

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION
I.A. NO. _____ OF 2024
IN
WRIT PETITION (C) No. 880 OF 2017

IN THE MATTER OF:

Association for Democratic Reforms & Anr. ...Petitioners

Versus

Union of India & Ors. ...Respondents

IN THE MATTER OF:

State Bank of India
(Th. Its Assistant General Manager)
(Transaction Banking Marketing Department)
Corporate Centre, Mafatlal Centre
Nariman Point, Mumbai. ...Applicant

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SANJAY KAPUR: ADVOCATE FOR THE APPLICANT/SBI

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION
MISCELLANEOUS APPLICATION NO. _____ OF 2024
IN
WRIT PETITION (C) No. 880 OF 2017

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APPLICATION FOR DIRECTION

To,
The Hon'ble Chief Justice of India
And His Companion Justices of
The Hon'ble Supreme Court of India

The humble Application of the
the Applicant above named

MOST RESPECTFULLY SHEWETH:

1. That the present Miscellaneous Application is being preferred by the State Bank of India seeking an extension of time for making public, the details of Electoral Bonds purchased since April 12th, 2019 in terms of the Judgement of this Hon'ble Court dated 15.02.2024 delivered in *Association for Democratic Reforms vs Union of India* [W.P (C) No. 880 of 2017]. Copy of the judgment dt. 15.02.2024 is annexed herewith and marked as **ANNEXURE A-1**. [Page No. 10-137]

2. By its Judgement, this Hon'ble Court had declared unconstitutional and struck down, the Electoral Bond Scheme 2018 and the related amendments made in various Acts to bring the Scheme into operation. As part of the operative Directions issued in the Judgement, this Hon'ble Court had directed as follows: -

"221. In view of our discussion above, the following directions are issued:

a. The issuing bank shall herewith stop the issuance of Electoral Bonds;

b. SBI shall submit details of the Electoral Bonds purchased since the interim order of this Court dated 12 April 2019 till date to the ECI. The details shall include the date of purchase of each Electoral Bond, the name of the purchaser of the bond and the denomination of the Electoral Bond purchased;

c. SBI shall submit the details of political parties which have received contributions through Electoral Bonds since the interim order of this Court dated 12 April 2019 till date to the ECI. SBI must disclose details of each Electoral Bond encashed by political parties which

shall include the date of encashment and the denomination of the Electoral Bond;

d. SBI shall submit the above information to the ECI within three weeks from the date of this judgment, that is, by 6 March 2024;

e. The ECI shall publish the information shared by the SBI on its official website within one week of the receipt of the information, that is, by 13 March 2024; and

f. Electoral Bonds which are within the validity period of fifteen days but that which have not been encashed by the political party yet shall be returned by the political party or the purchaser depending on who is in possession of the bond to the issuing bank. The issuing bank, upon the return of the valid bond, shall refund the amount to the purchaser's account."

3. It is submitted that the Applicant is bound by the Judgement of this Hon'ble Court and intends to comply in full, with the Directions issued therein. However, there are certain practical difficulties with the decoding exercised and the timeline fixed for it. These are required to be brought to the notice of this Hon'ble Court.
4. It is submitted that due to the stringent measures undertaken to ensure that the identity of the donors was kept anonymous, "decoding" of the Electoral bonds and the matching of the donor to the donations made would be a complex process.
5. As per the Gazette Notification dt. 02.01.2018, whereby the Central Government framed the Electoral Bond Scheme 2018, it was categorically provided under Clause 7 (4) as under: -

"The information furnished by the buyer shall be treated confidential by the authorised bank and shall not be disclosed to any authority for any

purposed, except when demanded by a competent court or upon registration of criminal case by any law enforcement agency."

6. In order to protect the Donors anonymity and to maintain confidentiality/secretcy, the Applicant Bank has laid down a detailed Standard Operating Procedure ('SOP') for 29 Authorised Branches, spread all over India, with regard to Sale and Redemption of Electoral Bonds.
7. Section 7.1.2 of the said SOP categorically provided: -

"No details of Bond Purchaser including KYC and other details will be entered in CBS." (Core Banking System).
8. It is submitted that details of purchases made at the Branches are not maintained centrally at any one place, such as the name of Purchaser/Donor which could be tallied with Date of Issue, Place of Issue (Branch), Denomination of Bond, Bond Number.
9. It is submitted that the data related to the issuance of the bond and the data related to the redemption of the bond was kept recorded in two different silos. No central database was maintained. This was done so as to ensure that donors' anonymity would be protected.
10. It is submitted that donor details were kept in a sealed cover at the designated branches and all such sealed covers were deposited in the Main Branch of the Applicant bank, which is located in Mumbai.

11. On the other end, each political party was required to maintain a designated account in any of the 29 authorised Branches. It was only in this account that electoral bonds received by that party could be deposited and redeemed. At the time of redemption, the original bond, the pay-in slip would be stored in a sealed cover and sent to the SBI Mumbai Main Branch.
12. It can thus be noted that both sets of information's were being stored independently of each other. Thus, to re-match them would be a task requiring significant amount of effort. In order to make available donor information, the date of issue of each bond will have to be checked, and matched against the date of purchase by a particular donor. This exercise would only deal with the first silo of information. These Bonds were redeemed by the Political Parties in their designated Bank accounts. Accordingly this information would then have to be matched against the bond redemption information that makes up the second silo.
13. It is submitted that the retrieval of information from each silo and the procedure of matching the information of one silo to that of the other would be a time consuming exercise. The details are stored separately, some of the details such as number of Bonds, etc. are stored digitally while the other set of details such as name of purchaser, KYC etc., are stored physically. The purpose of not storing all details digitally was to ensure that it cannot be gathered easily to achieve the object of the scheme.

14. In that regard, it is further submitted that this Hon'ble Court has directed for making public, donor information from the date of its interim order of April 12, 2019, to the date of the judgement i.e. 15.02.2024. In that time period, twenty-two thousand two hundred seventeen (22,217) electoral bonds were used for making donations to various political parties. Redeemed Bonds were deposited to Mumbai Main Branch by the Authorised Branches at the end of each phase in sealed envelopes. Coupled with the fact that two different information silos existed, this would mean that a total of forty four thousand four hundred thirty four (44,434) information sets would have to be decoded, compiled and compared.
15. It is therefore respectfully submitted that the timeline of three weeks fixed by the court in its judgement dated 15.02.2024 would not be sufficient for the entire exercise to be completed. Therefore, an extension of time may kindly be granted by this Hon'ble Court in order to enable the SBI to comply with the Judgement.

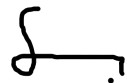
PRAYER

16. It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to: -

- a. Grant time to the Applicant Bank until 30.06.2024 to comply with the directions in its Judgement dated 15.02.2024 in W.P. (C) No. 880 of 2017 and batch;
- b. Pass such other and further order/orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case.

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

FILED BY:



SANJAY KAPUR

Advocate for the Applicant

New Delhi

Date: 04.03.2024