

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NO.....OF 2018

IN THE MATTER OF:

Rambabu Singh Thakur

District -

Versus

...Petitioner

1. Mr. *Sunil Arora*
Chief Election Commissioner

Also at

2. Mr. V.L.Kantha Rao
Chief Electoral Officer

Also at

3. Mr. Alok Singh

Also at

4. Mr. Vikas Singh

Also at

5. Mr. Arunoday Chaubey (Annu Bhaiya)

....Alleged Contemnors

IN
WP(C) 536 OF 2011

IN THE MATTER OF:

1. Public Interest Foundation
Through its President
B-32, GK-1, New Delhi-110048

....Petitioner

2

Versus

Union of India
Through Ministry of Law & Justice
Shastri Bhavan, New Delhi-110001
Election Commission of India
Through Chief Election Commissioner
Nirvachan Sadan, New Delhi-110001

....Respondent

CONTEMPT PETITION AGAINST ALLEGED CONTEMNORS

TO

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS OTHER COMPANIONS JUDGES OF
THIS HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE APPLICATION OF THE
APPLICANT ABOVE NAMED:-

MOST RESPECTFULLY SHOWETH:-

1. That the five Judges Bench of this Hon'ble Court on 25.9.2018 directed the Election Commission of India to take appropriate steps to secure fundamental right of voters guaranteed under Article 19 of the Constitution.
2. That on 06.10.2018, the Election Commission issued notification for enforcement of the Model Code of Conduct after announcement of Elections to the State Legislative Assemblies of Chhattisgarh Madhya Pradesh Mizoram Rajasthan and Telangana.
3. That on 10.10.2018, the ECI issued notification regarding amended Form-26 and directions to political parties and candidates for publication of criminal antecedents.
4. That on 25.10.2018, the ECI Notification dated 10.10.2018 has failed to secure fundamental right of voters because it has neither amended Model Code of Conduct nor the Election Symbol Order 1968 so the Notification has no legal sanction.

5. That in order to decriminalize the politics and to make the voters aware about the criminal antecedents of the contesting candidates, this Hon'ble Court has directed to publish criminal antecedents, assets and other aspects.

6. That the directions of this Hon'ble Court reads as under:

"116. Keeping the aforesaid in view, we think it appropriate to issue the following directions which are in accord with the decisions of this Court :-

(i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.

(ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate.

(iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.

(iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.

(v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the

same shall be done at least thrice after filing of the nomination papers.

7. The above said directions ought to have been implemented in true spirit and right earnestness in a bit to strengthen the democratic setup and the aforesaid directions were mandatory to be followed by each and every candidate. However, the violator Sh. Arunodaya Chaubey (Annu Bhaiya) candidate of Indian National Congress from Khurai, Madhya Pradesh has not disclosed criminal cases pending against him and has not complied directions issued in above stated judgment.

8. The details of the criminal cases pending against the alleged contemnor no-5, Shri Arunodaya Chaubey (Annu Bhaiya), which have not been published in leading newspapers and prominent news channels are as follows:

- (i) Under Section 294, 148, 324, 302, 307, 147, 149 IPC pending in the Court of Sh. Suresh Singh Mahodaya, 21st Addl. Sessions Judge, Bhopal Madhya Pradesh, Sessions Case SCPPS-19 of 2018.
- (ii) Under Section 147, 332, 149, 451/511 IPC pending in the Court of Sh. Rohit Kumar Shrivastav, Judicial Magistrate 1st Class, Bhopal Madhya Pradesh, Case RCT No. 19 of 2015.

(iii) Under Section 174(k) pending in the Court of Sh. Suresh Singh Mahodaya, 21st Addl. Sessions Judge, Bhopal Madhya Pradesh, Sessions Case SCPPM-76 of 2018.

9. The abovementioned criminal antecedents have not been published by Shri Arunodaya Chaubey and as such he has violated the directions of this Hon'ble Court, passed in WP(C) 536/2011 on 25.9.2018. Therefore, petitioner filed a complaint to Contemnor No-1, 2, 3 and 4 on 27.11.2018 regarding the violation of this Hon'ble Court's direction. Copy of the complaint dated 27.11.2018 is annexed as **Annexure-A** (Page 8-10)

10. That by ignoring the direction issued by this Hon'ble Court on 25.9.2018 in WP(C) 536/2018, the alleged contemnors Mr. O.P.Rawat, Mr. V.L.Kantharao, Mr. Alok Singh, Mr. Vikas Singh and Mr. Arunoday Chaubey have committed contempt of this Hon'ble Court for which they are liable to be proceeded and punished according to law.

11. That in the above circumstances, the petitioner is compelled to file civil contempt petition before this Hon'ble Court as the facts stated in the contempt petition clearly disclose commission of criminal contempt. Copy of the Judgment dated 25.9.2018 in WP(C) 536/2011 is annexed as **Annexure B** (Page 11-110)

12. That the contemnors are liable to be prosecuted for committing contempt of this Hon'ble Court by not following the guidelines given by this Hon'ble Court in Writ Petition (C) No.536 of 2011.
13. That it is in the interest of justice that the action be initiated against the contemnors and they are punished for the same.

PRAYER

It is therefore, respectfully prayed that this Hon'ble court may be pleased to:-

- a) Initiate contempt proceeding against Contemnors No.1 to 5 and punish them according to law for violation of Judgment dated 25.9.2018 passed in WP(C) 536/2011;
- b) Pass any other order or further orders as this Hon'ble court may be deem fit and proper in the facts and circumstances of the case.

Drawn By,

Ashwini Kumar

Advocate

Filed on : 26/11/2018

Place : New Delhi

Filed by,

Ashwani Kumar Dubey

Advocate for the Petitioner