



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

- | | | |
|-----|----------------------------|------------------|
| (1) | | CWP-PIL-136-2026 |
| | Ruchita Garg |Petitioner |
| | Versus | |
| | State of Punjab and others |Respondents |
| (2) | | CWP-PIL-137-2026 |
| | Preet Kamal Uppal |Petitioner |
| | Versus | |
| | State of Punjab and others |Respondents |
| (3) | | CWP-15939-2026 |
| | Deepak Verma and another |Petitioners |
| | Versus | |
| | State of Punjab and others |Respondents |

**Reserved on : 21.05.2026
Pronounced on : 22.05.2026
Uploaded on : 22.05.2026**

Whether any operative part of the judgment is pronounced or the full judgment is pronounced : full judgment

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Chetan Mittal, Senior Advocate (arguing counsel),
Mr. Amit Jhanji, Senior Advocate (arguing counsel), assisted by
Mr. Harneet S. Oberoi, Advocate (through video conferencing),
Mr. Mayank Aggarwal, Advocate,
Ms. Eliza Gupta, Advocate,
Mr. Avichal Sharma, Advocate, and
Mr. Ketan Garg, Advocate,
for the petitioner in CWP-PIL-136-2026.

Mr. Paramvir Singh Sunny, Advocate (arguing counsel),
Mr. Pardeep K. Bajaj, Advocate,
Mr. Navdeep Khokhar, Advocate,
Mr. Manik Moudgill, Advocate,
for the petitioner in CWP-PIL-137-2026.



Mr. N.K. Verma, Advocate (arguing counsel),
Mr. Mohit Garg, Advocate,
Mr. Ankush Verma, Advocate,
Mr. Sanket Gupta, Advocate,
for the petitioners and
Mr. Krishan Singh – Petitioner No.2 in person
in CWP-15939-2026.

Mr. Maninderjit Singh Bedi, Advocate General, Punjab
(arguing counsel)
Mr. Chanchal K. Singla, Addl. Advocate General
(arguing counsel), assisted by
Mr. P.I.P. Singh, Addl. Advocate General Punjab,
Mr. Jastej Singh, Addl. Advocate General, Punjab,
Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab,
Ms. Kavita Joshi, Advocate, and
Ms. Archana, Advocate.

Mr. Aayush Sarna, Advocate,
for respondent No.2 – State Election Commission.

Mr. Prateek Gupta, Advocate,
for respondent No.3 – Election Commission of India.

SHEEL NAGU, CHIEF JUSTICE

1. The public cause raised in these petitions is that the State Election Commission, Punjab (respondent No.2), has decided to conduct municipal elections in the State of Punjab through ballot papers and ballot boxes, instead of Electronic Voting Machines (EVMs), which according to learned senior counsel for the petitioners is in gross violation of law laid down by the Apex Court in the case of **Association for Democratic Reforms Vs. Election Commission of India and another, (2025) SCC 732**, wherein the Apex Court, while declining a prayer for reverting to the traditional mode of ballot papers and ballot boxes for conduction of polling in elections, held thus :-

“76. Nevertheless, not because we have any doubt, but to only further strengthen the integrity of the election process, we are inclined to issue the following directions:



76.1 *On completion of the symbol loading process in the VVPATs undertaken on or after 01.05.2024, the symbol loading units shall be sealed and secured in a container. The candidates or their representatives shall sign the seal. The sealed containers, containing the symbol loading units, shall be kept in the strong room along with the EVMs at least for a period of 45 days post the declaration of results. They shall be opened, examined and dealt with as in the case of EVMs.*

76.2 *The burnt memory/microcontroller in 5% of the EVMs, that is, the control unit, ballot unit and the VVPAT, per assembly constituency/assembly segment of a parliamentary constituency shall be checked and verified by the team of engineers from the manufacturers of the EVMs, post the announcement of the results, for any tampering or modification, on a written request made by candidates who are at SI.No.2 or Sl.No.3, behind the highest polled candidate. Such candidates or their representatives shall identify the EVMs by the polling station or serial number. All the candidates and their representatives shall have an option to remain present at the time of verification. Such a request should be made within a period of 7 days from the date of declaration of the result. The District Election Officer, in consultation with the team of engineers, shall certify the authenticity/intactness of the burnt memory/microcontroller after the verification process is conducted. The actual cost or expenses for the said verification will be notified by the ECI, and the candidate making the said request will pay for such expenses. The expenses will be refunded, in case the EVM is found to be tampered.*

77. *The writ petitions and all pending applications, including the applications for intervention, are disposed of in the above terms.”*



1.1 The judgments authored in the said case by Hon'ble Mr. Justice Sanjiv Khanna and Hon'ble Mr. Justice Dipankar Datta, *read thus* :-

(Authored by Hon'ble Mr. Justice Dipankar Datta)

“87. *Electronic voting is not something which is prevalent only in India. Multiple countries use electronic voting in varying degrees in their national elections. However, use of EVMs in elections in India are not without its checks and balances. Reasonable measures to ensure transparency, such as tallying VVPAT paper trail in 5 EVMs per assembly constituency or assembly segment in a parliamentary constituency, are already in place after the decision of this Court in N. Chandrababu Naidu v. Union of India. This measure, as has been noticed by Hon'ble Khanna, J., was undertaken out of abundant caution and not as an admission of a flaw in the process.*

88. *The exercise of tallying VVPAT paper trail in 5 EVMs with votes cast by the electors has not, till date, resulted in any mismatch. This assertion of the ECI has not been proved to be incorrect by the petitioners by referring to any credible material or data. So long no mismatch is detected even after such an exercise, as directed in N. Chandrababu Naidu (supra), it would defy the sense of logic and reason of a prudent man to issue a Mandamus to the ECI to arrange for tallying 100% VVPAT slips on the specious ground of the petitioners' apprehension that the EVMs could be manipulated.*

89. *The petitioning association has relied on the Report titled 'An inquiry into India's Election System: Is the Indian EVM and VVPAT system fit for democratic elections?' submitted by the Citizens' Commission on Elections, to emphasize the vulnerabilities of the current electronic voting system. The CCE Report, on a bare reading, appears to be the culmination of inputs given by*



domain experts. For whatever such report is worth and though counsel claimed that the efficacy of the voting system through EVMs has been doubted, the CCE Report itself concludes, inter alia, that no hacking of any EVM has been detected; what it observes is that there is no guarantee that the EVMs cannot be hacked. This, in essence captures the underlying weakness in the petitioning association's entire case, inasmuch as the only grounds for the reliefs sought lie in the realm of apprehension and suspicion. In arguendo, even if the CCE Report is taken on face value and it is believed that the EVM-VVPAT system can be hacked, can it be said that there is absence of a redressal mechanism for the same? Should there be hacking, resulting in violation of a right of an elector in any manner, and if there be proof adequate enough to upturn an election result, the law already has in place a remedy, i.e., an election petition under section 80 of the RoP Act. Such an election petition can be filed not just by an aggrieved candidate, but also by a voter, within 45 (forty-five) days from the date of declaration of the result of election. Since there is already a remedy in law to allay the fears that have been expressed by the petitioners, if and when a discrepancy in the results arises, the Courts are not powerless to uphold the sanctity of the democratic process by appropriate intervention.”

(Authored by Hon'ble Mr. Justice Sanjiv Khanna)

“112. This issue at hand of doubting the efficacy of the EVMs has been previously raised before this Court and it is imperative that such issue is concluded definitely now. Going forward, unless substantial evidence is presented against the EVMs, the current system will have to persist with enhancements. Regressive measures to revert to paper ballots or any alternative to the EVMs that does not adequately safeguard the interests of Indian citizens have to be eschewed.



113. *I also wish to observe that while maintaining a balanced perspective is crucial in evaluating systems or institutions, blindly distrusting any aspect of the system can breed unwarranted skepticism and impede progress. Instead, a critical yet constructive approach, guided by evidence and reason, should be followed to make room for meaningful improvements and to ensure the system's credibility and effectiveness.*

114. *Be it the citizens, the judiciary, the elected representatives, or even the electoral machinery, democracy is all about striving to build harmony and trust between all its pillars through open dialogue, transparency in processes, and continuous improvement of the system by active participation in democratic practices. Our approach should be guided by evidence and reason to allow space for meaningful improvements. By nurturing a culture of trust and collaboration, we can strengthen the foundations of our democracy and ensure that the voices and choices of all citizens are valued and respected. With each pillar fortified, our democracy stands robust and resilient.”*

(Authored by Hon'ble Mr. Justice Dipankar Datta)

1.2 Thus, in sum and substance, the Apex Court deprecated the traditional mode of using ballot papers and ballot boxes for polling.

2. The present petitions relate to elections to Municipal Corporations, Municipal Councils and Nagar Panchayats, in the State of Punjab, for which notification dated 13.05.2026 vide Annexure P-1 has been issued, declaring the election programme starting from filing of nominations on 13.05.2026 to completion of election process on 01.06.2026.

3. Learned Advocate General of the State of Punjab and Shri Aayush Sarna, Advocate, appearing on behalf of respondent No.2 – State



Election Commission, raise a preliminary objection as to the maintainability of these petitions, essentially on two grounds : (i) that the present petitions do not satisfy the basic requisites of a Public Interest Litigation; and (ii) that the election programme, vide Annexure P-1, having been published on 13.05.2026 and **these petitions having been filed on 18.05.2026 and 19.05.2026**, the constitutional bar contained in Article 243ZG (b) comes into play, disentitling the petitioners to any relief for the time being.

4. We would have entered into the objection raised by learned Advocate General of the State of Punjab as regards maintainability of these petitions, but refrain from doing so, in view of the nature of order being passed, *infra*.

5. Learned counsel for the petitioners have drawn attention of this Court to various provisions of the Punjab Municipal Election Rules, 1994 (for brevity “1004 Rules”), in particular Section 48-A, which reads thus :-

“48-A. Design of Electronic Voting Machines – Every voting machine shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Punjab State Election Commission.”

5.1 While relying upon the aforesaid provision of Section 48-A, it is contended that the Electronic Voting Machines (EVMs) are the only mode, through which voting can be made and counted. It is also contended, by relying upon various correspondences exchanged between State Election Commission, Punjab (respondent No.2) and Election Commission of India (respondent No.3), that despite ample opportunity before respondent No.2 to requisition EVMs for municipal elections in the State of Punjab, no effort was made by it (respondent No.2) to expedite the process of requisitioning EVMs



from respondent No.3 and making them available for making and counting of votes in the municipal elections, for which polling is scheduled for 26.05.2026.

6. Per contra, learned counsel for respondent No.2 contends that respondent No.2 had sought the EVMs of M2 model, whereas the EVMs being made available by respondent No.3 were of M3A model.

7. There appears to be a blame game between respondents No.2 and 3. This Court would not like to be a party to such blame game and proceeds to decide this matter on merits as follows :-

7.1 No doubt, the concept of EVMs was introduced in 2006 by adding Section 48-A of 1994 Rules, which merely provided the composition of EVMs. However, while adding Section 48-A, the Statute retained the provisions relating to ballot papers and ballot boxes, which is evident from bare perusal of Rules 52, 53, 54, 55, 58, 65, 67, 70, 71 etc. of 1994 Rules.

8. The reason for retention of the provisions relating to ballot papers and ballot boxes is quite obvious.

8.1 In our society, where illiteracy; poverty and ignorance continue to plague a large section of society, the Rule making authority intentionally retained the provision of ballot papers and ballot boxes and did not omit the same, while introducing the concept of EVMs in municipal elections. There may be occasions where the Election Commission of India or the State Election Commission may have to revert back to the traditional mode of ballot papers and ballot boxes. As such, the provision for the same in the Rules were and are understandably retained.



9. The election programme, which was published on 13.05.2026, lays down timeline for various stages of election to the municipalities, right from the initial stage of filing of nominations on 13.05.2026 to the closure of election process on 01.06.2026.

9.1 It is now too late in the day for us to pass any order or issue any writ, since the election programme was published as early as on 13.05.2026 and these petitions came to be filed as late as on 18.05.2026 and 19.05.2026. Arguments in the present petitions were heard and concluded on 21.05.2026. The election programme of municipal elections has progressed to an advanced stage, where the last date for withdrawal of candidature was 19.05.2026 and now the only stage left is of polling on 26.05.2026 and thereafter counting on 29.05.2026.

10. We may be persuaded by the decision of the Apex Court that going back to the orthodox method of ballot papers and ballot boxes may not be appropriate, but since the petitioners have approached this Court very late in the day, we decline interference in these petitions and extend liberty to the petitioners to assail the election process, if so advised, by way of an Election Petition.

11. Accordingly, these petitions stand disposed of with aforesaid liberty.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

May 22, 2026
narotam

| | |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |