

ITEM NO.24

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.333/2015

ASSOCIATION FOR DEMOCRATIC REFORMS & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA CABINET SECRETARY & ORS.

Respondent(s)

(With IA No.140900/2021 - ADDITION/DELETION/MODIFICATION PARTIES)

WITH W.P.(C) No.408/2019 (PIL-W)

W.P.(C) No.880/2017 (PIL-W)

(With IA No.106839/2018 - INTERVENTION APPLICATION, IA No. 59321/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES and IA No.40115/2019 - STAY APPLICATION)

W.P.(C) No.59/2018 (X)

(With IA No.45810/2019 - STAY APPLICATION)

W.P.(C) No.434/2018 (PIL-W)

W.P.(C) No.975/2022 (PIL-W)

(With IA No.174158/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES)

W.P.(C) No.1132/2022 (PIL-W)

Date : 31-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s)

Mr. Dushyant Dave, Sr. Adv.

WPC 333/2015,

Ms. Neha Rathi, Adv.

WPC 880/2017 &

Mr. Prashant Bhushan, AOR

WPC 434/2018

| | |
|-------------------|--|
| WPC 408/2019 | Mr. Gopal Sankaranarayanan, Sr. Adv. Mr. Ashwani Kumar Dubey, AOR |
| WPC 59/2018 | Mr. Shadan Farasat, AOR |
| WPC 975/2022 | Mr. Varinder Kumar Sharma, AOR Mr. Varun Thakur, Adv. |
| WPC 1132/2022 | Mr. Javedur Rahman, AOR |
| For Respondent(s) | Mr. R Venkatramani, AG Mr. Tushar Mehta, SG Mr. Ankur Talwar, Adv. Mrs. Seema Bengani, Adv. Mrs. Shradha Deshmukh, Adv. Mr. Shyam Gopal, Adv. Mr. Chinmayee Chandra, Adv. Mr. Rajan Kumar Chourasiya, Adv. Mr. Anand Venkatramani, Adv. Mr. Abhishek Kumar Pandey, Adv. Ms. Vijay Lakshmi Venkatramani, Adv. Mr. Vinayak Mehrotra, Adv. Ms. Manshi Sood, Adv. Mr. Sonali Jain, Adv. Mr. Raman Yadav, Adv. Mr. Chitvan Singhal, Adv. Mr. Arvind Kumar Sharma, AOR Mrs. Anil Katiyar, AOR Mr. Mukesh Kumar Maroria, AOR Mr. Arvind Kumar Gupta, AOR Mr. Maninder Singh, Sr. Adv. Mr. Amit Sharma, AOR Mr. Dipesh Sinha, Adv. Ms. Pallavi Barua, Adv. Ms. Sakshi Upadhayya, Adv. Ms. Aparna Singh, Adv. Ms. Aprna Singh, Adv. |

Mr. P.V. Dinesh, AOR
Mr. Rahul Raj Mishra, Adv.
Mr. Bineesh K, Adv.

Mr. B. K. Pal, AOR
Ms. Shefali Mitra, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Amit Anand Tiwari, AOR

Mr. Aviral Kashyap, AOR
Ms. Gitanjali Tripathy, Adv.
Mr. Ashish Kumar Sinha, Adv.

Applicant-in-person

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 This batch of petitions involves three distinct issues:
 - (i) A challenge to the Electoral Bonds Scheme;
 - (ii) Whether political parties should be brought within the purview of the Right to Information Act 2005; and
 - (iii) A challenge to the amendments to the Foreign Contribution Regulation Act 2010 through the Finance Acts of 2016 and 2018.
- 2 Hence, the petitions in the present batch are bifurcated with reference to the above three challenges as tabulated below:

| Petitions challenging the Electoral Bonds Scheme | |
|---|--|
| WP (C) No 880/2017 | Notice was issued by this Hon'ble Court on 3.10.2017 |
| WP (C) No 59/2018 | Notice was issued by this Hon'ble Court on 2.02.2018 |

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|---|---|
| WP (C) No 1132/2022 | Notice was issued by this Hon'ble Court on 9.01.2023 |
| Fresh Matter | |
| WP (C) No 975/2022 | Notice has not been issued. |
| Petitions for bringing political parties under the Right to Information Act 2005 | |
| WP (C) No 333/2015 | Notice was issued by this Hon'ble Court on 30.06.2016 |
| WP (C) No 408/2019 | Notice was issued by this Hon'ble Court on 15.04.2019 |
| Petition challenging the amendments to the Foreign Contribution Regulation Act 2010 through the Finance Acts 2016 and 2018 | |
| WP (C) No 434/2018 | Notice was issued by this Hon'ble Court on 2.07.2018 |

- 3 The three sets of petitions need to be heard separately and de-linked for that purpose.
- 4 Notice shall issue in Writ Petition (C) 975 of 2022. In the event that the Union of India seeks to file a counter affidavit, that shall be done within a period of two weeks.
- 5 The Union government has filed a counter affidavit in Writ Petition (C) No 880 of 2017 and Writ Petition (C) No 59 of 2018.
- 6 The Attorney General for India submits that a copy of Writ Petition (C) No 1132 of 2022 may be served on counsel instructing him so that, if necessary, a supplementary counter affidavit can be filed to deal with any issue which has not already been dealt with in the companion writ petitions. The same course of action shall be followed as regards Writ Petition (C) No 975 of 2022.

- 7 In respect of the second set of petitions noted above, a counter affidavit has already been filed in Writ Petition (C) No 333 of 2015.
- 8 In the event that the Union of India seeks to file a counter affidavit in Writ Petition (C) No 408 of 2019, to deal with any additional issues which have been raised in that petition, this shall be done within a period of two weeks.
- 9 On the third set of petitions challenging the amendments to the Foreign Contribution Regulation Act 2010 through the Finance Acts of 2016 and 2018 , notice was issued by this Court on 2 July 2018.
- 10 A last and final opportunity is granted to the Union of India to file its counter affidavit by the end of February 2023, in the third set.
- 11 The dates for the listing of three batches of petitions are indicated below:

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| (i) WP (C) No 880/2017, WP (C) 59/2018 WP (C) No 1132/2022 & WP (C) 975/2022 | 21 March 2023 |
| (ii) WP (C) No 333/2015 & WP (C) No 408/2019 | 11 April 2023 |
| (iii) WP (C) No 434/2018 | 25 April 2023 |
- 12 Counsel appearing on behalf of the contesting parties shall file written submissions in each batch of petitions at least a week before the next date of hearing and shall file soft copies with the Court Masters.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar