

G.E.-2014

MOST IMMEDIATE

**OFFICE OF THE CHIEF ELECTORAL OFFICER, ANDHRA PRADESH,
SOUTH 'H' BLOCK, A.P.SECRETARIAT, HYDERABAD.**

Memo.No.1879/Elecs.B/A2/2014-29.

Dt: 08.04.2014

Sub:- Order dated 24.03.2014 of the Hon'ble Supreme Court in WP © No.1005 of 2013 and SLP © No.6554 of 2014 – Prohibition of campaigning in the Peace Station – Reg.

Ref:- From the ECI Lr.No.509/156/2013/RCC, dt. 02.04.2014.

A copy of the reference cited together with its enclosures, wherein the Election Commission of India while furnishing a copy of the Order dt.24.03.2014 of Hon'ble Supreme Court of India in WP (C) No.1005 of 2013 and SLP (C) No.6554 of 2014 has directed that no political party, candidate or any other person shall undertake any election related campaign activities in any form within the Peace Stations or Forward Areas of the Armed Forces and of other defence establishments such as Navy, Coast Guard, etc., is communicated herewith to all the Collectors & District Election Officers (except Collector, Hyderabad) and Commissioner, GHMC & District Election Officer, Hyderabad. They are requested to communicate the same to all the Returning Officers/Assistant Returning Officers/Observers/EEM Teams/Political Parties/Contesting Candidates and all other concerned for strict compliance of the said directions of Election Commission of India.

**BHANWAR LAL
CHIEF ELECTORAL OFFICER**

To

All the Collectors & District Election Officers (except Collector, Hyderabad)(w.e.)
The Commissioner, GHMC & District Election Officer, Hyderabad (w.e.)
All the Returning Officers/Asst.Returning Officers/Observers/EEM Teams/Political Parties/Contesting Candidates through the DEO concerned.

Copy to:

CEOs Website.

All Officers & Sections in the O/o.the CEO.
SF/SCs.

//FORWARDED::BY ORDER//


SECTION OFFICER

SPEED POST

By _____

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.509/156/2013/RCC

Dated : 2nd April, 2014

To

The Chief Electoral Officers of
All States and UTs

Sub: Order dated 24-03-2014 of the Hon'ble Supreme Court in WP (C) No. 1005 of 2013 and SLP (C) No. 6554 of 2014.

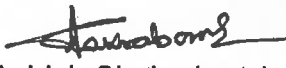
Sir/Madam,

In continuation of the Commission's letter No. 24/208.Vol.II-ERS dated 26-03-14, I am directed to enclose herewith a copy of the abovementioned order dated 24-03-14 of the Hon'ble Supreme Court and to invite your attention to the directions therein that the Commission shall be within its power to issue necessary instructions/guidelines prohibiting campaigning in the Peace Stations.

In pursuance of the above, the Commission has directed that no political party, candidate or any other person shall undertake any election related campaign activities in any form within the Peace Stations or Forward Areas of the Armed Forces and of other defence establishments such as Navy, Coast Guard, etc.

You are requested to bring these directions to the notice of all political parties in your State and also to the notice of all candidates of constituencies within which any Peace Station may fall.

Yours faithfully


(Ashish Chakraborty)
Secretary

GI

No. 4843

Date : 4/4/14

Section

SOB

P. M. S.

7
4/4

ITEM NO. 68

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 1005 OF 2013

NEELA GOKHALE

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With office report)

With

S.L.P. (Civil) No. 6554 of 2014

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

WP 1005/2013

Mr. U.U. Lalit, Sr. Adv.
Mr. Nikhil Barvankar, Adv.
Ms. Kamakshi S. Mehlwal, Adv.

SLP 6554/2014

Mr. Harish N. Salve, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Vivek Jain, Adv.
Mr. Praveen Sehrawat, Adv.
Mr. E.C. Agarwala, Adv.

For Respondent(s)

UOI

Mr. P.P. Malhotra, A.S.G.
Mr. R. Balasubramonium, Adv.
Mr. Yasir Rauf, Adv.
Mr. B.V. Balramdas, Adv.

Election Commission Ms. Meenakshi Arora, Sr. Adv.
Mr. S.K. Mendiratta, Adv.
Mr. Mohit D. Ram, Adv.
Mr. Vasav Anantharaman, Adv.

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

Writ Petition (Civil) No. 1005 of 2013

Rule nisi.

Pleadings may be completed by the parties within twelve weeks.

Having regard to the importance of the issues raised in the matter, we are of the view that the matter deserves to be heard by a three-Judge Bench.

Hearing is expedited and Office to list the matter accordingly within one year from today.

By way of an interim measure, on hearing learned Additional Solicitor General and learned senior counsel for the parties, the following order is being passed :

We record and accept the statement of Ms. Meenakshi Arora, learned senior counsel for the Election Commission of India (for short, 'Election Commission'), that the service personnel who have not made declaration under Section 20(5) of the Representation of People Act, 1950 and who have not given their declaration in statutory Form 2 or 2A, may

register themselves as general voters in respect of the constituencies where election process has not yet commenced. This is applicable to Peace Stations and subject to service personnel being posted at that station on 01.01.2014 and continued to be posted on the date of commencement of the election process for such constituency.

We further record and accept the statement of the learned senior counsel for the Election Commission that in the above situation, the tenure posting of three years and such service personnel residing with his family as provided in the order dated 28.12.2008 shall not be insisted upon.

For the sake of clarification, we record the statement of the learned senior counsel for the Election Commission that election process has already commenced in 225 constituencies. Obviously the statement of the learned senior counsel for Election Commission recorded above shall not be applicable to these 225 constituencies.

Mr. P.P. Malhotra, learned Additional Solicitor General for the Union of India, assures us and we record that within two days from today, the details of Peace Stations shall be furnished to the

Election Commission.

Having regard to the importance of the right to vote and the fact that about 1328600 service personnel have already registered as service voters by filing statutory Form 2 or 2A, it is observed that Union of India shall take all necessary steps and provide all necessary assistance to the Election Commission in making the postal ballot for these 1328600 service personnel effective.

Needless to say that Election Commission shall be within its power to issue necessary instructions/guidelines prohibiting campaigning in the Peace Stations.

S.L.P. (Civil) No. 6554 of 2014

Taken on board.

Leave granted.

Tag with Writ Petition (Civil) No. 1005 of 2013.

The statements made by the learned senior counsel for the Election Commission and recorded in Writ Petition (Civil) No. 1005 of 2013 shall also be applicable to this Appeal.

Counter affidavit may be filed by the respondents within eight weeks.

Rejoinder, if any, may be filed by the appellant within four weeks thereafter so as to ensure that pleadings are complete within twelve weeks.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master