

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**I.A. NO. \_\_\_\_\_ OF 2024**  
**IN**  
**WRIT PETITION (CIVIL) NO. 1382 OF 2019**  
**(PUBLIC INTEREST LITIGATION)**

**IN THE MATTER OF:**

Association for Democratic Reforms & Anr. ...Petitioners

**Versus**

Union of India & Ors. ...Respondents

**APPLICATION FOR DIRECTIONS**

TO,  
THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUDGES OF  
THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE  
PETITIONER ABOVE-NAMED

**MOST RESPECTFULLY SHOWETH: -**

1. That the Applicants/Petitioners had filed the instant writ petition under Article 32 of the Constitution of India to ensure that democratic process is not subverted by electoral irregularities and to ensure free and fair elections and rule of law and for the enforcement of fundamental rights guaranteed under Articles 14,

19 and 21 of the Constitution of India. The instant writ petition highlights dereliction of duty on part of the Election Commission of India (ECI) i.e, Respondent No.1 herein by not declaring the election results (of the Lok Sabha and State Legislative Assemblies through Electronic Voting Machine (EVMs) based on accurate and indisputable data which is put in public domain.

- 2.** That the Applicants/Petitioners is filing the instant application seeking directions from this Hon'ble Court to the Election Commission of India to provide a detailed explanation for the nearly 6 lakh discrepancies noted in each of the 538 constituencies during the 18<sup>th</sup> Lok Sabha elections and to formulate a robust procedure for all future elections for the investigation of any discrepancy found in the election data.
- 3.** That the Petitioner herein had earlier filed I.A No. 115592 of 2024 in May 2024 seeking directions to the ECI to disclose authenticated record of voter turnout by uploading on its website scanned legible copies of Form 17C Part-I (Account of Votes Recorded) of all polling stations after each phase of polling and to provide tabulated polling station-wise data in absolute figures of the number of votes polled as recorded in Form 17C Part- I after each phase of polling during the Lok Sabha, 2024 elections. In addition, the petitioners had also requested that Part- II of Form

17C which contains the candidate-wise Result of Counting should also be disclosed after the compilation of results. That this Hon'ble Court *vide* order dated 24.05.2024 directed the instant matter to be listed after summer vacations. A copy of order dated 24.05.2024 passed by this Hon'ble Court in WP(C) No. 1382 of 2019 is annexed herewith as **ANNEXURE A1 (Pg\_\_\_\_\_)**).

4. It is submitted that in the result of the 18<sup>th</sup> General Elections, 2024 serious discrepancies have been found in the total number of EVM votes cast and total actual number of EVM votes counted which has caused apprehensions and doubts in the minds of the voters. The same was the case in the 2019 general elections when also discrepancies were found in 347 out of 542 constituencies. In 2024 General Elections, the number has increased to 538 constituencies which have been found to have discrepancies with regard to votes cast and votes counted.

5. That the Petitioner No.1, an organization working on the issue of electoral reforms, has recently published a report dated 29.07.2024 titled "*Discrepancies between the votes cast and the votes counted in the 2024 Lok Sabha election: Multiple Perspectives*". The said report highlights significant discrepancies which have been found in the EVM votes polled and EVM votes

counted by the ECI, while declaring the results of the general elections, 2024. Votes polled and counted have shown a staggering 5,89,691 discrepancies in 538 parliamentary constituencies. A copy of the report dated 29.07.2024 showing data for all parliamentary constituencies is annexed herewith as **ANNEXURE A2 (Page\_\_\_\_\_)**. A copy of news report dated 29.07.2024 published in *The Hindu* is annexed herewith as **ANNEXURE A3 (Page\_\_\_\_\_)**.

**Overall difference between EVM votes counted and EVM votes polled:**

6. In **362** parliamentary constituencies a total of **5,54,598** votes counted were less than the votes polled. In **176** parliamentary constituencies, a total of **35,093** votes were counted in excess of the votes polled. The summary of the same is shown below:

Votes counted less than votes polled	5,54,598	Votes counted more than votes polled	35,093	<b>Total discrepancies in votes</b>	<b>5,89,691</b>
No. of Constituencies	362	No. of Constituencies	176	<b>Discrepancies in the total constituencies</b>	<b>538</b>

**Summary of state wise difference between EVM votes polled and EVM votes counted**

State	Total Constituencies	Votes counted less than votes polled	No. of Constituencies	Votes counted more than votes polled	No. of Constituencies	Discrepancies in the total Constituencies	Total discrepancies in votes
Andhra Pradesh	25	85777	21	3722	4	25	89499
Odisha	21	63123	18	2146	3	21	65269
Uttar Pradesh	80	53960	55	6124	25	80	60084
Tamil Nadu	39	51935	27	2485	12	39	54420
Assam	14	38872	12	3856	2	14	42728
Maharashtra	48	38710	35	1642	13	48	40352
West Bengal	42	34856	31	1037	11	42	35893
Jharkhand	14	26342	12	393	2	14	26735
Kerala	20	19848	14	775	5	19	20623
Chhattisgarh	11	16849	9	44	2	11	16893
Gujarat	26	15141	15	380	9	24	15521
Telangana	17	14969	15	84	2	17	15053
Karnataka	28	14649	15	593	13	28	15242
Madhya Pradesh	29	13529	15	4744	14	29	18273
Bihar	40	9924	19	5015	21	40	14939
Delhi	7	8159	7	0	0	7	8159
Manipur	2	7060	2	0	0	2	7060
Uttarakhand	5	6315	5	0	0	5	6315
Haryana	10	5959	5	93	5	10	6052
Rajasthan	25	3853	6	869	19	25	4722
Himachal Pradesh	4	3770	4	0	0	4	3770
Arunachal Pradesh	2	3617	2	0	0	2	3617
Nagaland	1	3353	1	0	0	1	3353
Jammu and Kashmir	5	3281	4	69	1	5	3350
Puducherry	1	3235	1	0	0	1	3235

State	Total Constituencies	Votes counted less than votes polled	No. of Constituencies	Votes counted more than votes polled	No. of Constituencies	Discrepancies in the total Constituencies	Total discrepancies in votes
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- 7.** That the ECI has a constitutional duty as envisaged under Article 324 read with Article 19 (1) (a) of the Indian Constitution to declare final election. ECI is further duty-bound to make sure that the elections in the country are driven by fairness, credibility and honesty and not by manipulation, misconduct and illegalities. In order to uphold and preserve the sanctity of elections, and as a duty to the citizens, it is undeniably imperative that election results are accurate.
- 8.** That the Respondent No. 1 has so far failed to give any reasonable explanation with regard to:
- (a) declaration of election results before releasing the final and authentic data on vote count,
  - (b) the mismatch in EVM votes polled EVM votes counted, increase in voter turn-out,
  - (c) non-disclosure of number of votes polled in numbers,
  - (d) unreasonable delay in release of votes polled data; and
  - (e) the clean-up of certain data from its website.

9. It is respectfully submitted that the ECI has failed in its duty to address the genuine apprehensions of the citizens and in taking appropriate steps against the egregious incidents of violations, illegalities and irregularities seen in 17<sup>th</sup> and 18<sup>th</sup> lok sabha elections. This has led to genuine doubts in the mind of the electorate. These apprehensions must be immediately addressed and put to rest.

### **PRAYER**

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Direct Respondent No.1 to provide a detailed explanation for the discrepancies (of nearly 6 lakh votes) noted in each of the 538 constituencies during the 18<sup>th</sup> Lok Sabha elections as detailed in **Annexure A1** of the instant application;
- b) Direct Respondent No. 1 to formulate a robust procedure for all future elections for the investigation of any discrepancy found in the election data;

- c) Pass such other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

**PRASHANT BHUSHAN**  
(COUNSEL FOR THE PETITIONERS)

Dated: 21.08.2024