

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 880 OF 2017
PUBLIC INTEREST LITIGATION

In the matter of:

ASSOCIATION FOR DEMOCRATIC REFORMS & ANR ...PETITIONERS

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

APPLICATION FOR URGENT HEARING

To,
The Hon'ble Chief Justice of India and His Companion Justices of the
Hon'ble Supreme Court of India.

The Humble Application of the
Petitioners above-named

Most Respectfully Showeth:

1. Reason for Urgency: That the Petitioners had, on 04.09.2017, filed the captioned Public Interest Litigation under Article 32 of the Constitution of India on the issue of corruption and subversion of democracy through illicit & foreign funding of political parties and lack of transparency in the accounts of all political parties. The Petitioners sought directions from this Hon'ble Court to strike down certain amendments made through Finance Act, 2017 and earlier Finance Act, 2016, both passed as money bills, and which have opened doors to unlimited political donations, even from foreign companies and thereby legitimizing electoral corruption at a huge scale, while at the same time ensuring complete non-transparency in political funding.
2. That the Electoral Bonds Scheme has opened the floodgates to unlimited corporate donations to political parties and anonymous financing by Indian as well as foreign companies which can have serious repercussions on the Indian democracy. The Finance Act of 2017 has introduced the use of electoral bonds which is exempt from disclosure under the Representation of Peoples Act, 1951, opening doors to unchecked, unknown funding to political parties.

The said amendments have removed the existing cap of 7.5% of net profit in the last 3 years on campaign donations by companies and have legalised anonymous donations.

3. That the Petitioners has filed two applications (in March, 2019 and November, 2019) for grant of stay on the implementation of the Electoral Bond Scheme, 2018, notified by the Central Government on 02.01.2018.
4. That the instant PIL was last heard by this Hon'ble Court on 20.01.2020, and hasn't been listed since then i.e. for last 9 months, even though very significant questions concerning democratic functioning of the country are raised in the instant matter which requires urgent adjudication.
5. That recently, right before the Bihar legislative assembly elections, the State Bank of India, in the XIV Phase of sale, has been authorized to issue and encash Electoral Bonds through its 29 Authorized branches w.e.f. 19.10.2020 to 28.10.2020.
6. That even though a notification, dated 02.01.2018, stipulates sale of electoral bonds in January, April, July and October months of each year; the window was not opened in April and July, but has been opened in October, right before the Bihar legislative election.
7. That in view of passing of more than 9 months since the last date of hearing of the instant PIL and new developments relating to Bihar legislative election having taken place, the instant matter requires urgent adjudication by this Hon'ble Court. Thus, the Petitioners hereby request that the instant PIL be heard on an urgent basis.
8. The Petitioners herein consent to matter being heard through video conferencing for which purpose they will link through their own desktop/mobile.

PRAYER

In view of the aforementioned facts and circumstances, this Hon'ble Court may be pleased to:

- a. Urgently list the above matter for hearing before the Hon'ble Court.
- b. Exempt from filing duly verified affidavit under the prevailing circumstances.
- c. Pass any other order or direction as this Hon'ble Court may deem fit and proper.

(PRASHANT BHUSHAN)
COUNSEL FOR THE PETITIONERS

New Delhi
Dated: 26.10.2020