

ITEM NO.1 Court 4 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10698/2021

(Arising out of impugned final judgment and order dated 07-04-2021 in PIL No. 798/2021 passed by the High Court Of Judicature At Allahabad)

SACHIN YADAV

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.57775/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.57776/2021-EXEMPTION FROM FILING O.T. and IA No.57778/2021-INTERVENTION/IMPLEADMENT and IA No.57774/2021-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.57777/2021-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

WITH

W.P.(C) No. 500/2021 (PIL-W)

(FOR ADMISSION and IA No.58543/2021-STAY APPLICATION and IA No.58544/2021-EXEMPTION FROM FILING O.T.)

Date : 01-05-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Parties:

Mr. M. Shoeb Alam, Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Amit Kumar Singh Bhadauriya, Adv.
Mr. Akber Ahmad, Adv.
Mohd. Shaz Khan, Adv.
Me. Mojahid Karim, Adv.
Mr. Shivanshu Goswami, Adv.
Mr. Udit Atul Konkathankar, Adv.
Mr. Harsh Vardhan Kediya, Adv.

Mr. Ram Kishor Singh Yadav, AOR
Mr. Kaushal Yadav, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mr. Shafik Ahmed, Adv.
Ms. Mamta Rani, Adv.

Ms. Aishwarya Bhati, learned ASG
Ms. Garima Prashad, AAG
Ms. Ruchira Goel, AOR
Mr. Nithin Pavuluri, Adv.

Mr. Nirmal Kumar Ambastha, AOR
Ms. Ashmita Bisarya, Adv.

Mr. Nikhil Majithia, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Permission to file Special Leave Petition is granted.

The application for impleadment (IA No.57778/2021) is
allowed

We have heard learned counsel appearing for the
parties.

The Special Leave Petition is directed against the
judgment and order dated 07.04.2021 passed by the High
Court of Judicature at Allahabad in Public Interest
Litigation (PIL) No. 798 of 2021, whereby the request for
deferring the panchayat elections in the State of Uttar
Pradesh came to be rejected by recording the assurance
given by the State and the State Election Commission
that essential measures (protocol) for safety and
security of all concerned during the campaign and
until completion of elections would be adhered to in
letter and spirit and as delineated in the guidelines

issued by the State Government, State Election Commission including the Central Government, as the case may be.

After considering the rival submissions, we decline to interfere in these petitions and for the same reason also with the fresh writ petition filed before this Court, while recording the assurance given by the State Government through learned counsel as well as the State Election Commission, Uttar Pradesh that necessary measures have been put in place in terms of the guidelines issued from time to time, including the recent Notifications dated 29.04.2021 and 30.04.2021 issued by the State Election Commission.

The operating protocol mentioned therein is being and will be adhered to by all the stake holders as well as duty holders without any exception.

It is stated across the bar that additionally strict curfew would be imposed in areas as may be notified by the concerned authorities, in particular, in and around the counting centres and will be continued until the counting process of the concerned counting centre is completed in all respects including declaration of results. That will ensure that only the candidates and their authorized representatives would be able to

visit/enter the counting centres and gathering of general public is avoided.

Besides, no victory rally will be permitted through out the State of Uttar Pradesh after the results are announced or during the counting process is in progress. This assurance is placed on record.

In addition, it is agreed by learned counsel for the State Election Commission that appropriate changes will be made in the Notification dated 29.04.2021 in Clause 1, namely, in place of 'or' (अथवा), it will be read as 'and' (और), so that both the conditions must be fulfilled by the candidates and the representatives visiting the counting centres.

We also place on record the undertaking given by the State Election Commission through counsel that the CCTV recording at the designated counting areas and centres will be done and duly preserved until such time, as the High Court may direct in the proceedings being PIL No. 574 of 2020 pending before it and listed on 03.05.2021.

The State Election Commission has also agreed to notify the names of persons who will be in-charge of the concerned counting centres and who will be made

accountable for any lapse regarding compliance of the guidelines and the assurances recorded herein, at the given centres. That designated official shall be the Nodal Officer to whom the candidates contesting the election or anyone interested in giving suggestion for improvising the facilities in an around the counting centres can be pursued.

Needless to observe that the norms specified for candidates and authorized representatives of the candidates in Notification dated 29.04.2021 to produce RT-PCR or Rapid Antigen Test report or Covid-19 vaccination completion report would also apply to officials deployed or entering at the concerned counting centres as in the case of the candidates and their authorized representatives.

Although, we dispose of these petitions, it will be open to the parties to make application before the High Court in the pending proceedings for further directions, as may be required from time to time.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)