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste,

community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.] 8[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate. Explanation.— For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

- (4) The publication by a candidate or his agent or by any other person 9[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,¹⁰[***] of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

- (5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person ¹¹[with the consent of a candidate or his election agent] ¹²[or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under subsection (1) of section 29 for the poll: Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power: Provided further that the use of any

public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

- (6) The incurring or authorizing of expenditure in contravention of section 77.
- (7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person 11[with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the Government and belonging to any of the following classes, namely:—

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers; 13[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]
- (g) such other class of persons in the service of the Government as may be prescribed: 14[Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent

(whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.] 15[(8) Booth capturing by a candidate or his agent or other person.] Explanation.—(1) In this section the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

- (2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent 16[***] of that candidate.] 17[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a

Union territory) or of a State Government shall be conclusive proof—

- (i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and
- (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such service with effect from the said date.] 18[(4) For the purposes of clause (8), “booth capturing” shall have the same meaning as in section 135A.]

ANNEXURE P-1

THE TIMES OF INDIA

Priyanka Gandhi: Congress will give smartphones, e- scooters to girls if elected in UP

TNN | Oct 21, 2021, 08.20 PM IST



LUCKNOW: In yet another move to win over women voters ahead of 2022 UP assembly elections, Congress national general secretary Priyanka Gandhi Vadra on Thursday announced that if voted to power,

her party would give smartphones to girls who pass Class XII and electronic scooter to those who are graduates.

On Tuesday, Congress had announced it would give 40% tickets to women candidates in the upcoming assembly elections due early next year.

“I had met some girl students who said they need smartphones for studies and security. I am happy that with the consent of the manifesto committee, the UP Congress today took a decision to give smartphones to the girls who pass Intermediate and electronic scooter to graduates,” Priyanka tweeted.

Priyanka also shared a video clip of schoolgirls whom she had spoken to on Wednesday. One girl said that Priyanka

asked them if they had phones to click selfies. “We told her that we don’t have phones and that they are not allowed in our colleges. She promised to announce that girls would get phones and we said that would help in our safety also,” said a girl.

“She told us to study hard. We want her to continue meeting and interacting with us,” said another student.

Later, UP Congress president Ajay Kumar Lallu said successive governments made tall claims of providing a safe and conducive environment to women, but all of them fell flat.

“India ranks 148th among 188 countries when it comes to political participation of women with just 12% women representatives

in the Lok Sabha and 19% in UP Vidhan Sabha. Ensuring that women get educated is the first step towards actual participation of women in all walks of life,” he said.

Congress spokesperson Shuchi Vishvas Srivastava said, “Our party not only believes in women empowerment, it also works to make it happen. Education empowers women and this will ensure girls do not drop out after senior secondary.”

Congress is not the first party to promise smartphones. On October 6, ruling BJP announced a smartphone distribution scheme. In an official statement, the state government said it will give smartphones to

students for free so that they can continue their studies even from home.

Earlier, Samajwadi Party had given laptops to students in its regime and had promised to give smartphones in its manifesto for the 2017 Vidhan Sabha elections.

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ANNEXURE P-2

UP elections: Akhilesh's new poll promise says 'will revive old pension scheme'

UP elections: Akhilesh's new poll promise says 'will revive old pension scheme'

Akhilesh Yadav asked the BJP to release its manifesto. "We have named our candidates, and we ask the BJP to release its manifesto. We have already told you what all will be part of our manifesto," said Akhilesh.



By: **Express News Service** | Lucknow |

January 21, 2022 11:25:06 am



Samajwadi Party chief Akhilesh Yadav. (File Photo)

Announcing another list of poll promises, [Samajwadi Party](#) president Akhilesh Yadav on Thursday said Yash Bharti awards, conferred on personalities from

various fields, will be revived if his party is voted to power in the February-March assembly elections.

“Under Netaji’s (Mulayam Singh) government (in 1995), a scheme was started to honour people... with Yash Bharti awards. When our government is formed again, we will start these awards again, and it will be part of our manifesto,” said Akhilesh. He said that these awards, discontinued by the Mayawati government in 2007-12 and later by the [BJP](#), will be given at the state and district levels.

The former chief minister also announced pension schemes for the elderly and government employees. On the pension scheme for the elderly, he said.

“We have discussed the modalities with financial experts.”

On Wednesday, the SP chief promised that under the Samajwadi Pension scheme, women from underprivileged backgrounds will receive Rs 18,000 a year against the current Rs 6,000 if his party comes to power.

Akhilesh asked the BJP to release its manifesto. “We have named our candidates, and we ask the BJP to release its manifesto. We have already told you what all will be part of our manifesto,” said Akhilesh.

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ANNEXURE P-3**Punjab Polls 2022: AAP Pitches Delhi-Like 'Punjab Model'; Promises Free Electricity, Mohalla Clinics, Ghar Wapasi of Punjabi Canadians**

Punjab Elections 2022: Kejriwal said that his party has prepared a 10-point 'Punjab Model' which is aimed at making Punjab developed and prosperous if his party is voted to power in the upcoming assembly elections.

Updated: January 12, 2022 1:25 PM IST

By [India.com News Desk](#) [Email](#) Edited by [Analiza Pathak](#)



Punjab Elections 2022: AAP Pitches Delhi-like 'Punjab Model'; Promises Free Electricity, Ghar Wapasi of Punjabi Canadians

Mohali: Aam Aadmi Party chief Arvind Kejriwal on Wednesday said that if his party is voted to power in Punjab, it will ensure justice in all sacrilege cases and

wipe out the drug syndicate in the state. He promised round-the-clock free electricity supply across Punjab. He also said that the party will provide Rs 1,000 per month to every woman in Punjab over the age of 18. Speaking at a party event in Mohali, Kejriwal said that his party has prepared a 10-point 'Punjab Model' which is aimed at making Punjab developed and prosperous if his party is voted to power in the upcoming assembly elections.

"We will make such a prosperous Punjab that the youth who went to Canada for employment will return in the next five years. If voted to power, we will wipe out the drug syndicate from Punjab, ensure justice in all cases of sacrilege, and end corruption. We will set up 16,000 mohalla clinics and provide free treatment to every Punjabi. We will also provide 24/7 free electricity," Kejriwal said.

"If AAP comes to power in Punjab, we will give Rs 1000/month to every woman above 18 years of age," he added.

Kejriwal also said that if Sanyukt Samaj Morcha – a new political outfit led by farmer union leader Balbir Singh Rajewal – contested the elections, it will eat into the votes of AAP.

The AAP chief also assured to set up 16,000 mohalla clinics across Punjab and provide free treatment to every Punjabi.

On sacrilege incident, Kejriwal said, “There has been growing number of sacrilege in Punjab. Due to this, there is a law and order issue in the state. Those who are accused of sacrilege will be brought to justice. We bring back peace and harmony in the state.”

He added, “Punjab has a debt of Rs 3 lakh crore. We will make a corruption-free state.”

The Delhi CM also said that the AAP would focus on improving education and schools in the state, and 16,000 mohalla clinics will be set up Punjab and provide free medical treatment to all citizens of the state.

Punjab Elections 2022

According to the Election Commission, the 117 seats up for grabs in Punjab will vote in a single phase on 14 February.

A total of 24,689 polling stations will be there for the upcoming Punjab polls. Approximately more than 2.13 crore votes are eligible to cast their ballots in this election.

The notification for the polls will be issued by the EC on 21 January. The last date of filing nominations for the polls is 28 January. Candidates can withdraw their nomination by 31 January. Furthermore, the counting of votes will be done on 10 March, according to the schedule given by the EC.

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PRESS NOTE
FOR THE
GENERAL ELECTIONS
TO
THE LEGISLATIVE ASSEMBLIES
OF
GOA, MANIPUR, PUNJAB,
UTTARAKHAND &
UTTAR PRADESH
2022



Election Commission of India
Nirvachan Sadan, Ashoka Road, New Delhi -110001

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Tel. No. 011-23052246

Fax 011-23052001

Website: www.eci.gov.in

No. ECI/PN/3/2022

निर्वाचन सदन,
अशोक रोड, नई दिल्ली-110001.
Nirvachan Sadan, Asoka Road,
New Delhi-110001
Dated: 08th January, 2022

PRESS NOTE

Subject: General Election to Legislative Assemblies of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh, 2022 -reg.

The term of the Legislative Assemblies of **Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh** is due to expire on the following dates. The term and the strength of the Assemblies is also indicated as below:

Name of State	Term of Assembly	No. of Assembly Seats
Goa	16 th March, 2017 to 15 th March, 2022	40
Manipur	20 th March, 2017 to 19 th March, 2022	60
Punjab	24 th March, 2017 to 23 th March, 2022	117
Uttarakhand	24 th March, 2017 to 23 th March, 2022	70
Uttar Pradesh	15 th May, 2017 to 14 th May, 2022	403

Election Commission of India (hereinafter ECI or Commission) is committed to conduct free, fair, peaceful, participative, accessible, inclusive and safe election to the Legislative Assemblies of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh before the cessation of its term, in exercise of the authority and powers conferred upon under Article 324 read with Article 172 (1) of the Constitution of India and Section 15 of the Representation of the People Act, 1951. Art 172(1) states clearly that " Every Legislative Assembly of every state, unless sooner dissolved, shall continue for five years ..and no longer.."

1. Assembly Constituencies-

The total number of Assembly Constituencies in the States of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh and seats reserved for the Scheduled Castes and the Scheduled Tribes, as determined by the Delimitation of Parliamentary and Assembly Constituencies Order, 2008, are as under: -

State	Total No. of ACs	Reserved for SCs	Reserved for STs
Goa	40	1	-
Manipur	60	1	19
Punjab	117	34	-
Uttarakhand	70	13	2
Uttar Pradesh	403	84	2
Total	690	133	23

2. Commission works with three broad objectives this time- First, Covid safe Election; Two, hassle free comfortable voting experience and Three, maximum voter participation.

For last more than 6 months the entire election machinery was gearing up for these elections. Periodic reviews were done and senior officers of ECI held detailed meetings to review all aspects of poll preparation. A lot of Advance planning and meticulous preparation have been done. In the month of December, 2021, Commission visited 4 poll bound states to review poll preparedness. It discussed with various political parties and elicited their views and suggestions. It also met the Chief Secretaries, DGPs and other Enforcement Agencies in the states on various issues of preparedness.

As the covid cases showed a resurgence especially in view of the new Variant of Concern-Omicron, Commission held meetings with the Health Secretary, Govt of India and health experts. It also held discussions with the Union Home Secretary on

this issue. After taking all these views and the ground situation, Commission decided to announce elections to the five states.

3. Chief Secretaries of all poll going states have been directed to **accelerate the first and second dose of vaccination** to all eligible citizens above 18 years.

As on Jan 7, 2022: in Goa, more than 95.8% people have been vaccinated with both doses. In Uttarakhand 99.67% people have got their first dose and 82.39% have got the second dose. In Uttar Pradesh, 89.35% population had been administered first dose and more than 52% had taken both doses. In Punjab 81.9% had been given first dose of vaccination and 45.6 % covered by both doses. In Manipur, 59.6% had been jabbed with first dose while 44.8% had been administered both doses. In absolute figures, as on Jan 7, 2022 more than 15 crore people in these five states together have got the first dose of vaccine and more than 9 crore had been administered both doses.

4. Commission has directed that all central/state government officials **deployed for election duty shall be doubly vaccinated**. On the recommendation of ECI, the Union Health Ministry has issued orders on 8th February 2021 that all **election officials and employees will be treated as frontline workers** and **all eligible officials shall be given a precautionary booster dose** accordingly.

5. Electoral Rolls-

Commission firmly believes that pure and updated electoral rolls are the foundation of free, fair and credible election. Hence, intensive and sustained focus is placed upon improving their quality, health and fidelity. Commission had directed the State election machinery of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh to ensure a smooth, effective,

inclusive and time-bound completion of Special Summary Revision of Electoral Rolls with reference to 01.01.2022 as the qualifying date. Accordingly, the final publication of electoral roll has been done in Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh on 05.01.2022.

As per electoral roll data w.r.t. 01.01.2022 as the qualifying date, the number of electors in the State of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh are:

State	No. of General Electors	No. of Service Voters	Total No. of electors as per electoral rolls
Goa	11,56,464	298	11,56,762
Manipur	20,34,966	21,935	20,56,901
Punjab	2,12,75,066	1,13,698	2,13,88,764
Uttarakhand	81,43,922	94,265	82,38,187
Uttar Pradesh	15,02,84,005	2,98,745	15,05,82,750
Total	18,28,94,423	5,28,941	18,34,23,364

Number of Electors marked as PwD in the State of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh are:

Name of State	Total PwD Electors
Goa	9,643
Manipur	14,651
Punjab	1,44,667
Uttarakhand	68,478
Uttar Pradesh	10,64,266

6. Photo Electoral Rolls and Electors Photo Identity Cards (EPIC):

Photo Electoral Rolls and Electors Photo Identity Cards (EPIC) will be used during the General Election of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh.

7. Identification of Voters at Polling Stations -

For identification at Polling Station, voter shall present her/his EPIC or any of the following identification documents approved by the Commission along with the Voter Information Slips:

- i. Aadhaar Card,
- ii. MNREGA Job Card,
- iii. Passbooks with photograph issued by Bank/Post Office,
- iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- v. Driving License,
- vi. PAN Card,
- vii. Smart Card issued by RGI under NPR,
- viii. Indian Passport,
- ix. Pension document with photograph,
- x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and
- xi. Official identity cards issued to MPs/MLAs/MLCs.

8. Voter Information Slips (VIS)

To facilitate voters in knowing the serial number of electoral roll of their polling station, date of poll, time etc., Commission vide decision dated 26.02.2021, has decided to issue 'Voter Information Slip' to the voters in place of Photo Voter Slip. Voter Information Slip will include information like Polling Station, Date, Time etc. but not the photograph of the voter. Voter Information Slips will be distributed at least 5 days before the date of poll to all enrolled electors, by the District Election Officer. However, Voter Information Slip will not be allowed as proof of identity of voters. It may be

recalled that the Commission had discontinued Photo Voter Slips as an identity proof with effect from 28th February, 2019.

Braille Voter Information Slips:

To ensure ease of participation and active engagement of Persons with Disabilities (PwDs) in the electoral process, Commission has directed to issue Accessible Voter Information Slips with Braille Features to Persons with Visual Impairment, along with normal Voter Information Slips.

9. Voter Guide:

In these elections, a Voter Guide (in Hindi/English/Local Language) shall be provided to every elector's household ahead of elections, giving them information about the date and time of polls, contact details of the BLOs, important websites, helpline numbers, documents required for identification at the polling station besides other important information including the Do's and Don'ts for voters at the polling station. This Voter Guide Brochure will be distributed along with Voter Information Slips by the BLOs. Voter guide also contains important information like COVID guidelines and Do's & Don'ts for the voters.

10. **Nomination Process-** Brief description about additional facilities/directions about the process of nomination are as given below:

I. Additional option to facilitate online mode in nomination has been provided:

- 1) Nomination form will also be available online on the website of CEO/DEO. Any intending candidate may fill it online and its print may be taken for submission before the Returning Officer as specified in Form-1 (Rule-3 of Conduct of Election Rules 1961).

- 2) Affidavit may also be filled online on the website of CEO/DEO, its print can be taken and after notarization it may be submitted along with the nomination form before the Returning Officer.
- 3) Candidate may deposit security money through online mode at the designated platform. However, a candidate will continue to have the option of deposit in cash in the treasury.
- 4) Candidate may also exercise the option to seek his/her elector certification for the purpose of nomination online.

II. Further, Commission has directed the following:

- 1) Number of persons to accompany candidate for submission of Nomination is restricted to two (2) instead of five (5). (This is in supersession of existing Para 5.8.1 of Returning Officer's Handbook 2019)
- 2) Number of vehicles for the purposes of nomination is restricted to two (2) instead of three (3). (This is in supersession of existing Para 5.8.1 of Returning Officer's Handbook 2019)
- 3) Returning Officer's chamber should have sufficient space to perform the functions of nomination, scrutiny and symbol allocation following social distancing norms.
- 4) Returning Officer should allot staggered time in advance to prospective candidates.
- 5) Large space for waiting for candidate(s) should be arranged.
- 6) All steps required to be taken for the submission of nomination form and affidavit shall continue to operate as per the provisions contained in the Representation of the People Act, 1951.

11. Polling Stations and Special Facilitation-

1) Maximum No. of electors in Polling Station

There shall be maximum 1250 electors instead of 1500 electors in a polling station. Accordingly, the change in the number of Polling Stations in these States is as follows:

Name of State	No. of Polling Stations in 2017	No. of Polling Stations in 2022	% Increase in No. of Polling Stations
Goa	1,642	1,722	4.87%
Manipur	2,794	2,959	5.91%
Punjab	22,600	24,689	9.24%
Uttarakhand	10,854	11,647	7.31%
Uttar Pradesh	1,47,148	1,74,351	18.49%

2) **Assured Minimum Facilities (AMF) at Polling Stations:**

Commission has issued instructions to the Chief Electoral Officers of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh to ensure that every Polling Station needs to be on ground floor and, shall have good access road leading to Polling station building and is equipped with Assured Minimum Facilities (AMF) like drinking water, waiting shed, toilet with water facility, adequate arrangements for lighting, ramp of appropriate gradient for the PwD electors and a standard voting compartment etc. This will be further supplemented with COVID mitigation measures like sanitizers, thermal scanner, soap etc., as notified from time to time.

3) Polling Station Arrangements

In view of prevailing COVID situation, Commission has issued detailed instructions for assured minimum facilities at each polling station which are mentioned in Para 2 above. In addition, they will include:

- (1) Mandatory sanitization of Polling Station, preferably, a day before the poll.
- (2) Thermal checking of voters at entry point of polling station location/Polling station, either by polling staff or Para Medical staff or Asha worker.
- (3) If temperature is above the set norms of MoHF&W at first reading, then it will be checked twice and if it remains, then the elector shall be provided with token/certificate and will be asked to come for voting at the last hour of poll. At the last hour of poll, such electors shall be facilitated for casting their vote, strictly following COVID related preventive measures.
- (4) Help Desk for distribution of token to the voters on first come first basis so that they do not wait in the queue.
- (5) Markers to demonstrate social distancing for queue.
- (6) Earmarking circle for 15-20 persons of 2 yards (6 feet) distance for voters standing in the queue depending on the availability of space. There shall be three queues each, for male, female, and PwD/ Senior citizen voters.
- (7) The services of BLOs, volunteers etc may be engaged to monitor and regulate social distancing norms strictly.
- (8) One shaded waiting areas with chairs, dari etc. will be provided, for male and female separately, within the polling station premises
- (9) Wherever possible, Booth App shall be used at the polling station.

- (10) Face Masks will be kept in reserve for those electors who are not carrying their mask.
- (11) Awareness posters on COVID should be displayed at visible locations.
- (12) If polling agent or counting agent has temperature above the prescribed limit, then their reliever shall be allowed by Presiding Officer, who will keep a record of the same.
- (13) During the process of identification of voter, voters will be required to lower their facemask for identification, when required.
- (14) Hand gloves shall be provided to the voter, for signing on the voter register and pressing the button of EVM for voting.
- (15) COVID patients and others who are quarantined will be allowed to cast their vote at the last hour of the poll on poll day at their respective Polling Stations, under the supervision of health authorities, strictly following COVID related preventive measures. Sector Magistrates shall coordinate this in their allocated polling stations. Record of such electors shall be maintained by the Presiding Officer.
- (16) Proper mechanism of collection and disposal of waste / used gloves, masks etc shall be put in place at each Polling Station for disposal as per standard health protocol.

4) Facilitation for Persons with Disabilities (PwDs) and Senior Citizens:

In Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh, all polling stations are located at ground floor and sturdy ramps with proper gradient are provided for the convenience of differently abled electors with wheelchairs. Further, in order to provide targeted and

need-based facilitation to differently-abled voters, Commission has directed that all Persons with Disabilities and Senior Citizens in an Assembly Constituency are identified and tagged to their respective Polling Stations and necessary disability-specific arrangements made for their smooth and convenient voting experience on poll day. Identified PwD and Senior Citizens electors will be assisted by volunteers appointed by RO/DEO. Special facilitation will be made for PwD and Senior Citizens electors at Polling Stations. Also, it has been directed that differently abled electors are given priority for entering polling booths, provision made for designated parking spaces close to the entrance of polling station premise and special facilitation extended to electors with speech and hearing impairment. Special focus has been laid on sensitization of polling personnel regarding special needs of the differently abled electors.

Commission has directed the Chief Electoral Officers (CEOs) that there should be proper transport facility for PwD electors and Senior Citizens electors in each and every polling station on the day of poll. PwD electors and Senior Citizen electors will be provided free pass for using public transport on poll day.

5) Voter Facilitation Posters:

In order to fulfil the statutory requirements under Rule 31 of the Conduct of Elections Rules, 1961 and to provide accurate and relevant information for voter awareness and information at each polling station, the Commission has also directed that uniform and standardized Voter Facilitation Posters (VFP) [*total of FOUR (4) kind of Posters i.e. 1. Polling Station Details, 2. List of Candidates, 3. Dos and Don'ts and 4. Approved Identification Documents & How to Vote*]

shall be prominently displayed at all Polling Stations. Additionally, Chief Electoral Officer will ensure display of COVID related safety measures for the voters at each Polling Station for voters' awareness.

6) Voter Assistance Booths (VAB):

Voter Assistance Booths shall be set up for every polling station location, having a team of BLO/officials in order to assist voters to correctly locate her /his polling booth number and serial number in the electoral roll of that concerned polling booth. The VABs will be set up with prominent signage and in such a manner that it will be conspicuous to the voters as they approach the polling premise/building to enable them to seek required facilitation on poll day.

Alphabetic locator (as per English alphabet) generated with ERO Net is placed at VAB to search the name easily and to know the serial number in the Electoral Roll.

7) Standardized Voting Compartment to ensure Secrecy of Voting:

In order to maintain the secrecy of vote at the time of poll and to achieve uniformity in use of voting compartments, Commission revised its instructions on 15th November, 2016 and increase the height of the Voting Compartments to 30 inches and also directed that the Voting Compartment should be placed on a table whose height shall be 30 inches. Only corrugated plastic sheet (flex board) of steel-grey colour, which is completely opaque and reusable, shall be used for making the voting compartments. The Commission hopes that the use of these standardized and uniform Voting Compartments in all the polling booths will translate into greater voter facilitation, ensure absolute secrecy of vote and eliminate aberrations and non-uniformity in the preparation of Voting Compartment inside the polling booths.

12. Distribution and Collection of Election Material-

- 1) Large halls/spaces should be identified for distribution/collection of election material.
- 2) As far as practicable, it should be organized in a decentralized manner.
- 3) Prior and staggered time slots should be allocated to the polling teams for distribution/collection of election material to avoid crowding.

13. Counting of votes- Counting of votes

- 1) At entry of Counting Hall there must be facility of Thermal Scanning and Sanitizer.
- 2) Counting Centres shall be disinfected before and after the counting.
- 3) Counting Hall be sufficiently big to maintain social distancing, proper ventilation, windows, exhaust fan etc.
- 4) Anyone, even after double vaccinated, having any symptom of COVID like fever, Cold etc. will not be allowed in Counting hall.
- 5) Every Counting Official and Security personnel be provided with Mask, Sanitizer, Face-Shield and Hand Gloves.
- 6) Not more than 7 counting tables should be allowed in a counting hall. Hence, counting of votes of a constituency may be considered at 3-4 halls by appointing additional Assistant Returning Officers. (In supersession of instructions dated 30th April, 2014)
- 7) The counting centres shall be disinfected before, during and after the counting.
- 8) For counting of Postal Ballots, additional number of AROs may be required. If required, Postal Ballots may also be counted in a separate

hall under the supervision of the Returning Officer/ Assistant Returning officer.

- a. DEO shall appoint a Nodal Officer at each Counting Centre to ensure compliance of COVID guidelines with assistance of Nodal Health Officer and Compliance Certificate in r/o Counting Centre arrangement as per COVID guidelines from Health Authorities be taken.
- b. List of counting agents be made available by candidates to RO by 1700 hours on day three days prior to counting.
- c. No public gathering outside the counting venue during process of counting.
- d. Candidate may appoint/replace counting agents in case report is positive.

14. Campaign by the political party's/contesting candidates-

Commission has issued detailed guidelines to conduct elections during the period of pandemic, which are annexed (**Annexure 6**) with this Press Note.

15. Non-compliance of Instructions – *Anybody violating instructions on COVID measures will be liable to proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable, as specified in Order No. 40-3/2020-DM-I(A) dated 25th November, 2020 of Ministry of Home Affairs.*

District Election Officer should bring this to the notice of all concerned.

16. Initiatives for PwD Voters, Senior Citizens above 80 years, Electors employed in essential services and COVID suspect/affected voters:

- 1) Option of Postal Ballot** facility has been extended to the electors of following categories:

- a) Electors, who are flagged as Persons with Disabilities (PwD) in electoral roll.
- b) Electors above the age of 80 years
- c) Electors employed in notified Essential services
- d) Electors who are COVID positive/suspect as certified by competent authority and are in quarantine (home/institutional)

2) By notification dated 22.10.2019 of the Ministry of Law & Justice, the Conduct of Election Rules have been amended on the recommendation of the Commission to enable “absentee voters” to vote by postal ballot. Electors employed in essential services as may be notified by the Commission under section 60 (C) of the R.P. Act, 1951, electors who are above 80 years of age and the electors marked as Persons with Disabilities in the Electoral Roll will have the option to seek postal ballot paper for casting their vote.

3) All such voters in the above categories will have to apply for the Postal Ballot within 5 days of notification for election in their Assembly Constituencies, if they wish to use the option of Postal Ballot for voting.

4) All eligible electors will be given an application form by the BLOs who will then collect the filled in form with elector’s choice – whether the elector wants Postal Ballot or wants to go to the Polling Station to vote

A polling team comprised of 2 polling officials along with a videographer and security will then go to the elector’s house along with a Voting Compartment and get the elector to vote on the Postal Ballot maintaining complete secrecy of vote. Candidates will be provided a list of these electors in advance and will also be provided the schedule of voting and the route chart of the polling parties so that they can send their representatives to witness the polling procedure. Postal ballots will then be stored securely by the Returning Officer.

- 5) This is an optional facility and does not involve any Postal Department mailing kind of arrangement.
- 6) Commission has directed the Chief Electoral Officers of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh to take necessary steps for the dissemination of information and extending facilitation to the above categories of Voters.
- 7) This facility of Absentee Voters was provided for the first time in the country to PwD and 80+ voters to 7 Assembly Constituencies in Jharkhand and Delhi and the facility was later extended in Bihar, Assam, Kerala, Tamil Nadu, West Bengal and Puducherry.
- 8) The Chief Electoral Officers of the Election going States have been directed to make a comprehensive Plan in respect of the Accessibility initiatives and measures required to be taken for Persons with Disability and Senior Citizens.

17. Polling stations managed by women officials-

As part of its firm commitment towards gender equality and greater constructive participation of women in the electoral process, the Commission has also directed that, to the extent possible, at least one polling station managed exclusively by women shall be set up in every Assembly Constituency in 5 poll going States i.e. Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh. In such Polling Stations, all election staff, including police and security personnel, will be women.

18. Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPATs):

(1) Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPATs)

The Commission shall deploy Voter Verifiable Paper Audit Trail (VVPAT) along with Electronic Voting Machine (EVM) at every polling station in the

General Election to Legislative Assemblies of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh to enhance the transparency and credibility of the election process as VVPAT allows the voter to verify her/his vote. Arrangements have already been made to ensure availability of adequate number of EVMs and VVPATs for the smooth conduct of elections.

(2) Awareness on EVMs and VVPATs

EVM Demonstration centres are set up at District Election Officer Office and Returning Officer Headquarters/Revenue Sub Division Offices for physical demonstration-cum-awareness. Mobile Demonstration Vans are deployed to create awareness on use of EVMs and VVPATs to cover all polling locations. The same is operational till announcement of elections, whereas digital outreach will be intensified after announcement.

(3) Randomization of EVMs and VVPATs

EVMs/VVPATs are randomized twice using “EVM Management System (EMS)” while being allocated to an Assembly and then to a polling booth ruling out any fixed allocation. Lists of randomized EVMs/VVPATs are also shared with political parties/candidates.

(4) Commissioning of EVMs and VVPATs

After finalization of list of the contesting candidates, commissioning (candidate setting) of EVMs and VVPATs is done in the presence of the contesting candidates/their representatives. After commissioning (candidate setting) of EVMs and VVPATs, in every EVM and VVPAT, mock poll with one vote to each candidate including NOTA is done. Additionally, mock poll of 1000 votes is conducted in 5% randomly selected EVMs, as well as VVPATs. The electronic result is tallied with paper count.

(5) Mock Poll on Poll Day

- (i) On poll day, 90 minutes before start of actual poll, mock poll is conducted by casting at least 50 votes at every polling station, in the presence of polling agents of the candidates and the electronic result of the Control Unit and the VVPAT slips count are tallied and shown to them. A certificate of successful conduct of mock poll shall be made by the Presiding Officers in Presiding Officer's Report.
- (ii) Immediately after mock poll, the CLEAR button on Control Unit (CU) is pressed to clear the data of the mock poll and the fact that no votes are recorded in the CU is displayed to the Polling Agents present. The Presiding Officer also ensures that all mock poll slips shall be taken out from the VVPAT and kept in separate marked envelope before the start of Poll.
- (iii) After mock poll, EVMs and VVPATs are sealed in the presence of polling agents and signature of polling agents are obtained on seals, before starting actual poll.

(6) Poll Day and Storage of polled EVMs and VVPATs at Strong Rooms

- (i) On poll day, after completion of poll, a copy of Form-17C having details of total polled votes, seals (unique number), serial numbers of EVMs and VVPATs used in polling stations is provided to polling agents of candidates.
- (ii) After completion of poll, EVMs and VVPATs are sealed in the respective carrying cases in the presence of polling agents and signature of polling agents are obtained on seals.
- (iii) Polled EVMs and VVPATs are escorted back to the strong room for storing in double lock system in the presence of candidates/their representatives under videography.

- (iv) Candidates or their representatives can also camp in front of the strong room. These strong rooms are guarded 24x7 in multilayers, with CCTV facilities.

(7) Counting of Votes at Counting Centres

- (i) On the day of counting, strong room is opened in the presence of Candidates, RO and Observer under videography.
- (ii) The polled EVMs are brought to the Counting Centres under security under CCTV coverage and in presence of candidates/their agents.
- (iii) Round-wise CUs are brought to the counting tables from Strong Rooms under continuous CCTV Coverage.
- (iv) On the counting day, before retrieving the result from the Control Units, the seals are verified, and unique serial numbers of CU is tallied before counting agents deputed by the candidates.
- (v) On counting day, counting agents can verify the polled votes displayed on CU with that of Form-17C. Candidate-wise polled votes are recorded in part-II of Form-17 C and signature of counting agents are obtained thereof.
- (vi) EVMs & VVPATs are stored back in Strong Room in the presence of candidates/their representatives till the completion of the Election Petition period.

(8) Mandatory Verification of VVPAT Paper Slip-

In pursuance of the Hon'ble Supreme Court of India's order dated 8th April, 2019, the Commission has also mandated VVPAT slips count of Five (5) randomly selected Polling Stations in each Assembly Constituency of the Legislative Assemblies of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh, by the Returning Officer, by Draw of Lot in presence of all candidates, shall be done for verification of the result obtained from the Control Unit after completion of counting of all rounds of EVM. This

mandatory verification of VVPAT slip count of five (5) polling stations in each Assembly Constituency shall be in addition to the provisions of Rule 56(D) of the Conduct of Elections Rules, 1961.

(9) None of the Above (NOTA) in EVMs, VVPATs and Postal Ballot:

As usual, there will be 'None of the Above' option for the elections. On the BUs, below the name of the last candidate, there will be a button for NOTA option so that electors who do not want to vote for any of the candidates can exercise their option by pressing the button against NOTA. Similarly, on Postal Ballot Papers also there will be a NOTA Panel after the name of the last candidate. The symbol for NOTA as given below will be printed against the NOTA Panel.



As part of the SVEEP, there are awareness programmes to bring this option to the knowledge of voters and all other stakeholders.

(10) Photographs of Candidates on EVM Ballot Paper

In order to facilitate the electors in identifying the candidates, ECI has prescribed an additional measure by way of adding provision for printing the photograph of candidate also on the ballot paper to be displayed on the EVM (Ballot Unit) and on Postal Ballot Papers. This will help avoid any confusion, which may arise when candidates with same or similar names contest from the same constituency. For this purpose, the candidates are required to submit to the Returning Officer, their recent Stamp Size photograph as per the specifications laid down by the Commission.

19. Deployment of Polling Personnel and Randomization-

- a) Polling parties shall be formed randomly, through the special randomization IT application.
- b) There shall be such randomization for Police personnel and Home Guards also, who are deployed at the polling stations on the poll day.
- c) In view of situation of COVID, Timing for 3rd randomization of polling staff be increased from 24 hrs to 72 hrs in order to avoid large gathering of polling staff at dispatch centres. As far as practicable, despatch and receipt of polling teams shall be organised in decentralised and staggered manner.

20. Affidavits of Candidates-

In pursuance of the judgment dated 13th September, 2013 passed by the Supreme Court in Writ Petition (C) No. 121 of 2008 (Resurgence India Vs Election Commission of India and Another), which among other things makes it obligatory for the Returning Officer “to check whether the information required is fully furnished (by the candidate) at the time of filing of affidavit with the nomination paper”, the Commission has issued instructions that in the affidavit to be filed along with the nomination paper, candidates **are required to fill up all the columns**. If any column in the affidavit is left blank, the Returning Officer will issue a notice to the candidate to file a revised affidavit with all columns duly filled in. After such notice, if a candidate still fails to file affidavit complete in all respects, the nomination paper will be liable to be rejected by the Returning Officer at the time of scrutiny.

21. Candidates with Criminal Cases-

Candidates with criminal antecedents are required to publish information in this regard in newspapers and through Television channels on three occasions during the campaign period. A political party that sets up

candidates with criminal antecedents is also required to publish information about criminal background of its candidates, both on its website and also in newspapers and Television channels **on three occasions**.

Commission vide its letter No. 3/4/2019/SDR/Vol.IV dated 16th September, 2020 has directed that the period specified will be decided with three blocks in the following manner, so that electors have sufficient time to know about the background of such candidates:

- a. Within first 4 days of withdrawal.
- b. Between next 5th- 8thdays.
- c. From 9th day till the last day of campaign (the second day prior to date of poll)

(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the first block for publishing of declaration shall be done between 11th and 14th of the Month, second and third blocks shall be between 15th and 18th and 19th and 22nd of that Month, respectively.)

This requirement is in pursuance of the judgment of the Hon'ble Supreme Court in Writ Petition(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition(Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.).

This information will also be available on an App titled, 'know your candidates'.

22. Political Parties setting up candidates with Criminal Cases-

In pursuance of The Hon'ble Supreme Court Order dated 13.02.2020 in Contempt Petition (C)No. 2192 of 2018 in WP(C) No. 536 of 2011, it is mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court,

the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates. The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.

This information shall also be published in:

- (a) One local vernacular newspaper and one national newspaper;
- (b) On the official social media platforms of the political party, including Facebook & Twitter.

These details shall be published within **48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations**. The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate. If a political party fails to submit such compliance report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions. The Commission's instructions issued vide letter no. 3/4/2020/SDR/Vol.III dated 6th March, 2020 available on the Commission's website may be seen.

Further, the Hon'ble Supreme Court in *Brajesh Singh v. Sunil Arora & Ors.* [Contempt Petition (C) No. 656/2020 in Contempt Petition (C) No. 2192/2018 in WP(C) No. 536/2011] issued some additional directions vide judgment dated 10.08.2021, which has been circulated to all the parties vide Commission's letter No. 3/4/SDR/VOL.I dated 26.08.2021, is available on the Commission's website. Following are the directions which are concerned with the political parties: -

- (a) Political parties are to publish information regarding criminal*

- antecedents of candidates on the homepage of their websites, thus making it easier for the voter to get to the information that has to be supplied. It will also become necessary now to have on the homepage a caption which "candidates with criminal antecedents";*
- (b) We clarify that the direction in paragraph 4.4 of our Order dated 13.02.2020 be modified and it is clarified that the details which are required to be published, shall be published within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations; and*
- (c) We reiterate that if such a political party fails to submit such compliance report with the ECI, the ECI shall bring such noncompliance by the political party to the notice of this Court as being in contempt of this Court's Orders/directions, which shall in future be viewed very seriously."*

23. Advisory to Political Parties regarding silence period-

For reviewing the working of Section 126 in the context of advancement in communication technology and rise of social media, a Committee was constituted by the Commission with the mandate of studying the provisions of Section 126 of the Representation of the People Act, 1951 and other related provisions and to make suitable recommendation in this regard. The Committee submitted its report to the Commission on 10th January, 2019. Among other proposals, the Committee has proposed for an advisory to political parties for compliance with the letter and spirit of the provisions of Section 126. Commission called upon all political parties to instruct and brief their leaders and campaigners to ensure that they observe the silence period on all forms of media as envisaged under Section 126 of the RP Act, 1951, and their leaders and cadres do not commit any act that may violate the spirit of Section 126.

In a multi-phased election, the silence period of last 48 hours may be on in certain constituencies while campaign is ongoing in other constituencies. In such event, there should not be any direct or indirect reference amounting to soliciting support for parties or candidates in the constituencies observing the silence period.

During the silence period, star campaigners and other Political Leaders should refrain from addressing the media by way of press conferences and giving interviews on election matters.

24. District, AC Level and Booth Level Election Management Plan-

The District Election Officers have been asked to prepare a comprehensive District Election Management Plan in consultation with SSPs/SPs and Sector Officers, including the route plan and the communication plan for conduct of elections. These will be vetted by the Observer, taking into account vulnerability mapping exercise and mapping of critical polling stations, in accordance with Election Commission of India's extant instructions.

25. Communication Plan-

Commission attaches great importance to preparation and implementation of a perfect communication plan at the district/constituency level for the smooth conduct of elections and to enable concurrent intervention and mid-course correction on the poll day. For the said purpose, the Commission has directed the Chief Electoral Officers of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh to coordinate with the officers of Telecommunication Department in the State headquarters, BSNL/MTNL authorities, the representatives of other leading service providers in the State so that network status in the State is assessed and communication shadow areas be identified. The CEOs has also been instructed to prepare the effective

communication plan in their States and make suitable alternate arrangements in the communication shadow areas by providing Satellite Phones, Wireless sets, Special Runners etc.

26. Model Code of Conduct-

Model Code of Conduct comes into effect immediately from the announcement of schedule. All the provisions of the Model Code will apply to the whole of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh with regard to all candidates, political parties and the governments of the said States. The Model Code of Conduct shall also be applicable to the Union Government in so far as announcements/policy decisions pertaining to/for Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh are concerned.

The Commission has made elaborate arrangements for ensuring the effective implementation of MCC Guidelines. Any violation of these Guidelines would be strictly dealt with and the Commission re-emphasizes that the instructions issued in this regard from time to time should be read and understood by all Political Parties, contesting candidates and their agents/representatives, to avoid any misgivings or lack of information or inadequate understanding/interpretation. The Governments of the poll-bound States have also been directed to ensure that no misuse of official machinery/position is done during the MCC period.

The Commission has also issued instructions for swift, effective and stringent action for enforcement of Model Code of Conduct during the first 72 hours of announcement of the election schedule and also for maintaining extra vigilance and strict enforcement action in the last 72 hours prior to the close of polls. These instructions have been issued in the form of Standard Operating Procedures (SOPs) for compliance by the field election machinery.

27. Videography/ Webcasting/CCTV Coverage-

All critical events will be video-graphed. District Election Officers will arrange sufficient number of video and digital cameras and camera teams for the purpose. The events for videography will include filing of nomination papers and scrutiny thereof, allotment of symbols, First Level Checking, preparations and storage of Electronic Voting Machines, important public meetings, processions etc. during election campaign, process of dispatching of postal ballot papers, polling process in identified vulnerable polling stations, storage of polled EVMs and VVPATs, counting of votes etc. Additionally, CCTVs will be installed at important Border Check Posts and Static Check Points for effective monitoring and surveillance. Further, the Commission has directed that Webcasting, CCTV coverage, Videography and Digital cameras will also be deployed inside critical polling booths and polling booths in vulnerable areas to closely monitor the proceedings on the poll day without violating secrecy of voting process. On 25th Feb, 2021, Commission has directed that arrangements for web casting shall be done in critical polling stations and all polling stations in vulnerable areas or at least in 50% of total polling stations including auxiliary polling stations, whichever is higher.

28. Measures to Prevent Public Nuisance-

The Commission has directed that the use of public address system or loudspeakers or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position used for public meetings for electioneering purposes, during the entire election period starting from the date of announcement of election and ending with the date of declaration of results, shall not be permitted at night between **08:00 p.m. and 08.00 a.m.**

Further, no loudspeakers fitted on vehicles of any kind or in any other manner whatsoever shall be permitted to be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area.

29. Law and Order, Security Arrangements and Deployment of Forces-

Conduct of elections involves elaborate security management, which includes not just the security of polling personnel, polling stations and polling materials, but also the overall security of the election process. Central Armed Police Forces (CAPFs) are deployed to supplement the local police force in ensuring a peaceful and conducive atmosphere for the smooth conduct of elections in a free, fair and credible manner.

Based on the assessment of the ground situation, Central Armed Police Forces (CAPFs) and State Armed Police (SAP) drawn from other States will be deployed during the election. The CAPFs shall be deployed well in advance for area domination, route marches in vulnerable pockets, point patrolling and other confidence building measures to re-assure and build faith in the minds of the voters, especially those belonging to the weaker sections, minorities etc. CAPFs shall be inducted well in time for undertaking area familiarization and hand-holding with local forces and all other standard security protocols for movement, enforcement activities etc in these areas will be strictly adhered to. The CAPFs/SAP shall also be deployed in Expenditure Sensitive Constituencies and other vulnerable areas and critical polling stations as per the assessment of ground realities by the CEOs of Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh, in consultation with various stakeholders. On the eve of Poll, the CAPFs/SAP shall take position and control of the respective polling stations and will be responsible for safeguarding the polling stations and for providing security to the electors

and polling personnel on the poll day. Besides, these forces will secure the strong rooms where EVMs and VVPATs are stored and for securing the counting centres and for other purposes, as required. The entire force deployment in the assembly segments shall be under the oversight of the Central Observers deputed by the Commission.

To ensure optimum and effective utilization of State Police official and CAPF, Commission has directed that a committee of CEO, State Police Nodal Officer and State CAPF Coordinate to jointly decide the Election Security Plan and ensure randomization of State Police and CAPF personnel.

30. Protection to Electors of SC/ST and Other Weaker Sections-

As per Section 3 (1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended in 2015), whoever, not being a member of a Scheduled Caste or Scheduled Tribe, forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law, or not to stand as a candidate etc., shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine. The Commission has asked Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh to bring these provisions to the notice of all concerned for prompt action. In order to bolster the confidence of the voters hailing from vulnerable sections especially SCs, STs etc. and enhance their conviction and faith in the purity and credibility of the poll process, CAPFs/SAP shall be extensively and vigorously utilized in patrolling conducting route marches and undertaking other necessary confidence building measures under the supervision of the Central Observers.

31. Election Expenditure Monitoring-

- **Enhancement in candidate's limit on expenses-** On the recommendation of ECI, vide Notification dated Jan 6, 2022, Ministry of Law and Justice has increased the limits on candidate expenses
- **As per revised limits, pertinent to these 5 elections, the limit on candidate expenditure for the states of Punjab, Uttarakhand and UP will now be Rs 40 lakhs and for Goa and Manipur it shall be Rs 28 lakhs.**

Comprehensive instructions for the purpose of effective monitoring of the election expenditure of the candidates have been issued, which include formation of Flying Squads (FS), Static Surveillance Teams (SST), Video Surveillance Teams (VST), involvement of State Police, Investigation Directorate of Income Tax Deptt., Enforcement Directorate, Financial Intelligence Unit (FIU-IND), DRI, RPF, CBIC, SSB, ICG, Commercial Tax Department and Narcotics Control Bureau. State Excise Department has been asked to monitor production, distribution, sale and storage of liquor and inducements in the form of free goods during the election process. The functioning and operations of the Flying Squads/Mobile Teams shall be closely monitored using GPS Tracking/and the use of c-VIGIL App. For greater transparency and for ease of monitoring of Election Expenses, candidates would be required to open a separate bank account and incur their election expenses from only that account. The Investigation Directorate of Income Tax Dept. has been asked to activate Air Intelligence Units in the airports of the State and also to gather intelligence and take necessary action to check movement of large sums of money in Goa, Manipur, Punjab Uttarakhand and Uttar Pradesh.

Some new initiatives taken by the Commission to strengthen the Expenditure Monitoring mechanism are:

(1) Standard Operating Procedure (SOP) for seizure and release of cash:

For the purpose of maintaining purity of elections, the Election Commission of India has issued a Standard Operating Procedure for Flying Squads and Static Surveillance Teams, constituted for keeping vigil over excessive campaign expenses, distribution of items of bribe in cash or in kind, movement of illegal arms, ammunition, liquor, or antisocial elements etc. in the constituencies during election process. Furthermore, in order to avoid inconvenience to the public and also for redressal of their grievances, if any, the Commission has issued instruction no. 76/Instructions/EEPS/2015/ Vol-II dated 29.05.2015 stating that a committee shall be formed comprising three officers of the District, namely, (i) CEO, Zila Parishad/CDO/P.D, DRDA (ii) Nodal Officer of Expenditure Monitoring in the District Election Office (Convener) and (iii) District Treasury Officer. The Committee shall suo-moto examine each case of seizure made by the Police or SST or FS and where the Committee finds that no FIR/Complaint has been filed against the seizure or where the seizure is not linked with any candidate or political party or any election campaign etc., as per SOP, it shall take immediate steps to order release of such cash etc. to such persons from whom the cash was seized after passing a speaking order to that effect. In no case, shall any matter relating to seized cash/seized valuables shall be kept pending in Malkhana or treasury for more than 7(seven) days after the date of poll, unless any FIR/Complaint is filed.

(2) Accounting of the expenditure incurred for campaign vehicles -It has come to the notice of the Commission that the candidates take permission from the Returning Officer for use of vehicles for campaign purpose, but some candidates do not show the vehicle hiring charges

or fuel expenses in their election expenditure account. Therefore, it has been decided that unless the candidate intimates the R.O. regarding withdrawing vehicles from campaigning, the notional expenditure on account of campaign vehicles will be calculated based on the number of vehicles for which permission has been granted by the Returning Officer.

(3) Account Reconciliation Meeting: In order to reduce litigation relating to expenditure accounts of contesting candidates, a reconciliation meeting will be convened by the DEOs before final submission of the accounts, on the 26th day after the declaration of the results.

(4) Accounting of Expenditure on publicity of criminal antecedents: In Pursuance of Hon'ble Supreme Court Judgement dated 25.09.2018 in WP(C) No. 536 of 2011, the candidates as well as the concerned political parties shall issue a declaration, in the format prescribed, in widely circulated newspapers and on electronic media in the state regarding the criminal antecedents of the candidates at least thrice after filing of the nomination papers. Candidates are required to maintain expenditure incurred by them in this regard in their accounts and the same shall be reflected in their Abstract Statement of election expenses to be submitted by them to the concerned DEOs along with their accounts of election expenses within 30 days of declaration of results. Political parties are also required to show the amount incurred by them in this regard in their Statement of Election Expenses to be submitted by them to ECI (recognized political party)/ CEO (unrecognized political party) within 75 days of completion of Assembly Election.

(5) Expenditure incurred on candidates' Booth/(Kiosk) and on TV/Cable Channel / Newspaper owned by party for promoting the electoral prospects of the candidate in the account of the candidate:

The Commission, on further examination of the relevant provisions of section 77(1) of the R. P. Act, 1951, had decided that the candidates' booths set up outside the polling stations should hereinafter be deemed to have been set up by the candidates as part of their individual campaign and not by way of general party propaganda and as such all expenditure incurred on such candidates' booths shall be deemed to have been incurred/authorized by the candidate/his election agent so as to be included in his account of election expenses.

Further, the Commission, after taking into consideration various references/complaints from various sources in the above matter, has directed that if the candidate(s) or their sponsoring parties utilize TV/Cable Channels/Newspapers owned by them for promoting the electoral prospects of the candidate, the expenses for the same, as per standard rate cards of the channel/newspaper, have to be included by the candidate concerned in his Election Expenditure Statement, even if they actually do not pay any amount to the channel/newspaper. In pursuance of the Commission's aforesaid decisions, Schedule 6 and Schedule 4 in Abstract Statement of Election Expenses have been amended and incorporated accordingly in the Compendium of Instructions on Election Expenditure Monitoring.

(6) Final Accounts by Political Parties:

All Political Parties sponsoring candidates for the Legislative Assembly elections are required to maintain day-to-day accounts of all election campaign expenses and submit the final accounts to the Commission/CEO within 75 days of the completion of such election.

Such accounts will be uploaded on the website of the Commission for public viewing. For the sake of transparency and reconciliation of accounts of political parties and candidates, the political parties have to file a part Election Expenditure statement in addition to the final statement of election expenditure in respect of lump-sum payments made by the party to the candidate within 30 days after declaration of results of election to Legislative Assemblies in prescribed format.

32. Effective use of Media- (1) Media Engagement:

Commission has always considered Media as an important ally and a potent force multiplier in ensuring an effective and efficient election management. Hence, the Commission has directed the CEOs of **poll going States** i.e. Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh to take the following measures for positive and progressive engagement and interaction with the media:

- i) Regular interaction with the media during elections and maintaining an effective and positive line of communication with media at all times.
- ii) Effective steps to sensitize the media about the Election Code.
- iii) Authority letters will be issued to all accredited media for the polling day and day of counting.

Media is also expected to follow all the extant guidelines issued by the Ministry of Home Affairs and Ministry of Health and Family Welfare (MoH&FW) regarding COVID containment measures during all their election related coverage. Besides, the guidelines issued by the Election Commission of India today with regard to conduct of elections during

COVID shall also be applied while giving access to the media persons for the coverage of election process during polling and counting of votes etc.

(2) Pre-Certification of Political Advertisements and monitoring of suspected cases of paid news:

Media Certification and Monitoring Committees (MCMC) are in place at all the Districts and State level. All political advertisements proposed to be issued on electronic media shall require pre-certification from the concerned MCMC.

Political advertisements in all electronic media/TV Channels/Cable Network/Radio including private FM channels/Cinema halls/audio-visual displays in public places/voice messages & bulk SMS over phone and social media & internet websites shall come within the purview of pre-certification.

MCMCs will also keep a strict vigil on suspected cases of paid news in media and suitable action will be taken in confirmed cases after following all due procedure.

Commission has doubled the allocated time to all recognised parties for publicity of election matters.

(3) Use of Social Media in election:

Keeping in view increasing incidents of misuse of Social Media & menace of Paid News and as a result of ECI's vigorous persuasion, major Social Media Platforms agreed to observe **Voluntary Code of Ethics** formulated by them in March 2019. These will be applicable in these elections as well as in other elections.

Commission requests all Political Parties and candidates to ensure that their supporters do not indulge in hate speeches and fake news. Strict watch on social media posts is being kept to ensure that election atmosphere is not vitiated.

(4) Monitoring of Electronic and Social Media:

All the election management related news on all the major national and regional news channels during elections would be monitored vigorously. If any untoward incident or violation of any law/rule is noticed, action would be taken immediately. Reports of monitoring would also be forwarded to the CEOs concerned. Office of CEO will ascertain status on each and every item and file ATR/Status Report.

33. Training of Election Officials-

India International Institute of Democracy and Election management (IIIDEM) has organized the following training programme for various Election functionaries connected with upcoming General Election to the Legislative assemblies of Uttar Pradesh, Uttarakhand, Punjab, Manipur and Goa.

1)The themes of the training were as under:

- a) **Nomination Process, Qualification and Disqualification, Nomination, Scrutiny, Withdrawal of Candidature and Allotment of Symbols**
- b) **EVM-VVPAT, Counting and Declaration of Result**
- c) **Vulnerability Mapping, DEMP, Polling Party & Poll Day Arrangement**
- d) **Postal Ballot, ETPBS and various IT applications**
- e) **Model Code of Conduct, Expenditure Monitoring and SVEEP**

2) Online orientation programme on COVID Guidelines.

An online orientation programme on COVID Guidelines was conducted for the Health Secretaries, COVID Nodal Officers, Officers from CEOs Office and DEOs of Uttar Pradesh, Uttarakhand, Manipur, Goa and Punjab on 21st September, 2021. Total 386 participants had joined the programme. Shri Aariz Aftab, CEO, West Bengal along with Shri Pratyaya Amrit, Additional Chief Secretary, Bihar had shared their experience regarding the conduct of elections in their States during COVID.

3) Evaluation programme for ROs and AROs

a) Evaluation programme for ROs of Uttar Pradesh and ROs and AROs of Uttarakhand was organized on 18th November, 2021 at Lucknow, Agra & Gorakhpur in Uttar Pradesh and at Dehradun and Udham Singh Nagar in Uttarakhand respectively. The evaluation was organized for only those ROs and AROs who attended the Certification programme organized in the concerned States.

b) Evaluation programme for ROs and AROs of Goa, Manipur and Punjab was organized on 10th December, 2021 at for those ROs and AROs who attended the Certification programme organized at North Goa in Goa, Imphal in Manipur and at Jalandhar, Patiala & Bhatinda in Punjab for those ROs & AROs who attended the Certification programme organized at their respective States.

34. Systematic Voters' Education and Electoral Participation (SVEEP)-

a) Free, fair, accessible, inclusive, transparent and ethical elections build a truly participative democracy by encouraging all eligible citizens to vote and make an informed decision during elections. Working on the premise of 'No

Voter to be Left Behind', Election Commission of India strives relentlessly to ensure participative, inclusive, inducement free and accessible elections in the world's largest democracy through the Systematic Voters' Education and Electoral Participation (SVEEP) programme.

b) SVEEP places its focus on the voters- the central actors of democracy. Reaching out throughout novel initiatives like Electoral Literacy Clubs, Web Radio Hello Voters, Nationwide celebrations of National Voters' Day, and mass mobilization of voters through 360-degree communication and door to door interventions have been the foundation of ECI's voter outreach efforts.

c) In view of current situation of the pandemic, special outreach activities are being implemented to enhance voter awareness and publicize the mandatory safety protocols during elections. Contactless and digital mediums for all outreach activities i.e Television, Print, Digital Media and other media vehicles are being utilized as a part of overall 360-degree communication towards voter education, motivation and facilitation.

d) In order to educate & facilitate voters, ECI has brought in some new initiatives for the upcoming assembly elections. These initiatives include an EPIC kit to the newly registered voters, a pocket size Voters' guide to every household, polling booth being the focal point of communication and Minimum level of SVEEP activities at every booth.

e) As voter registration and reception of EPIC card is the point of first formal interaction of newly registered voters, a need was felt to standardize the experience and give a personalized touch to the EPIC delivery. All CEOs/DEOs therefore have been directed to hand over/deliver/courier this EPIC SVEEP kit to newly registered electors, which contains a personalized letter to the elector along with a voter guide and voters' pledge.

f) Commission has also developed a pocket size version of the voter guide, for ease of information access to electors. This pocket size booklet provides

important information for voters' regarding location of polling stations, election related queries, searching of name in the voter list and COVID safety measures. The voters' guide would be provided to every household.

g) Revitalizing Electoral Literacy Clubs during Covid period through use of online mode of communication, is also a major focus of the Commission. With regards to the same, Guidelines for Online Activities at ELCs have been shared with Chief Electoral Offices recently.

h) Furthermore, with Booth being the focal point for SVEEP strategy, the Commission has directed the states to strengthen Booth Level Action Plans and to conduct Minimum level of SVEEP activities to inform and educate all voters. This includes explanatory information displays regarding EVM-VVPAT, Voter Registration, Ethical Voting & IT Apps at all polling stations and crowded locations in the assembly constituency. Polling stations would be given a festive look through minimum level of décor. Low voter turnout Polling Stations have been identified with reasons for low turnout analysed and targeted interventions planned in accordance to meet the objective of 'No Voter to be Left Behind'.

i) With the objective to reaching out to Women Voters, 'All-Women Managed Polling Stations' is an initiative committed towards gender equality and greater participation of women in the electoral process. These booths which are set up in each constituency comprise of all woman staff including security. Similarly, PwD managed polling stations are to be developed in each assembly constituency to give further fillip to accessible and participative elections.

j) Voter Facilitation Centers will be active in the States to facilitate voters. Besides this, Voter Helpline Number 1950 and Voter Helpline App would also cater to voter's queries. An SMS facility is available on 1950 to enable electors to verify their names on the Electoral Roll.

k) Subsequent to Hon'ble Supreme Court's order, criminal antecedents of the contesting candidates are to be made available to the voters. In this regard, a dedicated multimedia campaign is proposed to generate awareness amongst the voters to encourage informed and ethical voting.

Further, keeping in view the possibility of advent of Covid wave, SVEEP activities are planned to inform and educate voters towards Covid Safe elections and covid appropriate behaviour during elections.

35. Deployment of Central Observers-

(1) General Observers

The Commission will deploy IAS officers as General Observers in adequate number to ensure smooth conduct of election. The Observers will be asked to keep a close watch on every stage of the electoral process to ensure free and fair election.

(2) Police Observers

The Commission would deploy IPS officers as Police Observers at District/AC level, depending upon the need, sensitivity and assessment of ground situation of the District/AC, wherever required. They will monitor all activities relating to force deployment, law and order and co-ordinate with Civil and Police administration to ensure peaceful, free and fair election.

(3) Special Observers

In exercise of the plenary powers conferred on it by Article 324 of the Constitution of India, the Commission deploys Special Observers who belong to All India Services and various Central Services.

(4) Expenditure Observers

The Commission has also decided to appoint adequate number of Expenditure Observers who will exclusively monitor the election

expenditure of the contesting candidates. Control room and Complaint Monitoring Centre with 24 hours toll free numbers shall be operative during the entire election process. Banks and Financial Intelligence Units of Government of India have been asked to forward Suspicious Transaction Reports (STRs) to the election officials. Comprehensive instructions for the purpose of effective monitoring of the election expenditure of the candidates have been separately issued by the Commission and are available on the ECI website (<https://eci.gov.in/>).

(5) Micro Observers

As per the extant instructions, General Observers will also deploy Micro Observers, from amongst Central Government/PSUs Officials, to observe the poll proceedings on the poll day in critical/vulnerable polling stations. Micro Observers will observe the proceedings at the polling stations on the poll day, right from the conduct of mock poll, to the completion of poll and the process of sealing of EVMs and VVPATs and other documents so as to ensure that all instructions of the Commission are complied with by the Polling Parties and the Polling Agents. They will report to the General Observers directly regarding any vitiation of the poll proceedings in their allotted polling stations.

36. Use of IT in election management -

The Commission has enhanced usage of IT Application, to usher in greater citizen participation and transparency.

Following is a brief outline of the IT applications to be used:

- 1) **cVIGIL Application for filing Model Code of Conduct Violation cases by citizen:** cVIGIL provides time-stamped evidentiary proof of the Model Code of Conduct / Expenditure Violation by empowering every citizen

to click a photo or video using his or her smartphone. The application is based on GIS technology and the unique feature of auto location provides fairly correct information which can be relied upon by flying squads to navigate to the right spot of incidence and take prompt action. This app prioritizes the speedy and effective action by authorities and promises status report within 100 minutes.

The Application is available on both the Google Play Store and Apple App Store.

- 2) **Suvidha Portal:** This portal provides various facilities to candidates/ political parties for online nominations, filing for Permissions etc. as given below-

a) Candidate Online Nomination:

To facilitate filling of nominations, Election Commission has introduced an online portal for filling Nomination & Affidavit. The Candidate can visit <https://suvidha.eci.gov.in/> to create her/his account, fill nomination form, deposit the security amount, check availability of time slot and appropriately plan the visit to the Returning Officer.

Once the application is filled through the online portal, the candidate only needs to take a printout, get it notarized and submit the application along with relevant documents to the Returning Officer in person.

The Online Nomination Facility is an optional facility to facilitate ease of filing and correct filing. The regular offline submission as prescribed under the law shall continue too.

b) **Candidate Permissions module:** Permission module allows candidates, political parties or any representatives of the candidate to apply online for the permission for meetings, rallies, loudspeakers, temporary offices, and others through SUVIDHA Portal <https://suvidha.eci.gov.in/>. The Candidates can also track their application status through the same portal.

c) **Suvidha Candidate App.**

In view of COVID-19, the Commission has directed that allocation of public spaces for meetings, rallies must be done using the Suvidha app as far as practicable.

The application will be available during elections for Candidates / Political Parties / Agents to download and use to track the nomination and permission status from the Google Play store.

d) **Candidate Affidavit Portal:** The Complete list of Contesting Candidates with their profile, nomination status and the affidavits will be available for public view through Candidate Affidavit Portal: <https://affidavit.eci.gov.in/>

3) **Electronically Transmitted Postal Ballot System (ETPBS) for Service Voter:**

Electronically Transmitted Postal Ballot System (ETPBS) will transmit blank Postal Ballot through Electronic means to the Service Voters. Service voters can then send their vote through speed post.

4) **Persons with Disability Application (PwD) App:**

PwD app is a tool to facilitate Persons with Disabilities. The PwD electors can use this app to request for marking them as PwD, apply for new registration, migration, correction in EPIC details, request for wheelchair etc. It utilises the Accessibility features of mobile phones for voters with

blindness and hearing disabilities. The PwD app is available on the Google Play Store and Apple App store.

5) Voter Turnout App:

Voter Turnout App will be used to display real-time estimated provisional voter turnout details of each Assembly Constituency/ Parliamentary Constituency entered by Returning officer. The application can also be used by the media to capture live estimated voter turnout data. All phases of the elections will be displayed through this app in real-time. The application is available on the Google Play store.

6) ENCORE Counting:

The ENCORE counting application <https://encore.eci.gov.in/> is an end-to-end application for Returning Officers to digitize the votes polled, tabulate the round-wise data and then take out various statutory reports of counting.

7) Results Website and Results Trends TV:

The timely publication of the round-wise information is vital for establishing a single source of authentic data. The counting data entered by respective Returning Officers is available as 'Trends and Results' for public view through 'ECI Results website' <http://results.eci.gov.in/>,

The results are shown with the Infographics and displayed with auto-scroll panels through large display screens outside the counting hall or any public place.

8) EVM Management System (EMS):

EVM Management System is designed to manage inventory of EVM units. One of the important modes to ensure a fair and transparent process in EVM management is the administrative protocol of the randomization of

the machines before they are deployed in the Polling stations. The randomization is done in the presence of Political Parties' representatives.

9) NVSP, Voter portal (Single Form for Electoral Services) and Voter Helpline App:

Through NVSP (<https://www.nvsp.in/>), a user can avail and access various services such as access the electoral list, apply for voter id card, apply online for corrections in voter's card, view details of Polling booth, Assembly Constituency and Parliamentary constituency, and get the contact details of Booth Level officer, Electoral Registration Officer among other services.

Similarly, to ease the process of form submission, 'Voter Portal' (<https://voterportal.eci.gov.in/>) provides a seamless interface for registration, alteration in entries, deletion, change of address etc. Upon logging into the portal, the citizen is now presented with an interactive interface suggesting selection of choice based upon his previous selection.

10) Voter Helpline App(VHA):

Citizen can avail and access various services such as apply for voter id card, apply online for corrections in voter's card, view details of Polling booth, Assembly Constituency and Parliamentary constituency, and get the contact details of Booth Level officer, Electoral Registration Officer among other services. The application is available on both the Google Play & Apple Store.

'Know Your Candidate' App will also be available for electors to know about the background (including criminal antecedents) of the candidate(s)

11) National Grievances Services Portal:

A comprehensive National Grievance Service Portal (NGSP) has been developed by the Election Commission. It functions as single window system and people can directly lodge IFSC (Information, Feedback, suggestion and Complaints) into this portal. IFSC can be captured via a different medium like Online mode (Portal, Contact Centre & email). Since all Electoral Officers, District Election Officers, CEO and ECI Officials are part of this system, grievances/ issues are directly assigned to the respective user upon registration. The portal can be accessed from the online link here: <https://eci-citizenservices.eci.nic.in>.

37. Conduct of Officials

The Commission expects all officials engaged in the conduct of elections to discharge their duties in an impartial manner without any fear or favour. They are deemed to be on deputation to the Commission and shall be subject to its control, supervision and discipline. The conduct of all Government officials who have been entrusted with election related responsibilities and duties would remain under constant scrutiny of the Commission and strict action shall be taken against those officials who are found wanting on any account.

On the recommendation of ECI, Union Health Ministry has issued orders on 8th February 2021 that all election officials and employees will be treated as frontline workers and will be vaccinated for COVID.

38. Schedules of General Elections

The Commission has prepared the Schedules for holding General Election to the Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh after taking into consideration all relevant aspects like climatic conditions, academic calendar, board examination, major festivals, prevailing

law and order situation in the State, availability of Central Armed Police Forces, time needed for movement, transportation and timely deployment of forces and in-depth assessment of other relevant ground realities.

In view of COVID-19, Commission has decided to extend the poll timing by 1 hour in all ACs except in LWE areas.

The Commission, after considering all relevant aspects has decided to recommend to the Governor of the States of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh to issue notifications for the General Election under the relevant provisions of the Representation of the People Act, 1951, as per the **Annexure-1-5**.

The Commission seeks the active cooperation, close collaboration and constructive partnership of all the esteemed stakeholders in the electoral process and strives to employ the collective synergies towards delivering a smooth, free, fair, peaceful, participative and festive General Assembly Elections, 2022 in Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh.

Sd/-
(SANJEEV KUMAR PRASAD)
SECRETARY

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2022

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

MR. SURJIT SINGH YADAVPetitioner

Versus

UNION OF INDIA & Ors.Respondents

S. NO.	PARTICULAR	PAGE NO.
1.	Listing Performa	
2.	Writ Petition with supporting affidavit.	
3.	Annexures P-1 to P-4	
4.	Vakalatnama appearance on behalf of the petitioner	
		Total Rs.

Filed on:19.02.2022

Filed by:



(Abhishek)

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Computer Code no.1785

VAKALATNAMA

115

(SCR Order IV Rule 18)

IN THE SUPREME COURT OF INDIA

ORIGINAL/CRIMINAL/CIVIL/APPELLATE JURISDICTION

Civil Cr/Special Leave Petition/Appeal/Writ Petition No. (S) _____ 200

Surjit Singh Yadav

PETITIONER(S)
APPELLANT (S)

Union of India & ors

VERSUS

RESPONDENT(S)

*Surjit Singh Yadav S/o. Sh. Indersit Singh Yadav
R/o-410, Sant Alagar, east of Rajilash New Delhi-65*

In the above suit/appeal/petition/reference do hereby appoint and retain
Smt./Shri _____ of the Supreme Court of India,
to act and appear for me/us in the above Suit/Petition/Appeal reference and on my/our behalf to
conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken
in respect of any application connected with the same or any decree or order passed therein,
including proceedings in taxation and application for review, to file and obtain, return of docu-
ments and to deposit and receive money on my/our behalf in the said Suit/Petition/Appeal/
Reference and in the above matter. We agree to ratify all acts done by the aforesaid Advocate,
in pursuance of this authority.

*Identified
Certified*

Accepted:

Dated this the *15th* day of *February* 20*22*

Syadav
(SURJIT SINGH YADAV)

Petitioner(s)/Appellant(s)/Respondent(s)/Caveator

*Abhishek
Advocate
Peshkinner*

MEMO OF APPEARANCE

To,
The Registrar
Supreme Court of India,
New Delhi

Sir,
Please enter my appearance on behalf of the Petitioner(S) / Appellant(S) / Respondent(S) /
Opposite Parties/Intervener in the mentioned above

New Delhi
Dated this the *15th* day of *February* 20*22*

Ce No. 1785

Your Faithfully

(Abhishek)

Advocate for the

Date

