

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).1290/2021

PRABHAKAR DESHPANDE

Petitioner(s)

VERSUS

CHIEF ELECTION COMMISSIONER OF INDIA & ORS.

Respondent(s)

FOR ADMISSION and IA No.153177/2021-EXEMPTION FROM FILING AFFIDAVIT
IA No. 153177/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 23079/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 10-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :Mr. Arup Banerjee, AOR
Mr. Shiv Pratap Singh, Adv.
Mr. Kumar Rupak, Adv.
Mr. Sanjiv Sharma, Adv.
Mr. Amitabh Poddar., Adv.
Ms. Anjali Mishra., Adv.
Mr. Sri Ram Veleru., Adv.
Mr. Prakash Sharma, Adv.

For Respondent(s) :Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Prateek Kumar, AOR
Mr. Deepak Sharma, Adv.
Mr. Abhinav Thakur, Adv.
Mr. Devansh Rai, Adv.
Ms. Sanjivani Pattjoshi, Adv.
Ms. Teesha, Adv.

Mr. K.M. Nataraj, A.S.G.
Mrs. Indira Bhakar, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Raman Yadav, Adv.
Mr. Sharath Nambiar, Adv.
Dr. N. Visakamurthy, AOR

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

1. The petitioner is a Chemical Engineer from IIT Bombay. Given

his qualifications and the experience he possesses, we have no reason to doubt that the instant petition has been filed in larger public interest.

2. Through this petition, a direction has been sought to the Election Commission of India (ECI) to formulate a comprehensive plan of action to curb excess election expenditure, and in the event such a policy is defied or violated, the ECI should take stringent and effective action against erring candidates as well as political parties. A further direction to the ECI has been sought to earnestly examine the cap on election expenditures with the intention of enhancing the credibility of democratic processes.

3. The petitioner, in this regard, relies upon a report said to have been prepared by the Centre for Media Studies, Delhi, highlighting the total expenditure incurred in the 2019 parliamentary elections. On this premise, the petitioner claims that the ECI has not taken timely, prompt, and effective action as may be required to prevent electoral malpractices and excessive spending.

4. The ECI, in turn, has filed its counter affidavit, *inter alia*, doubting the authenticity of the report and highlighting that it already has a robust mechanism in place for monitoring election expenditure during elections. In furtherance of its contentions, the ECI has explained that Expenditure Observers and Assistant Expenditure Observers are deployed, and Video Surveillance Teams and Video Viewing Teams are engaged with a view to curbing excessive expenditure. Similarly, Accounting Teams, besides Complaint Monitoring and Call Centres, have also been established towards the

same goal. Further, there is a separate Media Certification and Monitoring Committee, which, along with flying squads and Static Surveillance Teams, is essentially assigned the responsibility of identifying instances of malpractice during election time.

5. The ECI has further highlighted that the Expenditure Observers are members of various All India Services or other autonomous bodies, who are free from any kind of influence from the contesting candidates. Similarly, the composition of various other teams has also been explained in the counter-affidavit.

6. We have heard learned counsel/senior counsel for the parties, and the record has been perused.

7. While it is not necessary for us to express any opinion with respect to the report submitted by the Centre for Media Studies, that is more so when the respondent-Commission has categorically denied endorsement of the said report and has presented the detailed mechanism implemented by it to counter electoral malpractices, including excessive expenditure.

8. At the same time, through the instant writ petition filed in public interest, the petitioner has provided various suggestions independent of the said report. We find that all such suggestions are worth consideration by the ECI and the various Committees/Teams constituted by it for the purpose of preventing malpractices in the electoral process.

9. We, thus, deem it appropriate to dispose of this petition with a direction to the ECI to circulate the suggestions given by the petitioner through the instant petition among members of the various Committees/Teams constituted by it, details whereof have

been furnished in the counter affidavit. If such Committee(s)/Team(s) finds any of the suggestions given by the petitioner worthy of reliance in the pursuit of the responsibilities assigned to them, they may incorporate the same in their procedures. The petitioner will also be at liberty to submit a further representation in this regard, if he has any valuable suggestions worth consideration by the ECI.

10. Ordered accordingly.

11. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR