



Boothwise counting and post-poll violence are challenges to the Indian democracy: Constitutional perspective and judicial approach

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Abstract

Presently, in Indian democracy voter may get fear while voting to xyz Candidate because in mass there vote secrecy may leak out due to booth wise counting system. Earlier, it was not so in mixed counting system under ballot system. Earlier, it was the violence at the time of polling of votes and now it is in form of post-poll violence. Investment of money at booth level is also very common feature which plays the important role for post-poll violence. This is the main reason for post-poll violence. Incidences are always happening in our country after every election counting at almost all levels. Therefore, the concept of “Booth Wise Counting System” and “Hypocrisy of Booth Management” is needed to deep analyze for sake of true democracy. By this present system of the booth wise counting and post-poll violence incidents, the main object of the Preamble is threatened and gross violation of Fundamental Duties occurred. For the promotion of the slogan ‘Save Democracy’ really, it needs to stop booth wise counting on the name of booth management that means the process of election should be free and fair as per the constitutional provisions. Hence, we have to discuss the purpose and definition of the democracy, the provisions of the Constitution of India, the Representation of People Act, 1951, the Conduct of Elections Rules, 1961, the Law Commission of India Report, 2015 and some recent Judicial Approach for brief analysis in this research work.

Keywords: democracy, booth wise counting, hypocrisy of booth management, cluster counting system and totaliser etc

Introduction

Presently, in Indian democracy voter may get fear while voting to xyz Candidate because in mass there vote secrecy may leak out due to booth wise counting system. Earlier, it was not so in mixed counting system under ballot system. Now through booth wise counting system, booths are managed through “Hypocrisy of Booth Management” in favour of their political bosses by their influential workers as well as *mafias*. Assume if this phenomenon works just 40% then this may make big impact on results of polls. For example particular booth/village belongs to particular caste/religion people; they may choose to vote in mass to only one candidate/party out of total. Then other candidates/parties may become revengeful towards that booth/village people because booth wise population is limited hence it is very easy to guess who had voted and who had not voted to particular candidate. Investment of money at booth level is also very common feature which plays the important role for post-poll violence. There is a big gap between have and have not hence it is very easy to influence the voters by creating greed and fear on the mind of voters and this greed & fear both are not good for democracy. This is the main reason for post-poll violence. Incidences are always happening in our country after every election counting at almost all levels. Actually, these are disadvantages of booth wise counting system therefore; it may be analysis properly with the help of FIRs/Complaints registered after every election counting. Is it fault of people who had voted for sake of democracy? Why voter should get vandalized after exercising their right to vote? Therefore, the concept of “Booth Wise Counting System” and “Hypocrisy of Booth Management” is needed

to deep analyze for sake of true democracy.

At this juncture, we have to discuss the purpose and definition of the democracy, the provisions of the Constitution of India, the Representation of People Act, 1951, the Conduct of Elections Rules, 1961, the Law Commission of India Report, 2015 and some recent Judicial Approach for brief analysis in this research work.

Purpose and definition of the democracy

Babasaheb Dr. B.R. Ambedkar emphasized on purpose of the Democracy as:

“Today what is the purpose of the democracy? *The purpose of modern democracy is not so much to put a curb on an autocratic King but to bring about the welfare of the people.* That is a distinct change in the purpose of democracy. You will therefore see that in the title which I have given to my subject, I have deliberately used the words “conditions precedent for the success of modern democracy.”^[1]

Democracy Defined

Democracy has been defined by various people, writers of political science and philosophers, sociologists and so on. Among them the first modern attempt to give a clear picture of democracy by Walter Bagehot^[2]. According to him:

“*Democracy is government by discussion.*”

According to Abraham Lincoln^[3]:

“*Democracy is a government of the people, by the people, and for the people.*”

Babasaheb Dr. B.R. Ambedkar,^[4] while speaking on “*Conditions Precedent for the Successful Working of Democracy*” defined Democracy as:

“*Democracy is a form and a method of government whereby*

revolutionary changes in the economic and social life of the people are brought about without bloodshed."

The constitution of India

The Constitution of India provides many provisions for the protections against caste based discriminations under the Preamble, Article 51A, 324 and 325 specifically. Such as:

The Preamble

Through the Preamble, ^[5] "WE, THE PEOPLE OF INDIA solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] ^[6] and secured EQUALITY of status and of opportunity for every citizen and to promote among them all FRATERNITY assuring the dignity of the individual and the [Unity and Integrity of the Nation]."^[7]

Article 51A - Fundamental Duties ^[8]

Article 51A provides, "Fundamental duties that it shall be the duty of every citizen of India - (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) to value and preserve the rich heritage of our composite culture"

Article 324

Article 324 also provides, "*Superintendence, direction and control of elections to be vested in an Election Commission* - (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution ^[9] shall be vested in a this Election Commission."

Article 325

Article 325 also provides, "*No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex and protects against exclusion-* There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them."

The representation of people ACT, 1951

Section 94 and Section 128 of the Representation of People Act, 1951 provides for secrecy of voting not to be infringed and maintenance of secrecy of voting respectively it is reproduced below:

Section 94 provides, "Secrecy of voting not to be infringed - No witness or other person shall be required to state for whom he has voted at an election:

[Provided that this section shall not apply to such witness or other person where he has voted by open ballot.]"^[10]

Further, Section 128 provides, "Maintenance of Secrecy of

voting - (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy:

[Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.]^[11]

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."

The conduct of elections rules, 1961

These Rules are framed under section 169 of the representation of the people act, 1951 and provides as it is reproduced below:

"Rule 66A - Counting of votes where electronic voting machines have been used - In relation to the counting of votes cast at a polling station, where voting machine has been used,

(i) the provisions of rules 50 to 54 and in lieu of rules 55, 56 and 57, the following rules shall respectively apply", namely:-

"Rule 55C - Scrutiny and inspection of voting machines - (1) The returning officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the returning officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in Section 58 or Section 58A or Section 64A as may be applicable in respect of the polling station or stations where that machine was used."

"Rule 56C - Counting of votes - (1) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked '*Result*' provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit."

The law commission of india report, 2015

The Law Commission of India in its 255th Report ^[12] on "Electoral Reforms" made it very much clear about the use of a totaliser for the counting of votes recorded in EVMs at elections and suggested as follows:

"In 2008, the ECI *vide* letter dated 21.11.2008 to the Secretary, Ministry of Law and Justice, recommended amending the Election Rules to provide for the use of a totaliser for the counting of votes recorded in EVMs at

elections. As per the ECI's suggestion, the results of votes polled in a group of 14 EVMs (hence, in 14 polling stations) would be calculated and announced together, in a change from the current practice of counting votes by each polling station^[13]. This is based on technological constraints."^[14]

"The underlying rationale behind the ECI's proposal was that the current system revealed the voting trends in each polling station, thus leaving the voters in that vicinity open to harassment, intimidation and post-election victimization. Prior to the introduction of EVMs, ballot papers could be mixed, wherever it was considered absolutely necessary under Rule 59A of the Election Rules in light of apprehend[ed] intimidation and victimization of electors. However, EVMs do not permit this. Using a totaliser would increase the secrecy of votes during counting, thus preventing the disclosure of voting patterns and countering fears of intimidation and victimization."^[15]

"Although the ECI's proposal was referred to a Parliamentary Committee in 2009, no action was taken on it. In August 2014 the ECI moved the Law Ministry on this issue again.^[16] Subsequently in September 2014 the Supreme Court in a PIL in *Yogesh Gupta v. ECI*^[17] issued directions to the government to issue to clarify why no steps were taken pursuant to the ECI's 2008 proposals. Noting that the issue had been referred to the Law Commission for consideration the three-judge bench of the Court asked the government what concrete steps it had taken on the ECI's suggestions of using a totaliser to prevent (or reduce) instances of intimidation or victimization^[18]. In its latest order on 16th January 2015 the Court records the Government's submission that it would seek the views of the Law Commission, and the submission of an interim report on the issue."^[19]

"For all these reasons, the Law Commission reiterates and endorses the ECI's suggestion for introducing a totaliser for the counting of votes recorded in EVMs. Similar to the existing Rule 59A the Commission proposes to amend Rule 66A to empower the ECI to decide when, and in which constituency and polling booths, to employ a totaliser after taking into consideration the context of the elections and any threats of intimidation or victimization."

Further, the Law Commission of India also recommended as follows:

Thus, in Rule 66A of the Election Rules, 1961, in Rule 56C, the Law Commission recommends that: After sub-section (2), a new sub-section (2A) may be inserted with the following words:

"(2A) In the appropriate case, where the Election Commission apprehends intimidation and victimization of electors in any constituency and it is of the opinion that the votes recorded in the voting machines should be mixed before counting it may by notification in the Official Gazette specify such constituency where the returning officer shall use a totaliser for the counting of votes recorded in a group of electronic voting machines."^[20]

The Law Commission of India for use of Totaliser for Counting of Votes suggested as follows:

"The Commission reiterates and endorses the ECI's suggestion for introducing a totaliser for the counting of votes recorded in electronic voting machines to prevent the harassment of voters in areas where voting trends in each polling station can be determined. Prior to the introduction of EVMs, ballot papers could be mixed under Rule 59A of the Election Rules, although this was not permitted for

EVMs. Using a totaliser would increase the secrecy of votes during counting, thus preventing the disclosure of voting patterns and countering fears of intimidation and victimization."^[21]

"Thus, similar to the existing Rule 59A the Commission proposes to amend Rule 66A to empower the ECI to decide when, and in which constituency and polling booths, to employ a totaliser, after taking into consideration various factors and the overall context of the elections."^[22]

Judicial approach

In the Apex Court of India, a Letter Petition & PIL Matters relating to Election Commissions was filed with the diary No. 15123/2014 on 01-05-2014 and registered on 09-05-2014 as W.P. (C) No. 000422 / 2014.^[23] Thereafter, in *Yogesh Gupta v. Election Commission of India & Anr.*,^[24] it was listed first time on 12th May, 2014 before the vacation bench headed by Hon'ble Justice Mr. Dipak Misra along with Hon'ble Justice Mr. N.V. Ramana and the Court made the following order:

"Issue notice returnable on 21st May, 2014. Dasti, in addition, is permitted. Prayer for stay stands rejected."^[25]

Further, it was listed before the same vacation bench on 21st May, 2014 and the Court made the following order regarding recourse to a "cluster counting system":

"In pursuance of notice, Mr. Vasav Anantha Raman, the instructing counsel of Mr. Mohit D. Ram, Advocate-on-Record, has entered appearance on behalf of the Election Commission of India. Learned counsel for the Commission has invited our attention to Rule 66A of the Conduct of Elections Rules, 1961 framed under Section 169 of the Representation of the People Act, 1951.

It is submitted by Mr. Vasav Anantha Raman that the Commission, after receiving certain complaints from certain quarters with regard to threats received by the voters of certain areas, has entertained into correspondence with the Union of India suggesting for amendment of the Rules so that adequate precautionary steps/measures can be taken in counting by recourse to a 'cluster counting system' but there has been no response from the Union of India. He undertakes to file an affidavit in this regard within two weeks hence. Mr. Vaibhav Sehgal, learned counsel appearing for the appellant prays for a week's time to implead the competent authority of Union of India who can file a response to the stand taken by the Commission. He is permitted to do so. After the competent authority of Union of India is added as a party respondent, the Registry is directed to issue notice to the newly impleaded respondent, returnable within four weeks. The newly impleaded respondent, the competent authority of Union of India, is directed to file its response so that the steps taken by the Union of India can be made clear to the commission and, accordingly, if required, appropriate steps can be taken."^[26]

On 8th September, 2014, regarding use of 'Totaliser' the Supreme Court of India directed to the Election Commission of India and made the following order:

"Having considered the matter for some time, we are of the view that an affidavit needs to be filed by the Election Commission of India (for short, 'Election Commission') on the aspect as to why amendment to the Conduct of Election Rules, 1961 (for short, '1961 Rules') is necessary to provide for use of 'Totaliser' for counting of votes recorded in Electronic Voting Machines (EVMs) and whether or not under the existing Rules the Election Commission can issue

instructions without amendment to the 1961 Rules in respect of the above subject.

An affidavit also needs to be filed by the Union of India to indicate if the observations made by the Election Commission in its communication dated 21.11.2008 addressed to the Secretary to the Government of India, Ministry of Law and Justice, Legislative Department to provide for use of 'Totaliser' for counting of votes recorded in the EVMs are not in dispute then what is the hitch in amending the 1961 Rules as suggested by the Election Commission. The Government of India may also keep in view the subsequent communication of 18.11.2011 sent by the Election Commission in response to the Government of India's letter dated 08.11.2011 and examine the above aspect in light of Section 128 of the Representation of People Act, 1951 which provides for maintenance of secrecy of voting.

While we have directed the Election Commission and the Union of India to file the above affidavits, we are not oblivious to the fact that the Government of India has referred the subject matter of electoral reforms in its entirety to the Law Commission of India for consideration and examination of diverse issues including the use of 'Totaliser' as suggested by the Election Commission. The above affidavits shall be filed within four months."^[27]

Further, on 16th January, 2015, the Court made the following order:

"Mr. N.K. Kaul, learned ASG submits that although issues relating to electoral rolls in their entirety have been referred to Law Commission of India for consideration and suitable recommendations, the Government is not averse to requesting the Law Commission to submit an interim report in regard to the matters sought to be raised in the present petition to enable this Court to take a view upon consideration of any such recommendation. He seeks six weeks' time to take up the matter with the Law Commission and to place on record the response to the same. Post after two months."^[28]

Next, on 23rd March, 2015, the Court made the following order:

"Learned counsel for the respondent submits that Law Commission of India has recently submitted a comprehensive report on some of the issues that arise for consideration. She prays for and is granted four weeks' time to place on record the said report with a copy to counsel opposite."^[29]

On 12th October, 2015, the Court made the following order:

"Mr. Neeraj Kishan Kaul, learned Additional Solicitor General for Government of India and learned counsel for the Election Commission submit that the Election Commission is considering certain proposals mooted by the Law Commission and the Government and that any resolution on the matters is likely to take three months or so. Post this matter in the Month of February 2016 to enable the Law Commission and the Government to do the needful."^[30]

Further, on 13th April, 2016 upon hearing the counsel the Court made the following order:

"Mr. Mohit D. Ram, learned counsel for the respondent-Election Commission, and Mr. Maninder Singh, learned Additional Solicitor General appearing for the respondent-U.O.I., submit that the Election Commission has in consultation with the recognized political parties evolving an acceptable solution with regard to 'Totalizer'."^[31]

Next, on 5th August, 2016 the Court made the following order regarding recommendations on the issue by the

Election Commission of India to the Government of India:

"Mr. Maninder Singh, learned Additional Solicitor General, submits that the Election Commission has already examined the matter and submitted its recommendations to the Government and also furnish to the Government even the supporting material which the Government had requisitioned. He prays for and is granted eight weeks to enable the Government to take a final decision on the matter on the basis of the said recommendations."^[32]

After that, on 12th January, 2018 Upon hearing the counsel the Court made the following order:

"Mr. Gopal Sankaranarayana, learned counsel for the petitioner in WP(C) No.927 of 2017 and Mr. Kawaljyot Singh, learned counsel for the petitioner in W.P. (C) No.422 of 2014.

It is submitted by the learned counsel for the petitioners that the Central Government and the Election Commission should take appropriate steps to use the method of totaliser for counting the votes in Parliament, State Assembly and local bodies elections. It is urged by him that if the method of totaliser is used, the voters would feel safe and never have the feeling of being victimised. According to him, when the voting pattern becomes identifiable in respect of a particular polling booth, there are local problems in praesenti, and that deserve to be looked at.

Mr. Maninder Singh, learned Additional Solicitor General appearing for the Union of India submitted that a Group of Ministers has considered this aspect on 07.09.2016 in consultation with all other national political leaders and the Election Commission and a decision has been taken not to go for introduction of totaliser in the present existing system.

Mr. K.K. Venugopal, learned Attorney General for India submitted that he has a different perception in the matter as the Court has issued notice to him to assist the Court. He would submit that prior to insertion of Rule 59A of the Conduct of Election Rules, 1961, the Election Commission used to mix all the ballot papers for the purpose of counting. Ms. Meenakshi Arora, learned senior counsel, Mr. Mohit D. Ram and Mr. Amit Sharma, learned counsel appearing on behalf of the Election Commission of India would submit that a time has come for introduction of totaliser for counting of the votes. It has been brought to our notice that recommendation in that regard has been given to the Law Commission of India. It is submitted by the learned counsel appearing for the Election Commission that the secrecy of the ballot, privacy of the individual and further the right of the people staying in a particular locality should not be exposed, and any kind of prejudice or discrimination because of the voting pattern should be avoided. Therefore, there is need for considering the aspect of introduction of totaliser.

Be it clarified, in all these writ petitions, for the present, we shall only address the issue of introduction of totaliser."^[33]

On 16th July, 2018, regarding the feasibility of the technological options the Court made the following order:

"Let the matter be listed on 20.8.2018 to enable the Election Commission of India to take into consideration the stand of the Union of India, and produce draft rules before this Court, as also, the feasibility of the technological options."^[34]

Further, on 20th September, 2018, the Court^[35] made the following order regarding final disposal of these petitions:

"List after four weeks for final disposal and written

submissions filed in Court by Mr. Sankaranarayanan be kept on record.”^[36]

Lastly, on 13th December, 2019, regarding final disposal of these petitions the Court^[37] made the following order:

“List before the Bench presided over by Hon’ble Mr. Justice Arun Mishra.”^[38]

Conclusion and Suggestions

Earlier, it was the violence at the time of polling of votes and now it is in form of post-poll violence. After every election in the country voters are facing this type of eminent fear of post-poll violence. In Indian democracy the booths are managed by the person who is influential or from dominating caste particular and who is influential on others with the help of the rowdy people who can influence on booth with the help of money or adopting some other tricks on voters. The booth wise investment of money by the candidates should be check properly and intention behind this investment. Stopping the booth wise counting may be a boon to the voters which are really the backbone of the democracy. By this present system of the booth wise counting and post-poll violence incidents, the main object of the Preamble is threatened and gross violation of Fundamental Duties occurred. For the promotion of the slogan ‘Save Democracy’ really, it needs to stop booth wise counting on the name of booth management that means the process of election should be free and fair as per the constitutional provisions. Hence, the adequate precautionary steps/measures should be taken in counting by recourse to a “cluster counting system” and use of “totaliser” for counting of votes in Parliamentary, State Assembly and Local Bodies elections throughout India to avoid such serious issues in future and to save the democracy as well as humanity. Although, the matter relating to the similar issue is pending before the Supreme Court of India in *Yogesh Gupta v. Election Commission of India & Anr.*, which likely to be decided in near future with a constructive judgment for the promotion of constitutional provisions in India.

References

1. Babasahab Dr. B.R. Ambedkar Writings and Speeches (DBAW&S), 17(3):474.
2. In his famous book entitled ‘the English Constitution.’
3. Former U.S. President in his famous Gettysburg speech which he made after the conquest of the Southern States.
4. On 22nd December, 1952 at Poona District Law Library; Babasahab Dr. B.R. Ambedkar Writings and Speeches (DBAW&S),17(3):475.
5. In our Constituent Assembly on 26th November, 1949 while we adopted, enacted and given to ourselves the Constitution of India.
6. Substituted by the Constitution (Forty-second Amendment) Act, 1976, Section 2 for “SOVEREIGN DEMOCRATIC REPUBLIC” (w.e.f. 3-1-1977).
7. Substituted by *ibid*, for “unity of the Nation” (w.e.f. 3-1-1977).
8. Inserted by the Constitution (Forty-second Amendment) Act, 1976, Section 10 (w.e.f. 3-1-1977).
9. The words including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections “to the Parliament and to the Legislatures of States” omitted by the Constitution (Nineteenth Amendment) Act, 1966,

Section 2 (w.e.f. 11-12-1966).

10. Inserted by Act 40 of 2003, Section 4.
11. *Ibid*, Section 5.
12. Submitted in March, 2015.
13. ECI, Proposed Electoral Reforms, D.O. No. 3/ER/2004, 2004, 9. ECI *Important Electoral Reforms Proposed by the ECI*, <http://eci.nic.in/eci_main/electoral_ref.pdf>, at 4.
14. The Law Commission of India in its 255th Report (Submitted in March, 2015) on “Electoral Reforms”, p. 201 in para 13.1.
15. *Ibid*, in Para 13.2.
16. Election Commission wants to use 'Totaliser' to enhance vote secrecy, ECONOMIC TIMES, 17th August 2014, <http://articles.economictimes.indiatimes.com/2014-08-17/news/52901387_1_law-ministry-ballot-paper-secrecy/>/
17. WP (Civil) No. 422/2014 order of the Supreme Court on 08.09.2014.
18. *Can totaliser be used for counting votes, asks SC*, THE HINDU, 10th September 2014, <<http://www.thehindu.com/news/national/can-totaliser-be-used-for-counting-votes-askssupreme-court/article6398304.ece>>.
19. Law Commission of India in its 255th Report (Submitted in March, 2015) on “Electoral Reforms”, 201-02, in Para 13.4.
20. *Ibid*, in Para 13.6 & 13.7.
21. Law Commission of India in its 255th Report (Submitted in March, 2015) on “Electoral Reforms”, p. 223, in Para 18.12.1.
22. Law Commission of India in its 255th Report (Submitted in March, 2015) on “Electoral Reforms”, p. 223, in Para 18.12.2.
23. As available on <https://www.sci.gov.in>; <https://main.sci.gov.in>
24. Writ Petition (Civil) No. 422/2014, which is pending before the Supreme Court of India and likely to come on hearing for final disposal in near future.
25. *Ibid*, Order dated 12th May, 2014.
26. *Ibid*, Order dated 21st May, 2014.
27. *Ibid*, Order dated 8th September, 2014.
28. *Ibid*, Order dated 16th January, 2015.
29. *Ibid*, Order dated 23rd March, 2015.
30. *Ibid*, Order dated 12th October, 2015.
31. *Ibid*, Order dated 13th April, 2016.
32. *Ibid*, Order dated 5th August, 2016.
33. *Ibid*, Order dated 12th January, 2018.
34. *Ibid*, Order dated 16th July, 2018.
35. This full bench of the Supreme Court of India was headed by Hon'ble Chief Justice Mr. Justice Dipak Misra and Hon'ble Justice Mr. A.M. Khanwilkar & Hon'ble Justice Dr.D.Y. Chandrachud were along with him.
36. *Ibid*, Order dated 20th September, 2018.
37. This full bench of the Supreme Court of India was headed by Hon'ble Justice Mr. Sharad Arvind Bobde and Hon'ble Justice Mr. B.R. Gavai & Hon'ble Justice Mr. Surya Kant were along with him.
38. *Ibid*, Order dated 13th December, 2019.