

Association of Democratic Reforms & Anr.

v.

Union of India & Ors.

(Miscellaneous Application No. 596 of 2024

In

Miscellaneous Application Diary No. 11805 of 2024

In

Miscellaneous Application No. 486 of 2024

In

Writ Petition (Civil) No. 880 of 2017)

18 March 2024

[Dr Dhananjaya Y Chandrachud, CJI, Sanjiv Khanna, B.R, Gavai, J.B. Pardiwala and Manoj Misra, JJ.]

Issue for Consideration

What is the extent of information required to be furnished by the State Bank of India under sub-paragraphs “b” and “c” of paragraph 219 of *Association for Democratic Reforms & Anr. Vs. Union Of India & Ors.* [2024] 2 SCR 420?

Headnotes

Elections – Electoral Bonds – SBI directed to disclose details of each Electoral Bond encashed by political parties both in terms of the purchase and in terms of the receipt of contributions – Directions issued to State Bank of India and Election Commission of India

Held: A plain reading of paragraph 219 of *Association for Democratic Reforms & Anr. vs. Union of India & Ors. [2024] 2 SCR 420* indicates that SBI was required to submit *all* details, both in terms of the purchase and in terms of the receipt of contributions – The expression “include” in both subparagraphs “b” and “c” of paragraph 219 demonstrate that the inclusive part is illustrative and not exhaustive of the nature of the disclosure which is to be made by SBI – SBI is required to make a complete disclosure of all details in its possession – This will also comprehend the alphanumeric number and serial number of the Electoral Bonds which were purchased and redeemed – Chairman and Managing Director of SBI directed to submit the details to the Election Commission of India – Election Commission of India directed to

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upload the details forthwith on receipt of communication by SBI.
[Paras 7, 8, 11, 12]

Elections – Electoral Bonds – Miscellaneous Application filed for pre-dating point of disclosure – Rejected as not maintainable

Held: Vide sub-paragraphs “b” and “c” of paragraph 219 of *Association for Democratic Reforms & Anr. vs. Union of India & Ors. [2024] 2 SCR 420*, the State Bank of India has been directed to furnish the details of Electoral Bonds purchased as well as the Political Parties which have received contributions through Electoral Bonds since the date of the interim order dated 12 April 2019 – Since the Miscellaneous Application filed by the Applicant sought for pre-dating of the point of disclosure, the same rejected as amounting to substantive modification of the judgment. [Paras 3,4]

List of Keywords

Electoral Bonds; Full disclosure; Miscellaneous Application; Maintainability;

Case Arising From

CIVIL ORIGINAL JURISDICTION: Miscellaneous Application No. 596 of 2024

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Writ Petition (Civil) No. 880 of 2017

From the Judgment and Order dated 15.03.2024 of the Supreme Court of India in D No.11805 of 2024

Appearances for Parties

Kapil Sibal, Vijay Hansaria, Sr. Advs., Varun thakur, Varinder Kumar Sharma, Ms Sneha Kalita, Ms. Kavya Jhawar, Ms. Nandini Rai, Ms. Doly Deka, Jessy Kurian, K.S. Bhati, Pawan Shree Agarwal, Advs. for the Petitioners.

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Tushar Mehta, SG, Harish Salve, Sr. Adv., Sanjay Kapur, Ms. Divya Singh Pundir, Ms. Mahima Kapur, Ms. Mansi Kapur, Mrs. Shubhra Kapur, Devesh Dubey, Surya Prakash, Arjun Bhatia, Ms. Isha Virmani, Kanu Agarwal, Rajat Nair, Raman Yadav, Shyam Gopal, Raj Bahadur Yadav, Prashant Bhushan, Ms. Neha Rathi, Ms. Kajal Giri, Pranav Sachdeva, Ms. Shivani Kapoor, Kamal Kishore, Advs. for the Respondents.

Judgment / Order of the Supreme Court**Order****Miscellaneous Application Diary No 12580 of 2024**

1. On being mentioned, the Miscellaneous Application is taken on Board.
2. In sub-paragraphs “b” and “c” of paragraph 221¹ of the judgment of this Court dated 15 February 2024, the direction to the State Bank of India are to submit details of the
 - (i) Electoral Bonds purchased; and
 - (ii) Political Parties which have received contributions through Electoral Bonds.
3. This information has to be submitted since the date of the interim order dated 12 April 2019. In other words, all details which have been directed to be furnished in the operative directions of this Court are to be submitted with effect from 12 April 2019.
4. The relief which has been sought in the Miscellaneous Application for pre-dating the point of disclosure would amount to a substantive modification of the judgment. Hence, it cannot be dealt with in a Miscellaneous Application.
5. The Miscellaneous Application is, therefore, not maintainable and is accordingly dismissed.

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6. By the judgment of this Court dated 15 February 2024, this Court directed “the disclosure of information on contributions received by

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political parties under the Electoral Bond Scheme to give logical and complete effect” to the ruling.

7. Thereafter, in paragraph 221, this Court issued operative directions. These directions in sub-paragraph “b” and “c” are in two parts. Sub paragraph “b” requires SBI to submit details of the Electoral Bonds purchased since the interim order dated 12 April 2019 “till date to the ECI”. Such details, the Court has indicated, “shall include the date of purchase of each Electoral Bond, the name of the purchaser of the bond and the denomination of the Electoral Bonds purchased”. Under the second part of the operative directions in sub-paragraph “c”, SBI was required to submit “the details of political parties which have received contributions through the Electoral Bonds” since the interim order dated 12 April 2019 till date to ECI. SBI was required to disclose details of **each** Electoral Bond encashed by political parties inclusive of the date of encashment and the denomination of the Electoral Bond.
8. A plain reading of paragraph 221 of the order dated 15 February 2024 indicates that SBI was required to submit **all** details, both in terms of the purchase and in terms of the receipt of contributions. The expression “include” in both sub-paragraphs “b” and “c” demonstrate that the inclusive part is illustrative and not exhaustive of the nature of the disclosure which is to be made by SBI.
9. In other words, SBI is required to make a complete disclosure of all details in its possession. This will also comprehend the alphanumeric number and serial number of the Electoral Bonds which were purchased and redeemed.
10. Mr Harish N Salve, senior counsel appearing on behalf of the SBI, states that there is no reservation on the part of the SBI in disclosing all details which are in its possession and custody.
11. In order to fully effectuate the judgment and to obviate any controversy in the future, we direct that the Chairman and the Managing Director of SBI shall file an affidavit on or before 5.00 pm on 21 March 2024 indicating that SBI has disclosed all details of the Electoral Bonds which are in its possession and custody and that no details have been withheld from disclosure in terms of the directions contained in paragraph 221 of the judgment dated 15 February 2024.

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12. The Election Commission of India shall upload the details forthwith on receipt of the communication by SBI.

Headnotes prepared by:

Mukund P Unny, Hon. Associate Editor
(Verified by: Liz Mathew, Sr. Adv.)

Result of the case:

Miscellaneous Applications
disposed of