

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 29990 of 2021

Petitioner :- Lok Prahari Thru. General Secy. S.N.Shukla I.A.S.Retd.Adv.

Respondent :- Election Commission Of India Thru. Secy. General And Anr.

Counsel for Petitioner :- In Person

Counsel for Respondent :- Kaushlendra Yadav, Anupriya Srivastava, Kushagra Dikshit, Manish Misra, Neerav Chitravanshi

Hon'ble Rajan Roy, J.

Hon'ble Manjive Shukla, J.

Heard Shri S. N. Shukla, petitioner, in person, Shri O. P. Srivastava, learned Senior Advocate, assisted by Ms. Anupriya Srivastava, learned counsel for the Election Commission of India and Shri Neerav Chitravanshi along with Shri Kushagra Dixit, learned counsel for the Income Tax Department.

After hearing the parties what comes out is that there was correspondence between the Election Commission of India and the Central Board of Direct Taxes after passing of the judgment dated 16.02.2018 in Writ-C No.784 of 2015, *Lok Prahari through its General Secretary, S. N. Shukla vs. Union of India and others*, according to which disclosure of assets by candidates for election in Form 26 was to be verified by the Income Tax Department and the verification reports were to be sent to the Election Commission of India. The Election Commission of India, it appears and as claimed by Shri S.N.Shukla appearing in person,

was required to put it in public domain which has not been done.

Shri O. P. Srivastava, learned Senior Advocate appearing for the Election Commission of India says that it is the Income Tax Department which should have put in public domain, whereas the counsel for the Income Tax Department denies its obligation in this regard.

Prima facie, from the documents on record it appears that if at all this was to be done, it was to be done by the Election Commission of India. Let an affidavit be filed on behalf of the Election Commission of India keeping in mind the documents being relied by the petitioner as to its obligation to put such information in public domain. Secondly, if so, what is the mechanism for the same. A copy of the affidavit be served upon Shri Neerav Chitravanshi also before filing.

At this stage, Shri O. P. Srivastava, appearing for the Election Commission of India says that, in fact, this mechanism is to be developed by the Government of India. He refers to Paragraph 14 of the counter affidavit filed on behalf of the Election Commission of India.

We have also perused the response of the petitioner to Paragraph 14 of the counter affidavit filed by the Election Commission of India. However, we find that the Union of India has not been impleaded as an opposite party in these proceedings.

The judgment of Hon'ble the Supreme Court was passed in 2018 and we are now in 2025 and it has not been given effect.

Prima facie, the Election Commission of India appears to be the statutory body which should put the verification report as received from the CBDT in the public domain, especially as the correspondence has taken place between the Election Commission of India and CBDT in this regard. The mechanism should also be put in place by the Election Commission of India which is an independent body but considering the stand of the Election Commission of India in the counter affidavit and to resolve this important issue, we are of the opinion that it would be necessary and proper to implead Union of India through Ministry of Home Affairs as an opposite party in these proceedings which are in public interest for issuing substantive directions in furtherance of the directions of Hon'ble the Supreme Court and the issues arising herein with regard to putting the verification report referred above in public domain.

On being asked Shri S.N. Shukla said that according to him, the Union of India is not a necessary party, therefore, considering that this is a Public Interest Litigation, we have no other option but to direct the office to implead the Union of India appropriately through the Ministry of Home Affairs i.e. as follows:

'Union of India, Ministry of Home Affairs through its Secretary'

Shri Neerav Chitravanshi offers to provide a copy

of the pleadings to the counsel of Union of India within a week.

List this case on 15.09.2025 showing the name of Shri S. B. Pandey, Deputy Solicitor General of India as appearing for the opposite party, who shall seek instructions and file an affidavit in response to the writ petition and also in view of what has been noticed herein above, keeping in mind the decision of the Hon'ble the Supreme Court.

Let a responsible officer from the Election Commission of India, as also, from the Ministry of Home Affairs, Government of India join these proceedings through Video Conferencing as we have to sort out the matter.

(Manjive Shukla, J.) (Rajan Roy, J.)

Order Date :- 11.8.2025
akhilesh/-