

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO 1228 OF 2023

Samvidhan Bachao Trust

... Petitioner

Versus

Election Commission of India & Ors

... Respondents

O R D E R

1 The jurisdiction of this Court under Article 32 of the Constitution has been invoked in order to seek the following reliefs :

- a) Issue an appropriate writ, order or direction in nature of mandamus commanding the respondents to prepare revised electoral roll in accordance with the provision of Article 324 of the Constitution of India read with instruction No. 23/2023-ERS (Vol.-III) dated 29.05.2023 issued by the Election Commission of India;
- b) Issue an appropriate writ, order or direction in nature of mandamus commanding the respondents to prepare electoral rolls in accordance with the provision of Section 22 of the Representation of People Act, 1950 read with instruction No. 23 /INST /2023-ERS dated 11.08.2023 issued by the Election Commission of India with regard to deletion of the names of electors from electoral roll in case of "SHIFTING", "DEMOGRAPHIC SIMILAR ENTRIES (DSEs.)" AND "DEATH";
- c) Issue an appropriate writ, order or direction in nature of mandamus commanding the respondents not to delete the names of permanent voters forcefully from a constituency without issuing notice for the same by a registered post and also

providing an opportunity for filing an objection and hearing in accordance with the directives dated 13.08.2021 issued by the Election Commission of India;

- d) Issue an appropriate writ, order or direction in nature of certiorari for quashing or setting aside instruction No. 23/BLA/2023-ERS dated 09.08.2023 issued by the Election Commission of India with regard to appointment of Booth Level Agents for the purposes of preparation of electoral roll;
- e) Issue an appropriate writ, order or direction to the respondent No.1 and other respondents to prepare accurate electoral roll for the purposes of holding free, fair and transparent ensuing Parliament Election, 2024.”

2 A comprehensive counter affidavit has been filed on behalf of the Election Commission of India explaining the steps which have been taken by the Election Commission specifically in relation to the categories of voters who have “shifted” or, as the case may be, pertaining to “demographically similar entries and deaths”. The Election Commission has also clarified the procedure which has been followed in the case of “multiple entries, photo similar entries and demographically similar entries”.

3 After perusing the counter affidavit, this Court had, on 5 February 2024, noted two submissions of the petitioner, namely :

- “(i) When instructions have been provided by the Chief Electoral Officers to the District Electoral Officers, there is no reference to duplicate entries; and
- (ii) The number of persons whose names have been deleted on the ground that they are dead, have shifted or in the case of demographically similar entries is in excess of the actual number of persons who fell within the above categories.”

- 4 A further note has been filed in these proceedings for the purpose of responding to the queries of the Court.

- 5 Based on the disclosures which have been made in the counter affidavit and in the subsequent note which deals with the queries which were raised, we are satisfied that no further directions are required to be passed by this Court. We, accordingly, close the proceedings at this stage.

- 6 The Writ Petition is disposed of.

- 7 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
February 12, 2024
GKA

ITEM NO.12

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(s)(Civil) No(s). 1228/2023

SAMVIDHAN BACHAO TRUST

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.226893/2023-EXEMPTION FROM FILING O.T. and
IA No.226891/2023-APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. T. N. Singh, AOR

For Respondent(s) Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.
Ms. Aparna Singh, Adv.Mr. Karan Singh Dalal, Adv.
Mr. Raunaq Dalal, Adv.
Mr. Deepkaran Dalal, AORUPON hearing the counsel the Court made the following
O R D E R

- 1 The Writ Petition is disposed of in terms of the signed order.

- 3 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)