The Hindu (English)

Quid pro quo via poll bonds are assumptions for now: SC

Krishnadas Rajagopal NEW DELHI

The Supreme Court on Friday refused to set up a Special Investigation Team (SIT) headed by a former top court judge to probe the allegations of "quid proquo" among political parties, public servants, companies and even officers of law enforcement agencies revealed through data made public on poll bonds.

A three-judge Bench of Chief Justice of India D.Y. Chandrachud termed these allegations sheer "assumptions" at this stage and refused to embark on what it called a "roving and general inquiry".

The Bench summarised that the petitions, including one by NGOs Common Cause and Centre for Public Interest Litigation, were based on primarily two assumptions.

One, that there was prima facie quid pro quo whenever the date of purchase of electoral bonds and donation to a ruling political party was proximate to change in policy or award of contracts.

Secondly, the involvement of officers of investigative agencies in the corruption and *quid pro quo*



did not guarantee a fair probe.

The petitioners had argued that officers of the CBI, Enforcement Directorate and the Income Tax Department "appear to have become accessories to corruption". They said data showed the purchase of bonds by accused persons had coincided with the sudden fading away of hotly pursued criminal prosecutions.

"But these are only assumptions at the present stage," the Chief Justice Chandrachud said.

Besides, the court pointed out that the electoral bonds scheme was embodied within several enactments or amendments made by Parliament until it was found unconstitutional by a Constitution Bench in March.

"Donations were made to political parties through electoral bonds on the basis of laws enacted by Parliament," the Chief Justice Chandrachud reasoned.

'Normal remedies'

The court said if the petitioners suspected an "element of criminality" in any individual instance of proximity between the purchase of bonds and government largesse, they should first invoke the normal remedies available under the law of criminal procedure.

The petitioners could file writ petitions with the State High Court concerned under Article 226 if agencies refused to investigate or file a seemingly unfounded closure report.

The Bench said any writ petition filed under Article 32 in the Supreme Court must be preceded by the invocation of normal remedies. The court found it both "premature" and "inappropriate" to constitute an SIT. It would be premature as there were other remedies available in law. The petitioners had to test them first, and approach the apex court only when they had failed.

Again, it would be inappropriate to order an apex court-monitored probe by an SIT now as this would postulate that the normal criminal remedies were not efficacious.

Deccan Chronicle

Doted: 03.08.2094

Poll bonds: SC junks petitions for court-monitored SIT probe

DC CORRESPONDENT NEW DELHI, AUG. 2

SC REJECTS PLEA FOR PROBE INTO **ELECTORAL BONDS**

DC CORRESPONDENT NEW DELHI, AUG. 2

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Holding that it cannot
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of contract, the top court
said... Full report 17

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invoked.
Holding that it cannot order a roving inquiry into purchase of electoral bonds on the assumption of a quid pro quo for award of contract, the top court said: "The court entertained petitions challenging electoral bonds since there was an aspect of there was an aspect of judicial review. But the cases involving criminal wrongdoing should not be under Article 32 when there are remedies available under the law."

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Article 32 empowers
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the top court directly
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also The bench also declined the petitioners' prayer to direct the authorities to recover the donations received by parties through electoral bonds.
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"For the court to issue any such direc-tions at this stage would amount to a conclusive opinion on disputed facts. The underlying premise of the submissions made indicate that these are assumptions at the assumptions at the present stage and require the court to embark upon a roving inquiry into the purchase of the electoral bonds, the donations which were made to the political parties and the arrangements in the nature of quid pro quo. We are of the considered view that the constitution of an that the constitution of an SIT, headed by a former The top court was hear-

judge of this court or otherwise, should not be ordered on the face of remedies which are available under the law governing both criminal procedures," the SC said.

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Interest Litigan.
Khem Singh Bhau,
Narayan
and Jai Prakash Sharma.

Respond to report on difference in voter turnout figures, Cong. tells EC

The Hindu Bureau NEW DELHI

Quoting the findings of an expert group, the Congress on Saturday said that data showed that the BJP may have won as many as 79 seats because of a big difference between preliminary/initial and final voter turnout figures.

The party sought a clarification from the Election Commission (EC) on the findings of Vote for Democracy (VFD), which conducted a detailed study on the difference in the voter turnout data.

Addressing a press conference, senior Congress leader Sandeep Dikshit said the VFD reports suggested that the average difference in voter turnout was 4.7% or 4.65 crore votes nationally. He said in some States such as Odisha and Andhra Pradesh, the difference between initial and final voter turnout is as high as 12.5%. He added that the EC needed to explain the difference.

"Even though we won

the Lakshwadeep seat, the difference is 25%. Is such a thing possible," asked Mr. Dikebit

"The Indian National Congress would like to request or appeal to the Election Commission that they should take this report seriously as it concerns their own accountability," he said.

Dt. Next, Doted: 03-08-2091,

No court-monitored SIT probe into poll bonds: SC

NEW DELHI: Observing that it cannot order a roving inquiry, the Supreme Court on Friday rejected a batch of pleas seeking a court-monitored investigation under a retired judge into the electoral bonds scheme.

A bench of Chief Justice DY Chandrachud and Justice JB Pardiwala said it would be "premature" and "inappropriate" to order a roving inquiry on the assumption of a quid pro quo for award of contract. While the pleas were admitted due to the aspect of judicial review, "cases involving criminal wrongdoing should not be under Article 32 when there are remedies available under the law", it said.

Article 32 empowers a citizen to approach the Supreme Court directly for enforcement of their fundamental rights recognised by the Constitution. The court also declined to direct the authorities to recover the donations received by political parties through electoral bonds and to reopen their Income Tax assessment, noting that these remedies pertain to the exercise of statutory functions by authorities under the Income Tax Act.

"For the court to issue any such directions at this stage would amount to a conclusive opinion on disputed facts," it said.

"The underlying premise of the submissions made indicate that these are assumptions at the present stage and require the court to em-

bark upon a roving enquiry into the purchase of the electoral bonds, the donations which were made to the political parties and the arrangements in the nature of quid pro quo...

"...the constitution of an SIT, headed by a former judge of this court or otherwise, should not be ordered on the face of remedies which are available under the law governing both criminal procedures," the bench said.

A five-judge Constitution bench had on February 15 scrapped the electoral bonds scheme of anonymous political funding introduced by the BJP government.

THE HINDU-(ENGLISH)

Dated 05.08.2024

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EC rejects report on difference in voter turnout

Press Trust of India
NEW DELHI

The Election Commission on Sunday rejected the analysis by a citizens' platform about unusually big difference between voter turnout figures declared initially and the final figures in the Lok Sabha election. It said a "false campaign" was being run to discredit the polls.

The development comes a day after the Congress cited a report by 'Vote for Democracy' which raised questions about substantial hike in the Lok Sabha voting turnout percentages and urged the EC to address the concerns. It said "unfounded attempts" were made to compare turnout figures at 7 p.m. on poll day when many stations might be closing poll or voters waiting in queue with 'End of Poll' turnout available a day after poll day.

Daily Thanthi Dated: 03.08-2091

அரசியல் கட்சிகளுக்கு நன்கொடை வழங்கும்

தேர்தல் பத்திர தீட்டம் குறித்து கோர்ட்டு கண்காணிப்பு விசாரணை கீடையாது

சுப்ரீம் கோர்ட்டு மறுப்பு

புதுடெல்லி, ஆக.3-அரசியல் கட்சிகளுக்கு நன்கொடை வழங்கும் தேர்தல் பத்திர திட்டம் குறித்து கோர்ட்டு கண் காணிப்புடன் கூடிய விசாரணைக்கு உத்தர விட முடியாது என்று சுப்ரீம் கோர்ட்டு கூறி யது.

ब्रिकंशाम्

அரசியல் கட்சிகளுக்கு தனிநபர்களும், அமைப்பு களும்நன்கொடை வழங்குவ தற்காக தேர்தல் பத்திர திட் டம் கொண்டுவரப்பட்டது. ஆனால் அதில் முறைகேடு கள் நடந்ததாக சுப்ரீம்கோர்ட் டில் மனுக்கள் தாக்கல் செய் யப்பட்டன.

அதையடுத்து, தேர்தல் பத் திர திட்டத்தை செல்லாது என்று சுப்ரீம் கோர்ட்டு தீர்ப்பு அளித்தது. கோர்ட்டு உத்தரவுப்படி, அரசியல் கட் சிகளும், அவற்றுக்கு நன் கொடை அளித்த நபர்களும் அடங்கிய பட்டியலை பாரத ஸ்டேட் வங்கிவெளியிட்டது.

போதுநல மனுக்கள்

இதற்கிடையே, தேர்தல் பத் திர திட்டம் குறித்து கோர்ட்டு கண் காணிப்புடன் கூடிய சிறப்புவிசாரணை குழு விசா ரணைக்கு உத்தரவிடக்கோரி, காமன் காஸ், பொது நல மனுக்களுக்கான மையம்உள் ளிட்ட தொண்டு நிறுவனங் கள் சுப்ரீம் கோர்ட்டில் பொதுநல மனுக்கள் தாக்கல் செய்தன.

விசாரணை அமைப்பு களை வைத்து மிரட்டி நன் கொடை பெறப்பட்டதாக வும், பிரதிபலன் பார்த்து தொழில் நிறுவனங்கள் நன் கொடை அளித்ததாகவும் மனுக்களில் கூறப்பட்டு இருந் தது.

இந்த மனுக்கள், தலைமை நீதிபதி டி.ஓய்.சந்திரசூட் தலைமையிலான அமர்வு முன்புநேற்று விசாரணைக்கு வந்தது.

உத்துவிட முடியாது அப்போது நீதிபதிகள் கூறியதாவது:-

காண்டிராக்ட் அளித்த தற்கு பிரதிபலனாக தேர்தல் நன்கொடை அளிக்கப்பட் டது என்ற யூகத்தின் பேரில் விசாரணைக்கு உத்தரவிட முடியாது. மேலும், சட்டத் தின்கீழ் பரிகாரம் காண வழி இருக்கும்போது, அரசியல் சாசனத்தின் 32-வது பிரிவின் கீழ் இப்போதே கப்ரீம் கோர்ட்டு தலையிடுவது சரி யல்ல.

குற்றவியல் தவறுகள் சம்பந் தப்பட்ட வழக்குகளுக்கு இது பொருந் தாது. ஆகவே, கோர்ட்டு கண்காணிப்புடன் கூடிய விசாரணைக்கு உத்தர விட முடியாது.

இவ்வாறு நீதிபதிகள் கூறி

The Hindu (Tamil)

தேர்தல் பத்திர முறைகேட்டில் சிறப்பு விசாரணைக்கு உத்தரவிட உச்ச நீதிமன்றம் மறுப்பு

●புதுடெல்லி: தேர்தல் பத்திரங்கள் மூலம் அரசியல் கட்சிகள் நன்கொடை பெறக் கூடிய திட்டம் கடந்த 5 ஆண்டுகளாக நடைமுறையில் இருந்தது. இந்த தேர்தல் பத்திரங்கள் மூலம் அரசியல் கட்சிகள் பெற்ற நன்கொடை ரூ.12,145.87 கோடி என்று தெரிவிக்கப்பட்டிருந்தது.

இந்நிலையில், தேர்தல் பத்திரங்களுக்கு எதிராக தொடரப்பட்ட வழக்கை விசாரித்த உச்ச நீதிமன்றம் அதிரடியாக இந்த நடைமுறையையே ரத்து செய்தது. இதனிடையே, உச்ச நீதிமன்றத்தில் அரசு சாரா நிறுவனங்கள் பொதுநலன் மனுக்களைத் தாக்கல் செய்திருந்தன. அதில் தேர்தல் பத்திரங்கள் தொடர்பாக அரசியல் கட்சிகள், பெரு நிறுவனங்கள் மற்றும் விசாரணை ஏஜென்சிகள் இடையேயான தொடர்புகள், போலி நிறுவனங்கள் மூலமான தேர்தல் பத்திர நன்கொடை ஆகியவை குறித்து உச்ச நீதிமன்றத்தின் கண்காணிப்பில் சிறப்பு புலனாய்வுக் குழு (எஸ்ஐடி) விசாரணை நடத்த உத்தரவிட வேண்டும் என கோரப்பட்டிருந்தது. இந்நிலையில் இந்த வழக்கு உச்ச நீதிமன்ற தலைமை நீதிபதி டி.ஒய். சந்திரசூட் தலைமையிலான அமர்வு முன்பு விசாரணைக்கு வந்தது. மனுவை விசாரித்த நீதிபதிகள், இந்த மனுக்களை ஏற்க மறுத்து, தள்ளுபடி செய்வதாக அறிவித்தனர்.