

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

I.A NO. OF 2022

IN

WP (CIVIL) NO. 43 OF 2022

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

...PETITIONER

Versus

UNION OF INDIA & ANR

...RESPONDENTS

AND IN THE MATTER OF:

Tax Payers Association of Bharat

...APPLICANT/INTERVENER

I.A. NO. OF 2022

(AN APPLICATION FOR INTERVENTION)

PAPERBOOK

(FOR INDEX, PLEASE SEE INSIDE)

SANCHIT GARGA

ADVOCATE FOR THE INTERVENER

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AN APPLICATION FOR INTERVENTION

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

THE HUMBLE APPLICATION OF
THE APPLICANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the W.P.(c) No. 43/2022 has been filed before
this Hon'ble Court on 22.01.2022 seeking the
following reliefs :-

- a. Direct and declare that promise of irrational freebies from public fund before election unduly influences voters, disturbs level playing field, shakes roots of free-fair election & vitiates purity of election process;
- b. Direct and declare that promise/distribution of private goods/services, which are not for public purposes, from public funds before election, violates Articles 14, 162, 266(3) and 282 of the Constitution.
- c. Direct and declare that promise/distribution of irrational freebies from public funds before election to lure voters is analogous to the bribery and Undue Influence under Section 171B and 171C of the IPC;
- d. Direct the ECI to insert an additional condition "political parties shall not promise/distribute irrational freebies from public fund before election" in Para 6A, 6B and 6C of the Election Symbols Order 1968;
- e. Direct the ECI to seize election symbol/deregister the political party which promise/distribute irrational

freebies from public fund. In alternative, direct Centre to enact a law to law to regulate political parties;

f. Pass such other orders as this Hon'ble Court deems fit and proper.

2. That the Petitioner had questioned in the instant PIL under Article 32, distribution of irrational freebies promised or given out of public funds before unreasonably swaying voters and upending the foundations of a free and fair election. Election taints and fairness of the playing field and compromises its integrity. It also contravenes the articles 14, 162, 266(3), and 282 of the Constitution.

3. The aforesaid writ petition (c) no. 43 of 2022 listed on 25.01.2022, where this Hon'ble Court passed the following order:

"Heard the learned counsel appearing for the petitioner and carefully perused the material available

on record. Issue notices returnable in four weeks.

Dasti Service, in addition, is permitted."

4. The Applicant is the founder and president of the "Taxpayers Association of Bharat" (TAXAB), a society registered in accordance with the Societies Registration Act of 1860. TAXAB has its headquarters at #110, Prakashdeep Building, 7, Tolstoy Marg, New Delhi. The applicant earns Rs. 10 lakhs every year (Rupees ten lakhs). The Applicant's PAN number is AMLPG1968N, his AADHAR number is 4606-0022-5269, and the tax authority's PAN number is AAET9011D. The Applicant's email address is president@taxab.org. The Applicant's mobile number is 9756016000.

5. That there is no personal interest of the Applicant's society ; the writ petition is solely filed in the national interest of the Tax payers. Furthermore, none of the Taxpayers Association of Bharat's office holders have

any personal interests in the instant matter and the present Application is being filed for assisting the Hon'ble Court in the instant matter.

6. The Applicant Society, who is the President of the Taxpayers Association of Bharat, is not the subject of any civil, criminal, or revenue litigation cases.
7. That the majority of the government of India's income comes from taxation, which is utilised for the nation's growth, development, and security. This National Cause is being diligently supported by Taxpayers. TAXAB acts as a pressure group to make the government more accountable for the welfare of the taxpayers.
8. That the Applicant is a citizen of India and designated as the President of the Applicant's Organisation and interested in safeguarding the interest of public at large and ventilating the grievances of public regarding the issues of public importance that the Applicant in this case speaks for are individuals who

are members of the Applicant's organisation and timely pay their taxes.

9. That the petition is not being created for personal advantage or the benefit of any other person, group, or organisation. The sole reason for submitting this petition is the greater good of the public. The Applicant did not file this petition for any personal advantage, ulterior motive, or personal interests. It is wholly legitimate and only pursues the greater good of society and the interests of justice.
10. The Applicant in this case has not previously filed a petition with this honourable court or any other high court, asking for the same or similar directions as those outlined in this petition.
11. That the freebies offered by the State Government and Union Government had impacted the national growth of the country and the benefits which should have been accrued to the actual Tax payers of the

country which constitute a very small proportion of the entire population.

12. That the Applicant for a moment is not suggesting that the poor of the country should not be looked after, however, the freebies offered by the Governments for gaining political brownie points and obtain undue favours from a certain section of the society, impacts the development of the nation, adversely.
13. That the Governments or the Political Parties should not offer freebies at the verge of Elections and thus, they are not advancing any cause for the poor but for their own benefits.
14. That the freebies offered by the Governments or any political parties should not be allowed without proper checks and balances and if the same is allowed to continue without checks and balances, the honest Tax Payers of the country are feeling the brunt of the same and are suffering due to the huge exchequer being spent on such freebies.

15. That since the Applicant Society is working honestly for the tax payers of the country, the Applicant society should also be made part of the Committee as discussed by this Hon'ble Court in its order dated 03.08.2022.
16. That due to the freebies distributed by State Government and the Union Government, the Governments are running into huge losses due to which the governments cannot focus on basic necessities of the citizen of this country i.e. Education, Proper Medical Facility, Proper Sanitation and other basic necessities of the citizen of the country.
17. That the government cannot focus upon proper Communication Channels/Transportation which is absolutely necessary for the development of the country.
18. That as per the budgets for the Financial Year 2021-22, all the State Governments are in the negative and have to heavily borrow for various sources. The Fiscal Deficit of the State Government has been increasing

with every Financial Year due to the freebies distributed by the State Government is one of the major cause for the same.

19. That it is submitted that the issue involved in the present petition has a direct bearing on the Applicant and its presence before this Hon'ble Court will help in the effective and complete adjudication of the controversy involved.

PRAYER

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

- (i) Allow the Applicant to intervene in the present Writ Petition;
- (ii) Pass such other or further orders as may deem fit and proper in the interest of justice.

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

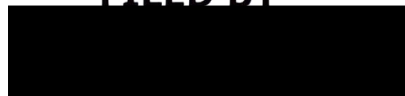
Place: New Delhi

Date:

DRAWN BY

DR. SANDEEP SINGH
Advocate

FILED BY



SANCHIT GARGA
Advocate for the
Applicant/Intervener

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A NO. OF 2022

IN

WRIT PETITION (c) No. 43 OF 2022

MEMO OF PARTIES

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

...PETITIONER

Versus

UNION OF INDIA & ANR.

...RESPONDENTS

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VAKALATNAMA

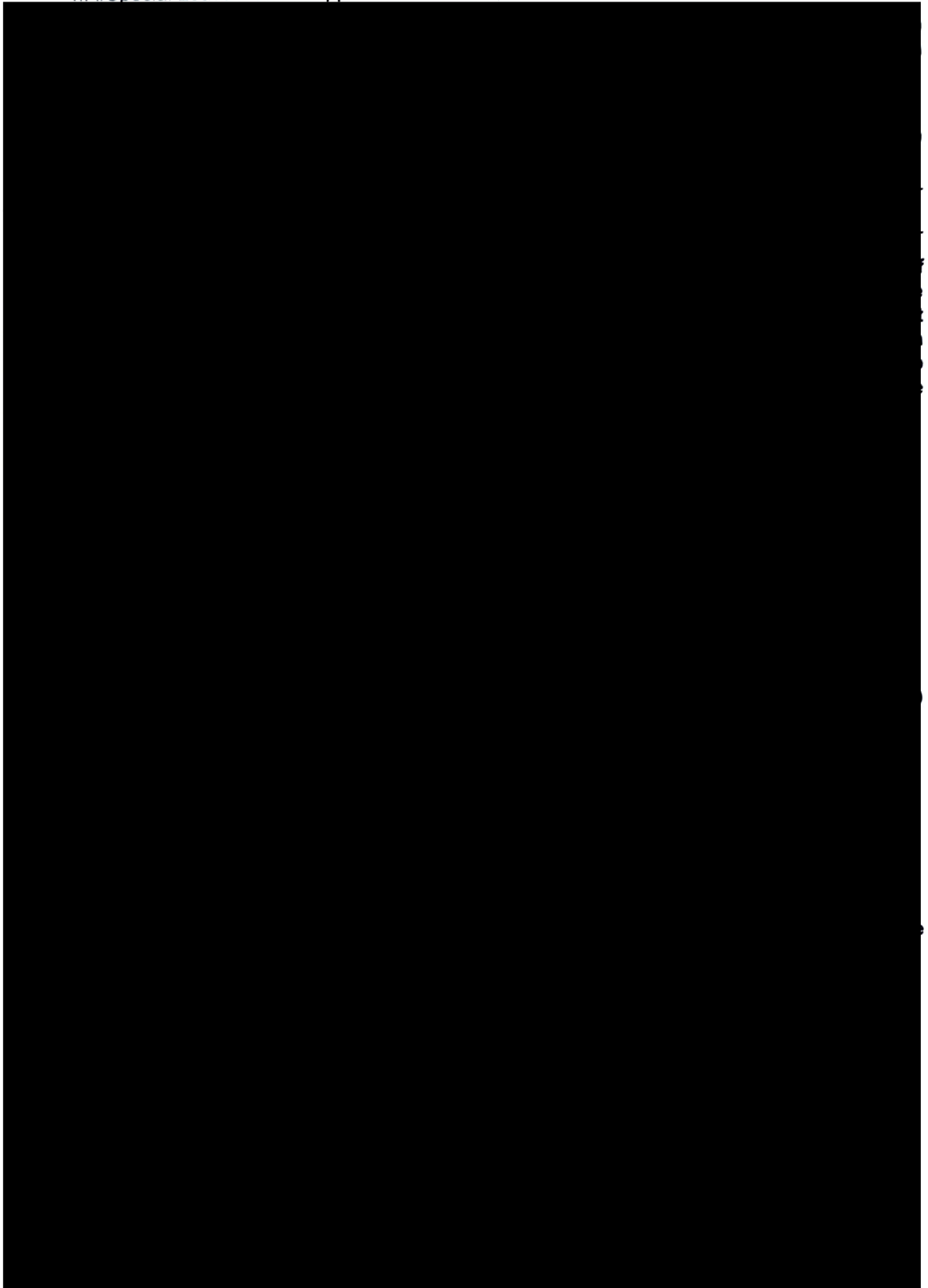
(Scr Order IV Rule-18)

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IN THE SUPREME COURT OF INDIA

ORIGINAL / CRIMINAL / CIVIL / APPELLATE JURISDICTION

T.P./Special Leave Petition/Appeal/Writ Petition (Civil/Crl.) No. (S) 43 2022.



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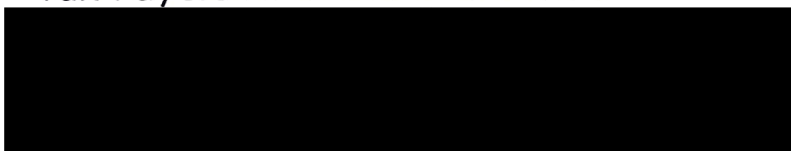
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Tax Payers Association of Bharat



...APPLICANT/INTERVENER

Ashwini Kumar Upadhyay
S/o Suresh Chandra Upadhyay
R/o G-284, Govindpuram,
Ghaziabad- 201013

..Petitioner

VERSUS

1. Union of India. Thr. Secretary
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi – 110001 Respondent 1
2. Ministry of Personnel,
Public Grievances and Pensions,
Thr. Its Secretary, Department of Personnel and
Training, North Block,
Central Secretariat,
New Delhi – 110001 Respondent 2

DRAWN BY

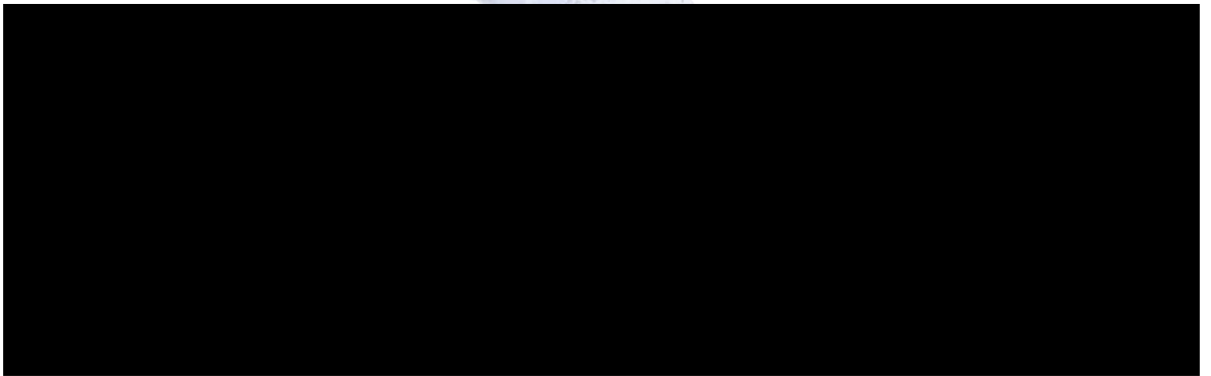
FILED BY

DR. SANDEEP SINGH
Advocate

SANCHIT GARGA
Advocate for the
Applicant/Intervener

Date - 16.8.2022

AUTHORIZATION LETTER



Harishab Tomar

