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30/01/2020

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. 183625 OF 2019

IN

WRIT PETITION (CIVIL) NO. 880 OF 2017

IN THE MATTER OF:

ASSOCIATION FOR DEMOCRATIC
REFORMS & ANR.

... PETITIONERS

Versus

UNION OF INDIA & ORS.

... RESPONDENTS

PAPER – BOOK

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 TO
I.A. No. 183625 OF 2019 FILED BY THE PETITIONERS

ADVOCATE FOR THE RESPONDENT NO.3: AMIT SHARMA

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3
(ELECTION COMMISSION OF INDIA) TO I.A. No. 183625 OF 2019
FILED BY THE PETITIONERS

I, Malay Mallick, S/o Late Shri B.C. Mallick, aged 51 years, Secretary, Election Commission of India, having office at Nirvachan Sadan, Ashoka Road, New Delhi-110001, do hereby solemnly affirm and state as under:

1. I am the Secretary of the Election Commission of India and as such am well acquainted with the facts and circumstances of the case and competent to affirm the present Counter Affidavit on behalf of Respondent No. 3 (hereinafter known as "the Answering Respondent") to the I.A. No. 183625 of 2019 (Application for Stay) filed by the Petitioners.
2. I state that I have read and understood the contents of the aforementioned I.A. No. 183625 of 2019 (Application for Stay) and the reply thereto is as under.

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3. At the outset, I deny all the averments, submissions, contentions as well as the allegations contained in the aforementioned I.A. No. 183625 of 2019 (Application for Stay) to the extent they relate to the Answering Respondent, save and except those that are expressly and specifically admitted hereinafter.
4. The Answering Respondent submits that the aforementioned I.A. No. 183625 of 2019 (Application for Stay) has been filed by the Petitioners, seeking a stay on the Electoral Bond Scheme 2018, notified by the Central Government vide Notification dated 02.01.2018.
5. At the outset, it is submitted that being a Constitutional Authority, the Answering Respondent does not propose to take any contentious issues or to join any submission on merits, etc., as these are matters between contending parties. It is further submitted that the Answering Respondent's position in respect of the subject matter of electoral bonds has already been specified in its Counter Affidavit dated 27.03.2019, filed in the above W.P. (C) No. 880 of 2017, as well as in the Order dated 12.04.2019 passed by this Hon'ble Court in the said W.P. (C) No. 880 of 2017 (and other connected matters). It is, thus, prayed that the contents of the same may be read as part and parcel of the present Counter Affidavit on behalf of the Answering Respondent to the I.A. No. 183625 of 2019 (Application for Stay) filed by the Petitioners.
6. It is submitted that this Hon'ble Court, by its Order dated 12.04.2019 passed in W.P. (C) No. 880 of 2017 (and other connected matters), directed that:

"13. In the above perspective, according to us, the just and proper interim direction would be to require all the political parties who have received donations through Electoral Bonds to submit to the Election Commission of India in sealed cover, detailed particulars of the donors as against the each Bond; the amount of each such bond and the full particulars of the credit received against each bond, namely, the particulars of the bank account to which the amount has been credited and the date of each such credit.

14. The above details will be furnished forthwith in respect of Electoral Bonds received by a political party till date. The details of such other bonds that may be received by such a political party upto the date fixed for issuing such bonds as per the Note of the Ministry of Finance dated 28.2.2019, i.e. 15.5.2019 will be submitted on or before 30th May, 2019. The sealed covers will remain in the custody of the Election Commission of India and will abide by such orders as may be passed by the Court."

7. Pursuant to the same, the Election Commission of India (i.e. the Answering Respondent herein) has received sealed covers from various political parties (National, State & Registered Unrecognized Parties), a list of which is being annexed herewith. True copy of List showing Status of filing of Electoral Bond details by Political Parties in sealed cover as per direction of this Hon'ble Court is annexed herewith and marked as ANNEXURE-C/1 at Pages 5 to 9 .

8. It is further submitted that insofar as the issue of submission of annual audited reports by the political parties to the Election

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Commission of India is concerned, a list showing the current status of submission of Audited Annual Accounts of the political parties is being annexed herewith.

True copy of List showing Status of submission of Audited Annual Accounts of the Political Parties is annexed herewith and marked as ANNEXURE-C/2 at Pages 10 to 12 .

9. The Answering Respondent craves leave of this Hon'ble Court to file further additional affidavit, if so required or deemed fit besides making detailed submissions at the time of hearing.
10. Hence, it is prayed that this Hon'ble Court may be pleased to record the above position in so far as Answering Respondent (i.e. Respondent No. 3) is concerned and pass such order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and, thus, render justice.



DEPONENT

मलय मल्लिक / MALAY MALLICK
सचिव / Secretary
भारत निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन / Nirvachan Sadan
अशोक रोड / Ashoka Road
नई दिल्ली-110001 / New Delhi-110001

VERIFICATION

I, deponent do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge no part of it is false and nothing material has been concealed thereof.

Verified at New Delhi, on this 30th day of January, 2020.



DEPONENT

मलय मल्लिक / MALAY MALLICK
सचिव / Secretary
भारत निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन / Nirvachan Sadan
अशोक रोड / Ashoka Road
नई दिल्ली-110001 / New Delhi-110001

Status of filing of Electoral Bond details in sealed cover as per direction of

Hon'ble Supreme Court of India (Due date: 30th May, 2019)

List of Political Parties

S. No.	Name of the Party	Date of Receiving in the Commission
National Parties		
1	All India Trinamool Congress	28/5/2019 & 30/05/2019
2	Bahujan Samaj Party	30/05/2019
3	Bhartiya Janata Party	06/07/2019
4	Communist Party of India	23/05/2019
5	Communist Party of India (Marxist)	08/06/2019
6	Indian National Congress	18/06/2019
7	Nationalist Congress Party	29/05/2019
State Unit of National Parties		
8	Bhartiya Janata Party, Tripura Pradesh	03/06/2019
9	Goa Pradesh Congress Committee	14/06/2019
10	Nationalist Congress Party West Bengal State	30/05/2019
State Parties		
11	Telangana Rashtra Samithi	29/5/2019
12	Telugu Desam Party	30/5/2019
13	Shiv Sena	28/5/2019
14	Goa Forward Party	21/06/2019
15	Janata Dal (Secular)	29/5/2019
16	Rashtriya Janata Dal	30/5/2019
17	Samajwadi Party	30/5/2019
18	Janata Dal (United)	14/06/2019
19	Aam Aadmi Party	29/05/2019
20	Jharkhand Vikas Morcha (P)	31/05/2019

21 *	Mizo National Front	15/06/2019
22	Mizoram Peoples' Conference Party	17/06/2019
23	Biju Janata Dal	06/06/2019 & 24/06/2019
24	Shiromani Akali Dal	31/05/2019
25	All India N.R. Congress	03/06/2019
26	Sikkim Democratic Front	07/06/2019
27	AIADMK	31/05/2019
28	Indian Union Muslim League	03/06/2019
29	Desiya Murpokku Dravida Kazhagam	29/05/2019 & 10/06/2019
30	YSR Congress Party	08/07/2019
Registered Unrecognized Parties		
31	Rashtriya Peace Party	12/06.2019
32	Rashtriya Ambedkar Dal	12/06/2019
33	Hindustan Action Party	11/06/2019
34	Bhartiya Rashtriya Morcha	11/06/2019
35	Naki Bhartiya Ekta Party	11/06/2019
36	Yuva Vikas Party	10/06/2019
37	Nagarik Ekta Party	01/06/2019
38	Bhartiy Samajik Kranti Dal	10/06/2019
39	Public Party	06/06/2019
40	Rashtriya Vyepuri Party	13/06/2019
41	Rashtriya Jan uthan Party	06/06/2019
42	Bhartiya Majdur Kisan Congress Party	24/06/2019
43	Kisan Majdur Berojgar Sangh	24/06/2019
44	Federal Democratic Party	21/06/2019
45	Bhartiya Rashtriya Morcha (INF)	24/06/2019
46	Rashtriya Republican Party	07/06/2019
47	Bhartiya Jan Samman Party	13/06/2019
48	Sabse Badi Party	03/06/2019
49	Labour Party(S)	02/06/2019

50	Rashtriya Samarsatta Party	30/05/2019
51	Aap aur Hum Party	10/06/2019
52	Aam Janta Party Rashtriya	17/06/2019
53	Aam Jan Party (Secular)	13/06/2019
54	Garib Janata Dal (Secular)	15/06/2019
55	Janhit Dal	17/06/2019
56	Kisan Party of India	17/06/2019
57	Godwana Gantantra Party	30/05/2019
58	Neharu Janhit Congress	27/05/2019
59	Ambedkarbadi Party	04/06/2019
60	Mulnibasi Party of India	02/06/2019
61	Indian Christian Front	03/06/2019
62	Marumalarchi Dravida Munnetra Kazhagam	01/06/2019
63	Makkal Masotha Katchi	06/06/2019
64	Aadivasi Sena Party	03/06/2019
65	Bhartiya Rashtravadi Paksha	31/06/2019
66	Peoples Party of India (Democratic)	30/05/2019
67	Bhartiya National Janata Dal	29/05/2019
68	Vikas India Party	19/06/2019
69	Manavatawadi Samaj Party	07/06/2019
70	Garvi Gujarat Party	31/05/2019
71	Nirbhay Bharteey Party	30/05/2019
72	United Front Party	04/07/2019
73	Bharat ki Lok Jimmedar Party	21/06/2019
74	Rashtriya Power Party	10/06/2019
75	Right to Recall Party	30/05/2019
76	Jay Janata Party	11/07/2019
77	A.T.R. Kazhagam	27/06/2019
78	Jawan Kisan Morcha	13/07/2019

79	Valimai Valartchi Indians Party	27/06/2019
80	Peoples Green Party	27/06/2019
81	Bhartiya Backward Party	29/06/2019
82	Bhartiya Sarvjan Party	29/06/2019
83	Namadho Kongu Munnetra Kalagam	08/07/2019
84	Bhartiya Inqalab Party	18/06/2019
85	Bhrashtachar Virodhi Dal	Received in ECI through CEO Delhi on 15/07/2019
86	Asli Deshi Party	Received in ECI through CEO Delhi on 15/07/2019 & Direct to Commission on 04/07/2019
87	Praja Congress Party	Received in ECI through CEO Delhi on 15/07/2019
88	Labour Party of India	Received in ECI through CEO Delhi on 15/07/2019
89	Rashtriya Republican Party	Received in ECI through CEO Delhi on 15/07/2019
90	Sanjhi Virasat Party	Received in ECI through CEO Delhi on 15/07/2019
91	Bharat Prabat Party	Received in ECI through CEO Delhi on 15/07/2019
92	Lok Nayak Party	22/07/2019
93	Socialist Party (Secular)	24/07/2019
94	Akhil Bhartiya Manavadhikar Vichar Manch Party	25/07/2019
95	Lok Tantrik Janta Party (Secular)	01/08/2019
96	Bhartiya Nagrik Party	01/08/2019
97	Bhartiya Samaj Party	06/08/2019
98	Labour Samaj Party	09/08/2019
99	Pichhada Samaj Party	09/11/2019
100	Bhartiya Dalit Party	20/09/2019
101	Rashtriya Backward Party	18/07/2019

Unidentified address of Political Parties/addressee		
102	Kiran Srivastawa, Rashtriya Adhyaksha, 18, Shiv Charan Lal Road, Prayagraj	21/06/2019
103	T- Gunashekhar, Chennai-78	06/06/2019
104	A letter without date and address only mention Electoral Bond	
105	Mithlesh Kumar Sathi, E/71, Street No-15 Shiv Ram Park, Nangloi, New Delhi-110041	15/06/2019

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ANNEXURE-C/2Status of submission of Audited Annual Accounts of the Political Parties(As on 20.01.2020)NATIONAL PARTIES

Name of the party	F.Y.2018-19
DUE DATE	31.10.19
All India Trinamool Congress	26.09.2019
BahujanSamaj Party	24.10.2019
BhartiyaJanta Party	27.11.2019
Communist Party of India	12.12.2019
Communist Party of India (Marxist)	21.10.2019
Indian National Congress	12.12.2019
Nationalist Congress Party	05.11.2019
National People's Party	Not Filed

STATE PARTIES

Name of the State	Name of the party	F.Y.2018-19
	DUE DATE	31.10.2019
Andhra Pradesh	All India Majlis-E-Itehadul Muslimeen	28.11.2019
	Telangana Rashtra Samithi	25.10.2019
	Telugu Desam	29.10.2019
	YuvaJana Sramika Rythu Congress Party	09.10.2019
Arunachal Pradesh	People's Party of Arunachal	Report not filed
Assam	All India United Democratic Front	Report not filed
	Asom Gana Parishad	Report not filed
	Bodoland Peoples Front	Report not filed
Bihar	Rashtriya Lok Samata Party	Report not filed
Goa	Mahrashtrawadi Gomantak	12.10.2019
	Goa Forward Party	05.11.2019
Jammu & Kashmir	Jammu & Kashmir National Conference	Report not filed

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	Jammu & Kashmir Peoples Democratic Party	Report not filed
Jharkhand	AJSU Party	26.09.2019
	Jharkhand Mukti Morcha	02.09.2019
	Jharkhand Vikas Morcha (Prajatantrik)	17.09.2019
Kerala	Kerala Congress (M)	Report not filed
Maharashtra	Maharashtra Navnirman Sena	05.08.2019
	Shiv Sena	01.01.2020
Manipur	People's Democratic Alliance	10.07.2019
	National People's Party	Report not filed
Meghalaya	United Democratic Party	Report not filed
	Hill State People's Democratic Party	Report not filed
Mizoram	Mizo National Front	Report not filed
	Mizoram People's Conference	Report not filed
	Zoram Nationalist Party	Report not filed
Nagaland	Naga People Front	18.10.2019
	Nationalist Democratic Progressive Party	18.10.2019
NCT of India	All India Forward Block	Report not filed
	Janata Dal (Secular)	24.10.2019
	Janta Dal (United)	01.10.2019
	Lok Jan Shakti Party	Report not filed
	Rashtriya Janata Dal	Report not filed
	Indian National Lok Dal	30.10.2019
	Jammu & Kashmir National Panthers Party	Report not filed
	Rashtriya Lok Dal	24.09.2019
	Samajwadi Party	04.10.2019
Orissa	Biju Janata Dal	24.10.2019
Puducherry	All India N.R.Congress	07.01.2020

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Punjab	Shiromani Akali Dal	08.08.2019
Sikkim	Sikkim Democratic Front	26.09.2019
	Sikkim Krantikari Morcha	Report not filed
Tamil Nadu	All India Anna Dravida Munnetra Kazhagam	05.08.2019
	Dravida Munnetra Kazagam	09.12.2019
	Desiya Murpokku Dravida Kazagam	29.10.2019
	Indian Union Muslim League	11.11.2019
	Pattali Makkal Katch	29.10.2019
Uttar Pradesh	Aam Aadmi Party	23.10.2019
West Bengal	All India Trinamool Congress	N.A
	Revolutionary Socialist Party	Report not filed

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