

'CONCERNED': SC SEEKS EC REPLY ON VOTER LIMIT

DC CORRESPONDENT
NEW DELHI, DEC. 2

The Supreme Court on Monday sought a response from the Election Commission on a public interest litigation challenging its decision to increase the maximum number of voters per polling station from 1,200 to 1,500, saying it is "concerned".

A bench comprising Chief Justice of India Sanjiv Khanna and Justice Sanjay Kumar asked poll panel's counsel Maninder Singh to file a short affidavit explaining the rationale behind the decision.

The apex court said, "Senior advocate Maninder Singh, appearing for the Election Commission, says on instruction that they will explain the position by way of a short affidavit. Let the affidavit be filed within a period of three weeks."

The bench said it was "concerned" and no voter should be excluded.

The EC said political parties are consulted in every constituency when the total number of voters is raised per EVM.

The counsel said voters are always permitted to cast their votes even beyond the prescribed time.

TIMES OF INDIA

Dated: 03.12.2024

Can EC be powerless to disqualify a foreigner getting elected, asks SC

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New Delhi: Is the Election Commission powerless to disqualify a foreign national, who has got elected as a gram panchayat Mukhiya, despite unimpeachable evidence about his nationality?

This question of law was raised by Bihar state election commission before the SC on Monday. A Nepalese citizen had written to the Nepal govt to cancel his citizenship. But prior to its cancellation, he contested and won the 'Mukhiya' election in a Bihar gram panchayat. Patna HC overturned the SEC's decision to disqualify him saying it was the Union govt which alone can decide citizenship and nationality of a person.

The SEC challenged the HC order before the SC and a bench of Justices Surya Kant

and Justice Ujjal Bhuyan impleaded Union of India as a party and sought its response by Dec 9. The HC had ruled that SEC did not have the power to decide the disqualification of a candidate either before or after the elections, excluding an election dispute.

As per the SEC appeal, one Biltu Ray aka Bilat Ray aka Bilat Prasad Yadav was a citizen of Nepal in 2006-07 and held a valid Indian passport from Oct 25, 1996, till Oct 24, 2006. He never applied for renewal of the passport after its expiry. In March 2016, he filed an application with Nepalese authorities seeking to relinquish his Nepalese citizenship.

In Oct 2021, he filed his nomination for the post of Mukhiya of Bhaluaha gram panchayat without disclosing that he is a citizen of Nepal. In Dec 2021, he was elected as Mukhiya.

TIMES OF INDIA
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Can an EVM record 1,500 votes in a booth, apex court asks EC

Number Of Voters Per Polling Booth Increased To 1,500 In 2019

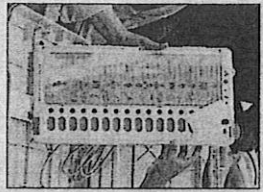
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New Delhi: Electronic voting machines, despite repeated clean chits, continue to face scrutiny

Supreme Court on Monday sought Election Commission's response to a PIL, which apprehended that many would be denied voting rights as "an EVM can register a maximum of 660 votes per day" even though the number of voters per booth has increased from 1,000 to 1,500.

The petitioner had arrived at the '660' number based on his calculation that a voter would take at least a minute to cast her ballot and voting was typically held for 11 hours on the scheduled day.

A bench of Chief Justices Sanjay Khanna and Justice Sanjay Kumar asked senior advocate Maninder Singh, who appeared for EC, to file an affi-



When only 660 electors can cast their vote in an EVM within the scheduled 11-hour period, fixing 1,500 voters per booth would result in many people not being able to cast their vote, the petitioner claimed

davit explaining how the commission viewed the issues raised by petitioner Indu Prakash Singh. It posted the matter for further hearing on Jan 27.

Maninder Singh said before conducting an election, EC consults every political party and polls have been conducted smoothly without a single voter complaining that she was not able to vote. He said the efficiency of EVMs have been repeatedly questioned before the SC, which each time after a detailed verification, has approved the machines. But the

bench said, "There is some confusion because of your 2019 circular increasing the voters per booth from 1,000 to 1,500."

The petitioner said voting took place on the scheduled day for 11 hours and claimed that even if "the election officials inside a booth are super efficient", a voter would still take one minute to get his/her identity checked, mark name in the electoral roll, apply indelible ink on finger, cast vote and verify VVPAT.

Thus, a total of 660 voters can cast their vote in the 11-hour scheduled voting time, he said. The petition said the cap on voters per booth was revised upwards from 1,000 to 1,500. "As of the 2019 general elections, the average number of electors per polling station was recorded at 877, a decrease from 898 in 2014. Given this data, it is essential to reconsider and lower the upper limit of 1,500 electors per polling booth back to 1,000," the petitioner said.

"By increasing this limit, the EC has compromised the operational efficiency of polling stations, potentially leading to longer waiting times, overcrowding, and voter fatigue," he added.

When only 660 electors can cast their vote in an EVM within the scheduled 11-hour period, fixing 1,500 voters per booth would result in many people not being able to cast their vote, leading to disenfranchisement, he claimed.

D. T. NEXT
Dated: 03.12.2024

SC seeks EC stand over increased poll booth capacity

NEW DELHI: The Supreme Court on Monday sought the Election Commission's response on a PIL challenging its decision to increase the maximum number of voters from 1,200 to 1,500 at every polling station, saying no elector should be excluded.

While asking the poll panel to clarify its stand, a bench comprising Chief Justice Sanjiv Khanna and Justice Sanjay Kumar said. "We are concerned. No voter should be excluded."

The bench therefore directed senior advocate Maninder Singh, representing the poll panel, to file a short affidavit explaining the rationale behind the decision to increase the number of voters per polling station.

Singh said the bench knew about the consistent allegations on EVMs, adding, "They will keep on coming. The polling has been happening like this since 2019 and political parties are being consulted before this in every constituency."

The senior lawyer said polling stations could have multiple polling booths and political parties were consulted in each constituency when the total number of voters was raised per EVM.

Singh further said voters were always permitted to cast their votes, even beyond the prescribed time.

The bench, which will hear the matter on January 27, 2025, asked the EC to provide a copy of its affidavit to the petitioner before the next date of hearing.

The PIL, filed by Indu Prakash Singh, challenged two communications issued by the EC in August, increasing the number of voters per polling station in each constituency.

ஒவ்வொரு வாக்குச்சாவடியிலும் ✓

வாக்காளர்கள் எண்ணிக்கையை உயர்த்தியதை எதிர்த்து வழக்கு

தேர்தல் கமிஷன் பதில் அளிக்க சுப்ரீம் கோர்ட்டு உத்தரவு

புதுடெல்லி, டி.ச.3-

இந்து பிரகாஷ்சிங் என்பவர் சுப்ரீம் கோர்ட்டில் ஒரு பொது நல மனு தாக்கல் செய்துள்ளார்.

அதில் அவர் கூறியிருப்பதாவது:-

கடந்த ஆகஸ்டு மாதம் தேர்தல் கமிஷன் 2 அறிக்கைகள் வெளியிட்டது. அவற்றில், நாடு முழுவதும் ஒவ்வொரு தொகுதியிலும் ஒவ்வொரு வாக்குச்சாவடியிலும் அதிகபட்ச வாக்காளர்கள் எண்ணிக்கை 1,200-ல் இருந்து 1,500 ஆக உயர்த்தப்படுவதாக கூறப்பட்டு இருந்தது.

எந்த புள்ளிவிவரங்களும் இல்லாமல், தன்னிச்சையாக இந்த முடிவை தேர்தல் கமிஷன் எடுத்துள்ளது.

இவ்வாறு அவர் கூறியுள்ளார்.

இந்த மனு, தலைமை நீதிபதி சஞ்சீவ் கன்னா, நீதிபதி சஞ்சய் குமார் ஆகியோர் அடங்கிய அமர்வு முன்பு விசாரணைக்கு வந்தது. அப்போது நீதிபதிகள், "ஒரு வாக்குச்சாவடியில் வாக்களிக்க வேண்டிய வாக்காளர்கள் எண்ணிக்கையை உயர்த்தி இருப்பது கவலை அளிக்கிறது. எந்த வாக்காளரும் வாக்களிக்க முடியாமல் விடுபட்டு விடக்கூடாது" என்று கூறினர். அதற்கு தேர்தல் கமிஷன் சார்பில் ஆஜரான மூத்த வக்கீல் மனிந்தர் சிங் கூறியதாவது:-

வாக்குப்பதிவு நேரம் முடிந்த பிறகு கூட வரிசையில் நிற்கும் வாக்காளர்கள் வாக்களிக்க அனுமதிக்கப்படுகிறார்கள். வாக்காளர்கள் எண்ணிக்கை அதிகரிக்கப்படும்போது, ஒவ்வொரு தொகுதியிலும் அரசியல் கட்சிகளுடன் ஆலோசனை நடத்தப்படுகிறது.

இவ்வாறு அவர் கூறினார்.

அதற்கு நீதிபதிகள், "வாக்காளர்கள் எண்ணிக்கையை உயர்த்தியதற்கான காரணங்களை விளக்கி, சுருக்கமான பிரமாண பத்திரத்தை 3 வாரங்களுக்குள் தேர்தல் கமிஷன் தாக்கல் செய்ய வேண்டும். அதன் நகலை மனுதாரருக்கு அளிக்க வேண்டும்" என்று உத்தரவிட்டனர். விசாரணையை ஜனவரி 27-ந் தேதி தொடங்கும் வாரத்துக்கு ஒத்திவைத்தனர்.