

The Hindu (English)

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# SC says each vote has its own value and recount must not compromise ballot secrecy

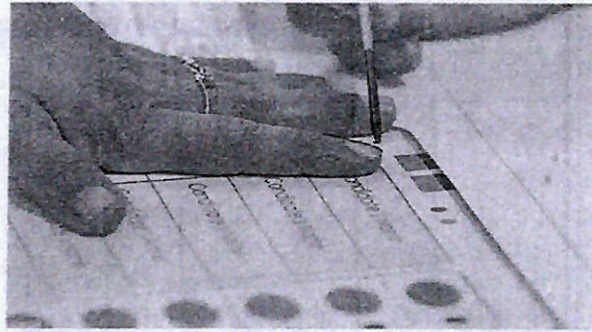
**The Hindu Bureau**  
NEW DELHI

Secrecy of ballot cannot be tinkered with by ordering recount of votes polled as a "matter of course", the Supreme Court has confirmed in a judgment.

"Each vote has its own value irrespective of its effect on the final outcome of the election. Its sanctity has to be protected," a Bench headed by Sanjay Karol observed in a recent judgment.

It was hearing an appeal concerning the election to the position of 'gram pradhan' for Chaka village in Uttar Pradesh in 2021. The appellant argued that there was an inconsistency in the number of votes cast. The Presiding Officer had stated that a total of 1,194 votes were cast on polling day, but the final tally showed 1,213 votes. The Supreme Court noted that the winner had won the election by 37 votes, and a dispute over 19 votes would not impact the poll results.

However, Justice Karol said the court's concern



**Poll issues:** The top court says secrecy of ballot has always been considered sacrosanct in a democratic process. PTI

"lies away from who is in power and instead is in how one got to power".

The village panchayat election in 2021 was a four-cornered affair. Three of the candidates had raised doubts about the propriety of the election and sought, in affidavit, a recount of the votes. Besides, the police were used to remove the appellant from the vicinity of the polling area. Moreover, the records of the Presiding Officer had mysteriously disappeared.

Ordering a recount, the Supreme Court, referring to judicial precedents, reiterated that such an order must be given only if two conditions were fulfilled.

One, if the petition for setting aside an election has material supporting facts. Two, if the court concerned is *prima facie* satisfied that a recount was necessary to do complete justice.

Cryptic applications claiming recount cannot be a trigger for taking this exceptional step at the risk of compromising the secrecy of the ballot. "Secrecy of ballot has always been considered sacrosanct in a democratic process of election and it cannot be disturbed lightly by bare allegations of illegality or irregularity in counting," the Bench quoted from an earlier judgment.

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## Five MLC candidates of NDA declared elected unopposed

**The Hindu Bureau**  
VIJAYAWADA

The Election Commission of India (EC) declared five candidates of the National Democratic Alliance (NDA) as elected unopposed to the Andhra Pradesh Legislative Council in the MLA quota on Thursday.

They are TDP's Beeda Ravi Chandra, B. Tirumala Naidu (sitting MLC) and Kavali Greeshma, JSP's K. Nagendra Rao (Nagababu) and BJP's Somu Veerraju.

The YSR Congress Party (YSRCP) stood no chance of winning even one of the five vacant seats as it lacked the requisite number of MLAs to vote.

The YSRCP has only 11

MLAs in the 175-member Assembly. Returning Officer R. Vanitha Rani announced their election as no other nominations were filed by March 10 which was the last date, and they remained in the fray till the end of the time (March 13).

The notification for the biennial election was issued by the EC on February 24 and the election is to be held on March 20.

Four seats are due to become vacant on March 29 on account of the retirement of Duvvarapu Rama Rao, Paruchuri Ashok Babu, B. Tirumala Naidu and Yanamala Ramakrishnu. The seat of Janga Krishna Murthy has been vacant since May 15, 2024.