

ITEM NO.13

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  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s).422/2014

YOGESH GUPTA

Petitioner(s)

VERSUS

THE ELECTION COMMISSION OF INDIA & ANR.

Respondent(s)

WITH

W.P. (C) No.585/2014 (PIL-W)

W.P. (C) No.927/2017 (PIL-W)

Date : 12-01-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.Gopal Sankaranarayana, Adv.  
(In WP(C)927/17) Mr.Shrutanjy Bhardwaj, Adv.  
Mr.Veera Mahale, Adv.  
Mr. R. D. Upadhyay, AOR

In WP(C)422/14 Mr.Kawaljyot Singh, Adv.  
  
Mr. Balbir Singh Gupta, AOR  
  
Petitioner-in-person (NP)

For Respondent(s) Mr.K.K.Venugopal, AG  
Mr.Maninder Singh, ASG  
Ms.Kiran Suri, Sr.Adv.  
Ms.Rashmi Malhotra, Adv.  
Mr.Rohit Bhatt, Adv.  
Mr. Mukesh Kumar Maroria, AOR

Ms.Meenakshi Arora, Sr.Adv.  
Mr. Mohit D. Ram, AOR

Mr.Amit Sharma, Adv.  
Mr.Mohit D.Ram, Adv.  
Mr.Dipesh Sinha, Adv.

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

Heard Mr.Gopal Sankaranarayana, learned counsel for the petitioner in WP(C)No.927 of 2017 and Mr.Kawaljyot Singh, learned counsel for the petitioner in W.P.(C)No.422 of 2014.

It is submitted by the learned counsel for the petitioners that the Central Government and the Election Commission should take appropriate steps to use the method of totaliser for counting the votes in Parliament, State Assembly and local bodies elections. It is urged by him that if the method of totaliser is used, the voters would feel safe and never have the feeling of being victimised. According to him, when the voting pattern becomes identifiable in respect of a particular polling booth, there are local problems in praesenti, and that deserve to be looked at.

Mr.Maninder Singh, learned Additional Solicitor General appearing for the Union of India submitted that a Group of Ministers has considered this aspect on 07.09.2016 in consultation with all other national political leaders and the Election Commission and a decision has been taken not to go for introduction of totaliser in the present existing system.

Mr.K.K.Venugopal, learned Attorney General for India submitted that he has a different perception in the matter as the Court has issued notice to him to assist the Court. He would submit that prior to insertion of Rule 59A of the Conduct of Election Rules, 1961, the Election Commission used to mix all the ballot papers for the purpose of counting.

Ms.Meenakshi Arora, learned senior counsel, Mr.Mohit D.Ram and Mr.Amit Sharma, learned counsel appearing on behalf of

the Election Commission of India would submit that a time has come for introduction of totaliser for counting of the votes. It has been brought to our notice that recommendation in that regard has been given to the Law Commission of India. It is submitted by the learned counsel appearing for the Election Commission that the secrecy of the ballot, privacy of the individual and further the right of the people staying in a particular locality should not be exposed, and any kind of prejudice or discrimination because of the voting pattern should be avoided. Therefore, there is need for considering the aspect of introduction of totaliser.

Be it clarified, in all these writ petitions, for the present, we shall only address the issue of introduction of totaliser.

Let all these matters be listed for final disposal on 12.02.2018 at 2.00 P.M.

(Chetan Kumar )  
Court Master

(H.S.Parasher)  
Assistant Registrar