

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
PIL UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
I.A. No.....of 2022
WRIT PETITION (CIVIL) NO 43 OF 2022

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

...PETITIONER

VERSES

1. UNION OF INDIA

Through the Secretary,
Ministry of Law and Justice,
Shashtri Bhawan, New Delhi-110001

2. ELECTION COMMISSION OF INDIA

Through the Chief Election Commissioner,
Nirvachan Sadan,
Ashoka Road, New Delhi-110001

...RESPONDENTS

AND IN THE MATTER OF:

APPLICATION FOR APPLICATION FOR INTERVENTION

ON BEHALF OF:

VIJAY SARDANA

....APPLICANT

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

(ADVOCATE FOR APPLICANT: MRS VANDANA SHARMA, AOR)

APPLICATION FOR INTERVENTION

To,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND LORDSHIP'S COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT OF INDIA

HUMBLE PETITION OF ABOVE-NAMED APPLICANT

MOST RESPECTFULLY SHOWETH:-

1. That this is in reference to the observations and orders passed by Hon'ble Court on the subject and in which the impact of freebies on society and democratic process in India was highlighted.

2. That the applicant, based on his own wide experience in policy planning, economic issues and financial management, wants to assist the Hon'ble count on this serious matter. Applicant is a management graduate of a world famous management institute like Indian Institute of Management, Ahmedabad, has experience of managing corporates and also leading companies at senior management positions, and institutions like SEBI and Stock Exchanges and industrial research complexes and members of many leading professional bodies around the world and now practising lawyer in India.

3. That the applicant is a concerned citizen because many states which can do wonders and can offer world class services to citizens are

suffering due to mismanagement of collected taxes and offering freebies to the citizens for political gains.

4. That the freebies are not only a major misuse of the public fund generated from the revenue collected from the average taxpayers and offered to the people who can afford luxury for themselves and their family members.
5. That in a country where basic civil facilities are in bad shape and precious resources generated from the tax collection are wasted for political gain is a matter of serious concern. For example, the per capita of Delhi is more than Rs. 4.0 lakh and still free bus tickets are offered whereas the same state government is unable to ensure proper healthcare and education to citizens and unable to fund the metro rail projects so that these public utilities can be completed ahead of schedule to save the environment.
6. That the free transport ride and free electricity has led to collapse of two public sector enterprises of the state government i.e. Delhi Transport Corporation and Delhi Power Corporate. According to the latest CAG report on finances of the Delhi State, the accumulated losses of these corporations is more than Rs. 37,000 crores.
7. That the issues raised in the PIL by the petitioner are serious in nature and can be addressed with proper planning, provided there is

a desire to address these issues.

8. That the Freebies are not only hurting the civic infrastructures but also depriving sections of society from education and healthcare due to shortage of teachers and doctors and related facilities.
9. That the Freebies are also doing irreparable losses to the environment and ecology. The live example is Punjab where free electricity has incentivised the exploitation of groundwater and converted the one very fertile land into an area of serious concern due to depleted groundwater table.
10. That in place of spending funds on creating infrastructure or on creating assets for the state and citizens of India, the public funds are used for political gains, which are a private benefit of the political representatives to come to power and to enjoy perks and privileges from the public funds. This is a gross misuse of public funds for personal benefit..
11. The states which are claiming they have funds to meet these freebies are in fact seeking grant-in-aid from the Union government to fund their budget deficiencies.
12. Hon'ble court may create certain objective and measurable criteria for preventing freebies.

- a. There must be objective and measurable criteria which section of citizens need to get support from the revenue collected from the average taxpayers and which remaining citizens have to bear their own cost as responsible citizens because they have all the resources to undertake these activities within their means.
- b. As a concerned citizen, my proposal is to link the freebies to the average capital investment by the state government in the last three years and the percentage of spending on freebies should be more than the BPL families in the state.
- c. No person above the BPL family should be entitled for freebies under its part of universal human rights or fundamental rights as per the constitution.
- d. Any political party fighting elections for the union or state government, if that state takes loans to meet the budget deficit should be discouraged from making any promise for freebies in election manifestos to offer freebies to any citizen.
- e. All freebies should be in the form of direct bank transfer and not in the form of kind or goods; this will prevent the leakage and misuse of the infrastructure and resources.

- f. Freebies must only be for targeted and needy citizens based on objective criteria approved by the elected body of the representatives only after sharing the source of funding to meet the resource requirement for the freebies.
 - g. Freebies must be either approved in the prevailing laws or can be offered only after elections when the law is passed in the house where source of funding must be mentioned for the new proposals. This cannot be part of election manifestos.
 - h. There are many incidents of freebies in many states for political gains and at the same time in the same states legitimate rights and needs of the citizens are not fulfilled due to shortage of funds.
 - i. When more inputs are provided by the states, more objective criteria can be created to control the misuse of public funds in the form of freebies.
13. That the applicant, as citizen of India is an aggrieved party and suffering due to bad quality roads, hospitals, schools and other civil infrastructure, delayed justice due to poor infrastructure in courts and prevailing vacancies in courts, schools and hospitals.
14. That the applicant is also concerned about the freebies and its

aggravated impact on ecology and climate change and its impact on national interests.

15. That the applicant is a necessary and proper party to the present proceedings and has a direct and subsisting interest in the subject matter of the present proceedings. Further, legal rights and interests of the Applicants will be seriously prejudiced if the Applicant is not heard in the present matter.
16. That it is, therefore most respectfully prayed that this Hon'ble Court may be pleased to allow this Application for Intervention in writ petition No. 43 of 2022 otherwise the Applicant will suffer irreparable loss and injury due to uncontrolled freebies.
17. Applicant will be honoured to extend hsi professional expertise assist the hon'ble country in developing a very transparent and objective system to control the freebies by political parties.
18. That the Application is made bonafide and in the interest of justice.

P R A Y E R

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

A. Allow the Applicants to intervene in the Writ Petition (Civil) No. 43 of 2022.

B. Hon'ble court may 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.

DRAWN BY:

FILED BY:

PRIYANKA SARDANA

ADVOCATE FOR THE APPLICANT

Place: New Delhi

Date: 08.08.2022