

**CHIEF JUSTICE'S COURT**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE SANJIV KHANNA**  
**HON'BLE MR. JUSTICE B.R. GAVAI**  
**HON'BLE MR. JUSTICE J.B. PARDIWALA**  
**HON'BLE MR. JUSTICE MANOJ MISRA**

**COURT NO.1**  
**SUPREME COURT OF INDIA**  
**RECORD OF PROCEEDINGS**

**MA D. No. 11805/2024 in W.P. (C) No. 880/2017**

**ASSOCIATION FOR DEMOCRATICS REFORMS & ORS.**

**Versus**

**UNION OF INDIA & ORS.**

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TRANSCRIPT OF HEARING

18-March-2024  
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10:40 AM IST

1 **MUKUL ROHATGI:** May I? Please. Your Lordships.

2

3 **CJI D. Y. CHANDRACHUD:** One second. One second.

4

5 **MUKUL ROHATGI:** May I start these proceedings. I am appearing on behalf of the Major  
6 Industry Associations which is the ASSOCHAM, FICCI and CII. We have filed the applications  
7 today morning.

8

9 **CJI D. Y. CHANDRACHUD:** The application is not numbered. It is not registered. We will  
10 follow what is sauce for the goose is sauce for the gander. Mr. Rohatgi sorry, no oral  
11 mentioning in my Court.

12

13 **MUKUL ROHATGI:** I'm not My Lord. I am -- in the matter I am saying. I am saying..

14

15 **CJI D. Y. CHANDRACHUD:** We have no such application on board. Let it be circulated.  
16 We'll deal with it in the normal course.

17

18 **MUKUL ROHATGI:** But I am respectfully submitting...

19

20 **CJI D. Y. CHANDRACHUD:** Sorry, appearing for big clients, we will not tolerate this. You  
21 have to follow the rules in my Court.

22

23 **MUKUL ROHATGI:** But if Your Lordships take an order today my application will be  
24 infructuous. I am saying kindly defer the issue of grant of alpha-numeric in [UNCLEAR].

25

26 **JUSTICE B R GAVAI:** You were aware of the proceedings were going on. You could have  
27 intervened at that stage. What is this, after the judgment is passed, you want to intervene now?

28

29 **MUKUL ROHATGI:** No My Lord, the order is of 15th March.

30

31 **JUSTICE B R GAVAI:** You were aware about the proceedings pending before this Court.  
32 [UNCLEAR]

33

34 **MUKUL ROHATGI:** We were not parties at anywhere. We were not parties at any time,

35

1 **CJI D. Y. CHANDRACHUD:** Everybody, the whole world knew that this matter was being  
2 heard.

3

4 **MUKUL ROHATGI:** My Lord, I have no....

5

6 **CJI D. Y. CHANDRACHUD:** One second, Mr. Rohatgi. You come here after the judgment  
7 is delivered. You file an application. That's not the way.

8

9 **MUKUL ROHATGI:** I've come only in regard to 15th March. Kindly appreciate.

10

11 **CJI D. Y. CHANDRACHUD:** No Mr. Rohatgi....

12

13 **MUKUL ROHATGI:** I have no problem in declaration of the list of donors or the list of  
14 recipients.

15

16 **CJI D. Y. CHANDRACHUD:** Mr. Rohatgi we will not hear you right now. We have a specific  
17 application which is on board. You ask your advocate on record to follow the procedure. File  
18 an email. It will be dealt with by my Registrar Listing. We will take up...No.

19

20 **MUKUL ROHATGI:** I am saying kindly,

21

22 **CJI D. Y. CHANDRACHUD:** If I do it for Mr. Rohatgi, Senior Counsel, then Mr. Rohatgi  
23 you look at me. As Chief Justice, I have no face to tell all the other juniors to whom I declined  
24 list mentioning in the morning. What's sauce for the goose is sauce for the gander.

25

26 **MUKUL ROHATGI:** I'm not mentioning, I'm My Lord, appearing in the matter and making  
27 a submission.

28

29 **CJI D. Y. CHANDRACHUD:** We have no such application on board before us. I've made  
30 my myself clear.

31

32 **MATHEWS NEDUMPARA:** My Lord, the entire....

33

34 **CJI D. Y. CHANDRACHUD:** One second, you wait. One at a time. Sorry Mr. Rohatgi. Yes.

35

36 **MATHEWS NEDUMPARA:** My submission is the entire judgment has been rendered  
37 behind the back of the public at large. This judgment doesn't constitute *res judicata*...

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**CJI D. Y. CHANDRACHUD:** One second.

**MATHEWS NEDUMPARA:** Yes.

**CJI D. Y. CHANDRACHUD:** One second, please listen to me.

**MATHEWS NEDUMPARA:** I am a citizen of this country.

**CJI D. Y. CHANDRACHUD:** One second. Don't shout at me.

**MATHEWS NEDUMPARA:** No, no, I'm very soft.

**CJI D. Y. CHANDRACHUD:** Please listen to me.

**MATHEWS NEDUMPARA:** Yes.

**CJI D. Y. CHANDRACHUD:** This is not a hyper [UNCLEAR] meeting. You are in the Court. You want to move an application, file an application. What I told Mr. Rohatgi applies to you.

**MATHEWS NEDUMPARA:** My question is My Lord...

**CJI D. Y. CHANDRACHUD:** There is no question. Mr. Nedumpara one second. You've got my decision as Chief Justice. We are not hearing you. If you want to file an application, file an application. Move it on the email. That's the rule in this Court. No further...

**MATHEWS NEDUMPARA:** We will go by whatever Your Lordship says.

**JUSTICE SANJIV KHANNA:** That's all please.

**JUSTICE B R GAVAI:** You want another contempt notice. You had one in Bombay.

**MATHEWS NEDUMPARA:** Only I was saying, what I wanted to say that this judgment is rendered behind the back of the people in this country. It doesn't... It doesn't say...

**JUSTICE SANJIV KHANNA:** Please once we have said no, please move the application by email. Do not continue and persist.

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**MATHEWS NEDUMPARA:** I have only said it was not a representative proceedings.

**PETITIONER'S COUNSEL:** I have come all the way from Kerala.

**JUSTICE B. R. GAVAI:** You are obstructing in the process of administration of justice.

**MATHEWS NEDUMPARA:** Your entire judgment is behind the back of this people. Parliament has been rendered irrelevant.

**JUSTICE SANJIV KHANNA:** That's all. That's all.

**MATHEWS NEDUMPARA:** We are in a democracy.

**JUSTICE SANJIV KHANNA:** We will not hear you till you follow the procedure prescribed.

**MATHEWS NEDUMPARA:** We are filing it.

**JUSTICE SANJIV KHANNA:** Please do. We will consider it afterwards.

**MATHEWS NEDUMPARA:** We are filing it latest by 10 O'clock. We came from Kerala taking 01:00 flight. Be kind to us.

**JUSTICE SANJIV KHANNA:** That's all please. We will not hear that. Please call for the application. Please just follow ..

**ADISH C. AGGARWALA:** May I mention My Lord? My petition for *suo moto* that is pending whatever Your Lordships want to do. I will not disturb Your Lordship.

**CJI D. Y. CHANDRACHUD:** Mr. Aggarwala, apart from being a Senior Counsel, you are the President of the SCBA. You should know the procedure. You have written a letter to me asking me to invoke, my *suo moto* jurisdiction?

**ADISH C. AGGARWALA:** Yes My Lord.

**CJI D. Y. CHANDRACHUD:** For locus to mention....

1 **ADISH C. AGGARWALA:** I should not disturb Your Lordship. We should not waste  
2 Honourable Court's time.

3

4 **CJI D. Y. CHANDRACHUD:** Fair enough.

5

6 **ADISH C. AGGARWALA:** That's why. Only that.

7

8 **CJI D. Y. CHANDRACHUD:** These are all publicity-oriented stunts. We will not permit it.

9

10 **PETITIONER'S COUNSEL:** .... *suo moto* had made of a....

11

12 **ADISH C. AGGARWALA:** Whatever Your Lordships will feel better.

13

14 **CJI D. Y. CHANDRACHUD:** Mr. Aggarwala, please keep it at that. I may have to say  
15 something more, which will be perhaps little distasteful. Please close it at that.

16

17 **MATHEWS NEDUMPARA:** My Lords, he is so senior to Your Lordships,

18

19 **JUSTICE B. R. GAVAI:** Enough now. It is enough.

20

21 **PETITIONER'S COUNSEL:** 65 years old man, My Lord.

22

23 **MATHEWS NEDUMPARA:** Be kind to us a little. We are very polite and begging with Your  
24 Lordships. Your Lordships have to soft to....

25

26 **JUSTICE B. R. GAVAI:** Mr. Nedumpara, we have been telling you that you are interfering,  
27 you're obstructing us.

28

29 **MATHEWS NEDUMPARA:** No, no.

30

31 **JUSTICE B. R. GAVAI:** If you don't stop we will have to...

32

33 **PETITIONER'S COUNSEL:** When we are not heard and we feel threatened. Sorry My Lord.

34

35 **JUSTICE B. R. GAVAI:** Call out to the liabilities.

36

1 **CJI D. Y. CHANDRACHUD:** Yes, call out. We issued notice in the last occasion to State  
2 Bank of India. Mr. Kapur, you are appearing?

3

4 **SANJAY KAPUR:** I am appearing. Mr. Salve's is also appearing.

5

6 **CJI D. Y. CHANDRACHUD:** For the State Bank?

7

8 **SANJAY KAPUR:** That's right.

9

10 **CJI D. Y. CHANDRACHUD:** Yes.

11

12 **HARISH SALVE:** My Lord, I am appearing for the State Bank.

13

14 **CJI D. Y. CHANDRACHUD:** Mr. Salve, in the judgment which we delivered, we had  
15 expressly asked State Bank of India to disclose all details. The language of the judgment was,  
16 all details have to be disclosed. Therefore, that includes the Bond numbers as well. So let SBI  
17 not be selective in the disclosure of the details. We intend them to clarify that it shall disclose  
18 all details, including the Bond numbers and every part of the information which is in its  
19 possession and custody. Don't wait for an order of the court. We banked on the fact that the  
20 State Bank of India would be candid and fair to the court.

21

22 **HARISH SALVE:** My Lord, I just... whatever Your Lordships say, if your Lordship says the  
23 Bond numbers, we can disclose the Bond numbers. There is no problem. Somebody can screen  
24 them and...

25

26 **CJI D. Y. CHANDRACHUD:** But tell us one thing, why has the, why has the SBI not  
27 disclosed the...

28

29 **HARISH SALVE:** I wanted to tell My Lord, how we understood Your Lordship's judgment.  
30 Give me five minutes, only to explain our conduct. We will of course, if Your Lordships say,  
31 give anything more, everything will be given. There is no question.

32

33 **CJI D. Y. CHANDRACHUD:** SBI's attitude appears to be, 'you tell us to disclose a particular  
34 detail and we will disclose it'. That's not fair process.

35

36 **HARISH SALVE:** My Lord, how we understood is...

37

1 **CJI D. Y. CHANDRACHUD:** The attitude SBI requires, this is the judgment of the Supreme  
2 Court, as Chairman of the State Bank of India, I am duty bound to comply with the judgment.  
3 I will disclose every part of the information which is in my custody as directed by the Supreme  
4 Court. Because when we said, 'all details of the purchases', that means every conceivable detail  
5 which is available with State Bank of India. And we clarified by saying 'included' that should  
6 be, I mean, State Bank of India has the best legal advice open to it.

7

8 **HARISH SALVE:** May I, then take Your Lordships through the three orders as to how we  
9 understood them. Your Lordship's first order was 12th April 2019. And for your convenience  
10 we have put the three orders together. If Your Lordships just see that. We'll give everything.  
11 There's no question. Just to explain that, it's not that the impression which is being created,  
12 My Lord, is that State Bank of India has been playing ducks and drakes with the court. I just  
13 wanted to clear that up. If Your Lordship sees the 12th April 2019 Order in paragraph 16. I'd  
14 asked my friend to make a little compilation of the orders so we could show them easily. Your  
15 Lordship has?

16

17 **CJI D. Y. CHANDRACHUD:** Yes. Paragraph 17, right?

18

19 **HARISH SALVE:** Paragraph 16.

20

21 **CJI D. Y. CHANDRACHUD:** Got it, yeah.

22

23 **HARISH SALVE:** This is the Interim Order My Lord has been pleased to make. After My  
24 Lord, noting all the changes, the court would have to ensure that any interim arrangement that  
25 may be made would not tilt the balance in favour of either of the parties. That the same ensures  
26 adequate safeguards against the competing claims of the parties which are yet to be  
27 adjudicated. In the above perspective, according to us the just and proper interim direction  
28 would be to require...

29

30 **CJI D. Y. CHANDRACHUD:** Alright. Can we just see para 15 again?

31

32 **HARISH SALVE:** Yes. 'The court therefore has to ensure that any interim arrangement that  
33 will be made would not tilt the balance in favour of either of the parties, but the same would  
34 ensure adequate safeguards against the competing claims of the party, which are yet to be  
35 adjudicated. In the above perspective, according to us, the just and proper interim direction  
36 would be to require all political parties who have received donation through the Electoral  
37 Bonds to submit to the Election Commission of India and seek our detailed particulars of the



1 donors against each Bond. The amount of each said bond and the full particulars of the credit  
2 received against each said bond, namely the particulars of the bank account to which the  
3 amount had been credited and the date of each such credit.' So Your Lordship, said this would  
4 ensure transparency, that you give all this, but you keep it in a sealed cover. So, My Lord  
5 political party doesn't need Bond number. If a political party comes and says, I have received  
6 so much from so and so. That keeps...

7

8 **CJI D. Y. CHANDRACHUD:** Mr. Salve we take it, you're not arguing a case for a political  
9 party, right?

10

11 **HARISH SALVE:** No, no, no. On the contrary...

12

13 **CJI D. Y. CHANDRACHUD:** You are appearing for the State Bank of India?

14

15 **HARISH SALVE:** I'm saying the reverse. I'm so sorry. I'm saying the reverse My Lord. If a  
16 political...

17

18 **JUSTICE SANJIV KHANNA:** Para 16 Mr. Salve, was relating to the political parties who  
19 are to submit the data to the Election Commission.

20

21 **HARISH SALVE:** Correct. And they have. And this has...

22

23 **JUSTICE SANJIV KHANNA:** No, that's a separate issue. Whatever they have declared or  
24 not declared, that's a separate issue. But as far as the judgment of this Court is concerned  
25 because you are supposed to....

26

27 **HARISH SALVE:** I'm coming in a minute, if Your Lordship Just give me one minute how we  
28 understood it. I'll read that. Paragraph 16, which, My Lord, is therefore noticed, only required  
29 the political parties to give all these details. And these details have been given My Lord. If they  
30 have not been given, that's what is between ECI and political parties. I have no -- as My Lord,  
31 as Chief Justice said, I'm not appearing for a political party. Then My Lord, paragraph 17, was  
32 the mechanism. Your Lordship said detail will be furnished in respect of Electoral Bonds. The  
33 details of such Bonds that may be received by a political party, up to a date, for issuing such  
34 Bonds to the ministry, that is February 2019, will be submitted on or before 3rd of May 2019.  
35 The sealed covers will remain in the custody of the ECI. So My Lord, we had no role to play.  
36 You Lordships, had put this mechanism in place. In Your Lordships' judgment, Your Lordships  
37 dealt with the diverse aspects, including the need to preserve some degree of anonymity, and

1 Your Lordships marked that in para 125, where Your Lordships, discussed the Electoral Trust  
2 as an alternative to this system. And in the conclusions which My Lord, are at paragraph 218,  
3 if Your Lordships, have the compilations, is at PDF page 76.

4

5 **CJI D. Y. CHANDRACHUD:** Yes.

6

7 **HARISH SALVE:** Your Lordships, say we direct the disclosure of information on  
8 contribution received by political parties and the Electoral Bond Scheme, logical and complete  
9 effect of the ruling. On 12th April the court issued an Interim Direction Order directing that  
10 the information of donations received from donation must be submitted by political parties.  
11 The court directed political parties to submit detailed particulars of donors against each Bond.  
12 The amount of each Bond, and the full particulars of the credit received against each Bond.  
13 Namely, the particulars of the bank account to which the amount has been credited, and the  
14 date on which has credit has been made. I'm only My Lord, saying this to explain how we  
15 understood the order. So, this correlation between which political parties received money from  
16 whom comes in here. Because the political party says, I have received so much money from so  
17 and so. Then it says during the course of hearing, Mr. Sharma said that the ECI has only  
18 collected information on the contribution made in 2019, because of para 14, indicates direction  
19 was limited to contributions in that year. Your Lordship then clarify, para 13 and 14 of the  
20 Interim Order are extracted below, 'In the above perspective of according to us the just  
21 improper interim direction would be to require all political parties who have received  
22 donations through Electoral Bonds to submit to the Election Commission and sealed cover  
23 particulars of the donors against each Bond. The amount of each such Bond have the full  
24 particulars of the credit received against each Bond, namely the particulars of the bank  
25 account, to which the amount had been credited and the date of each such credit. The details  
26 will be furnished forthwith, in respect to Electoral Bonds received by a political party till date  
27 the details of such other Bonds as may be received up to the date with the issuance of Bonds,  
28 including February 2019, May 2019, will be submitted on or before May 2019, and the sealed  
29 covers will remain et cetera.' Then, Your Lordships, clarify. Para 14 does not limit the operation  
30 of 13. 13 contains a direction in unequivocal terms to political parties. You submit particulars  
31 of contributions received through Electoral Bonds to the ECI. Para 14 only prescribed the  
32 timelines of a submission on the contributions when the Electoral Bond should be done. In  
33 view of the Interim Order, the ECI must have collected particulars of contribution made to  
34 political parties through Electoral Bonds. In view of our discussion, the following directions  
35 are issued. The issuing bank shall stop issuance of Bond which was done immediately. SBI  
36 shall submit details of the Electoral Bonds purchased since the Interim Order by the court till  
37 date to the ECI, fully given My Lord. Details shall include the date of purchase of each Bond,

1 the name of the purchaser and the purchaser of the Bond and the denomination of the  
2 Electoral Bond purchased. All these details are given. SBI shall submit details of the political  
3 parties which have received contribution through Bond since the Interim Order till the date of  
4 ECI. SBI must disclose each Electoral Bond encashed by the political parties which shall  
5 include the date of encashment and the denomination of the Bond. Now My Lords, as we  
6 therefore understood this political parties have come and said, we have received so much from  
7 so and so. Are the details which we will give will make that database complete so that we have,  
8 who purchased, when he purchased and when they have got. If the numbers are to be given,  
9 we'll give them. There's no problem. So according to us...

10

11 **CJI D. Y. CHANDRACHUD:** Mr. Salve I have a few questions. First, tell us in what format  
12 is the data on the purchase and redemption of Electoral Bonds stored by the SBI?

13

14 **HARISH SALVE:** So My Lord, as I have explained the application which we filed. Because  
15 at that time we were functioning under the edict of anonymity, which had not been stated. So  
16 at that time, we were directed to preserve anonymity, including we had to take measures that  
17 within the bank.

18

19 **CJI D. Y. CHANDRACHUD:** What is the format in which you maintain the data on  
20 purchase and redemption of Electoral Bonds? In what format do you store it?

21

22 **HARISH SALVE:** In two silos. Your Lordship notice that in the next order. So the data  
23 maintained in two silos..

24

25 **CJI D. Y. CHANDRACHUD:** Actually it is stored in three silos. From your application it  
26 emerges now that you do it in three silos. The first silo is the Bond number.

27

28 **HARISH SALVE:** Bond number is only on the bond.

29

30 **CJI D. Y. CHANDRACHUD:** The second is purchase and the third is a redemption.

31

32 **HARISH SALVE:** Bond number is only on the bond. And it is cannot be read except under  
33 a UV light. That was only done all of, like, authentication because it was a bearer bond. That is  
34 what was sought to be issued.

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36 **CJI D. Y. CHANDRACHUD:** The purpose of the alpha...the second question. What 's the  
37 purpose of the alpha-numeric?

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**HARISH SALVE:** The alpha-numeric is the Bond number, which is visible only under a UV light.

**CJI D. Y. CHANDRACHUD:** Is it only a security feature....

**HARISH SALVE:** Security feature, entirely.

**CJI D. Y. CHANDRACHUD:** ....or is it also an audit trail, used to ascertain the audit trail? You also...

**HARISH SALVE:** No, My Lord, the audit trail is separate. That's why we do the entire KYC. In the KYC, we have a Bond Unique Number. It's not the Bond number. It's marker number of the client.

**CJI D. Y. CHANDRACHUD:** Third question. How does the redeeming branch, match the Electoral Bond Number to determine whether it is not a forged bond?

**HARISH SALVE:** So that's what I'm saying. When they received it, the person encashing it, gets it. He sees that it's a valid bond because you see the security feature. You don't keep a record of it.

**CJI D. Y. CHANDRACHUD:** While redeeming it, the only way you can ensure that it is not a forged bond is to match the alpha-numeric. Without it..

**HARISH SALVE:** Nothing to match. It's like seeing a currency note. It's like seeing a currency note. You know that's a currency note.

**CJI D. Y. CHANDRACHUD:** It will be alpha-numeric?

**HARISH SALVE:** Yeah.

**PRASHANT BHUSHAN:** And it has to be cashed in the last 15 days, because it's only valid for 15 days, so therefore they will have to also match, when was this Bond....

**HARISH SALVE:** I think Mr. Bhushan should follow me.

1 **CJI D. Y. CHANDRACHUD:** Fourth, what is the information that you see when you scan  
2 the alpha-numeric?

3

4 **HARISH SALVE:** My Lord you see a number.

5

6 **CJI D. Y. CHANDRACHUD:** You get all the details of the purchaser and the bank which  
7 issued the Bond when you scan the Bond?

8

9 **HARISH SALVE:** No, that's what I'm saying. That correlation was not kept, for the reason,  
10 it's like this. Mr. A or Mr. B come and buy the Bond. So they go to branch A. They do the entire  
11 KYC information is done. Their bank account, detail, et cetera, et cetera. Everything is done.  
12 That is silo 1. If I may so call it, My Lord. Which is noted by Your Lordships. That's been fully  
13 disclosed. That Bond finds its way into the hands of some political party. We don't know who  
14 gives it. How it goes? How many hands it changes? It finds its way. We next get to see the Bond  
15 when somebody comes and says...

16

17 **CJI D. Y. CHANDRACHUD:** Mr. Salve, assuming that you construed our order based on  
18 the Interim Order. The Interim Order merged with the final judgment of our Court.

19

20 **HARISH SALVE:** Even in the final judgement....

21

22 **CJI D. Y. CHANDRACHUD:** You can't say you will interpret our final directions in the light  
23 of the Interim Order which has merged with the final judgment. Therefore, all details...

24

25 **HARISH SALVE:** That's why we came to...

26

27 **CJI D. Y. CHANDRACHUD:** Mr. Salve we'll clarify to put it beyond and...

28

29 **HARISH SALVE:** No problem My Lord. No problem at all.

30

31 **CJI D. Y. CHANDRACHUD:** We'll say that now, SBI will not only disclose the Bond  
32 numbers, but it shall also file an affidavit again before our court saying that you have not  
33 suppressed any, you have not withheld any details in regard to this within the purview of  
34 Clause B and C of para 221.

35

36 **HARISH SALVE:** Correct My Lord. I don't think there is anything else which remains.

37

1 **CJI D. Y. CHANDRACHUD:** Details, you have to disclose all details. Let there be no...  
2 because the burden should not lie upon the court or the petitioners who say that, but this one  
3 has not been disclosed. But now this has not been disclosed

4

5 **HARISH SALVE:** Now, we will disclose it. My Lord, whatever has...

6

7 **CJI D. Y. CHANDRACHUD:** You must have finality to it.

8

9 **HARISH SALVE:** Yes we will do it, My Lord. There is no problem. Just that this constant...  
10 the media constant beating down and the petitioners giving public interviews saying, 'we will  
11 take the State Bank to task, and we will show this, and we will haul them up for contempt, et  
12 cetera et cetera.' My Lord, we are also public institutions working in this space. And it's all  
13 right. People work. People acted on the faith of this. Your Lordships granted an Interim Order  
14 saying, keep records. It wasn't at that time My Lord, I subject to correction, I didn't find any  
15 order which says, 'all further actions will be subject to the judgment or something'. There was  
16 no such direction. Your Lordships are right that balancing Interim Order. Now whether  
17 completely you should leave the privacy or is immaterial. Better Your Lordships will...

18

19 **JUSTICE SANJIV KHANNA:** Mr. Salve, the idea behind the Interim Order was in case a  
20 writ petition is allowed, then the data should come out. And that's what exactly is required.  
21 Nothing more.

22

23 **HARISH SALVE:** I must say so My Lords, as out of... whatever My lords, the Chief Justice  
24 is saying, Your Lordships we will clarify, we will give every bit of information relevant, not  
25 relevant. We'll give every bit of information which we have. So that there should be no feeling  
26 that SBI is interested in somehow holding something back. I only want to share one thing.  
27 Your Lordship's judgment is one of the leading judgments on the subject on transparency,  
28 voter's rights and balancing democracy, balancing the competing virtues of and trying to  
29 minimize the role of money while recognizing the role of money in elections etc. It goes over a  
30 lot of subjects. The one thing Your Lordships judgment was not meant for possibly, not  
31 designed for, is to give birth once again to a now dormant PIL industry. Which will go after  
32 each industrialist and say, investigate this, investigate this, investigate this, investigate that  
33 and the idea is that the voter should know. Which is absolutely... and My Lord say, give the  
34 Bond number, we give the Bond number. The voter knowing is one thing but this as fodder for  
35 the next ten years to have PIL saying investigate so and so, investigates so and so. My Lord,  
36 that is, I don't think the purpose of Your Lordship's judgement. That will not what it was meant  
37 for. And Your Lordship will see whatever safeguards lead to be put in place.

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**TUSHAR MEHTA:** I'll have two minutes, if Your Lordships permit.

**CJI D. Y. CHANDRACHUD:** Yes Mr. Solicitor.

**TUSHAR MEHTA:** At the outset on behalf of the Central Government, I completely disassociate myself with what Dr. Aggarwala has written. It is completely unwarranted and ill advised. I want that to be made very clear on behalf of the Central Government. Now My Lord, I have something to share. And I have been watching this very painfully outside the court. Your Lordships sit in kind of a silos. Your Lordships are in an Ivory Tower not My Lord, in a negative sense of the term. But what we know here, Your Lordships never come to know. The way in which Your Lordship's judgment is playing out, something Your Lordships must be informed as Highest Court of the country. What has happened? Our case was, that we want to curb the black money. A criminal may have paid the donation but ultimately, the donation comes in the white economy, and we could not persuade Your Lordships. Your Lordships passed the judgment. Every one of us understood the judgment and the directions in a particular way, that what Your Lordships wants is not kind of a witch hunting. Earlier My Lord, our case was that witch hunting would be by the political parties. If A party is given, B party in some other state, might victimize the donor. Now My Lord, the witch hunting has started at some other level, not at the governmental level. The application comes of the SBI before Your Lordships on 11th of this month. And Your Lordships also, that's how we understood, clarified the position. But most serious things start happening thereafter. Those before the court started giving press interviews deliberately embarrassing the courts. My Lords, there is a non-level playing field, and on this side nobody can rebut that. Neither government can do nor State Bank can do, nobody else can do. Thereafter My Lord, a series, a barrage of social media posts, at least intended to cause embarrassment started during these two days. And thereafter My Lords, now it's anybody's field. It's an open field. Statistics, Your Lordships, are aware can be twisted in any manner the person wants. It's a matter of My Lord, intelligence of the reader to understand. Now, based upon the twisted and other statistics My Lord, any kind of posts are being made. I know Your Lordships cannot control that. The question is, would Your Lordships, consider issuing a direction which has a necessary and inevitable fallout, which the Court would not be able to control? My Lord, they are saying Mr. Rohatgi gave this money to this, then they have their own conclusion.

**CJI D. Y. CHANDRACHUD:** Mr. Solicitor, we are only concerned about enforcing the direction, which we issued in Clauses B and C of para 221. As judges...as judges, we decide according to the Constitution.

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**TUSHAR MEHTA:** Correct My Lord.

**CJI D. Y. CHANDRACHUD:** We are governed by the Rule of Law. We are also the subject matter of comment on the social media and the press. But surely as an institution, our shoulders are broad enough...

**TUSHAR MEHTA:** No, no I'm saying. I am not My Lord second...

**CJI D. Y. CHANDRACHUD:** Our Court has had an institutional a role to play in a polity which was governed by the Constitution the 'Rule of Law'. That's the only job I am...

**TUSHAR MEHTA:** My Lord, my purpose is to inform Your Lordships that there is something else playing out, which neither Your Lordships intended nor the scheme intended. And My Lord, kindly bear that fact in mind. On 11th of March My Lord, we thought that we are *ad idem* that this information would help the voter to take a call whether to vote in favour of a particular party or not. Thereafter, this started in a very systemic.

**CJI D. Y. CHANDRACHUD:** Alright. We will [INAUDIBLE] order.

**MUKUL ROHATGI:** We just...Can I assist Your Lordship?

**CJI D. Y. CHANDRACHUD:** No, Mr. Rohatgi we don't need assistance right now, at the conclusion of the matter.

**MUKUL ROHATGI:** My Lord, I am the person who's going to...

**TUSHAR MEHTA:** No, they have no stakes in the matter.

**MUKUL ROHATGI:** Forget my application.

**CJI D. Y. CHANDRACHUD:** No, no. Mr. Rohatgi, we will not hear you without your application. We have to follow procedure in the Court. It's a Constitutional Court. Mr. Rohatgi, I told you the reason for it. We are now at a stage when the judgement is being given.

**MUKUL ROHATGI:** I will remove my application My Lord that is infructuous. I am now....



1 **CJI D. Y. CHANDRACHUD:** No, no. Mr. Rohatgi, we don't need any assistance at all, we  
2 are clear. We had very able assistance on both sides. We don't need any third-party help.

3

4 **MUKUL ROHATGI:** Even for those who will now be deemed who have now given to A party,  
5 who have given to B party. That will be [UNCLEAR]...

6

7 **CJI D. Y. CHANDRACHUD:** [INAUDIBLE].

8

9 **VIJAY HANSARIA:** One more verification...

10

11 **MUKUL ROHATGI:** One second. We gave to the Government and that is the [UNCLEAR].

12

13 **CJI D. Y. CHANDRACHUD:** Mr. Rohatgi, there is only one simple answer.

14

15 **MUKUL ROHATGI:** Yes, My Lord.

16

17 **CJI D. Y. CHANDRACHUD:** With effect from the 12th of April 2019, when we directed the  
18 collection of all details, everybody was put on notice, that hereafter, the details which you  
19 furnish would be subject to the result for petition. Therefore, in drawing the balance we did  
20 not ask for the disclosure of details prior to the Interim Order of the Court. And that is a very  
21 conscious and well thought out decision of the Constitution Bench.

22

23 **MUKUL ROHATGI:** Was it the intention of the Court to know which man paid where, so  
24 that if, he pays A party, he will be subject to victimization to B?

25

26 **JUSTICE SANJIV KHANNA:** The answer is yes. Answer is yes.

27

28 **MUKUL ROHATGI:** Answer is yes. My Lord then I [UNCLEAR].

29

30 **TUSHAR MEHTA:** Only one line My Lord, only one line, Mr. Bhushan may now hold his  
31 horses. He has done My Lord, substantial assistance. I don't have to formally disassociate  
32 myself with today's mentioning My Lord. That I'm disassociating from Mr. Aggarwal doesn't  
33 mean that I am...

34

35 **CJI D. Y. CHANDRACHUD:** Mr. Solicitor, irrespective of the -- do you know they are the  
36 ... we must tell you that we respect this very responsible approach Mr. Solicitor General has  
37 adapted because clients apart, who you are representing apart....

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**TUSHAR MEHTA:** It is really painful My Lord, when the people before the courts start, media campaign, to embarrass the judges.

**CJI D. Y. CHANDRACHUD:** Thank you. Thank you for saying that. You don't associate with them.

**TUSHAR MEHTA:** Because there is no level playing field. I can't hold a press conference.

**MATHEW NEDUMPARA:** Only grievance is that it was not a justiciable issue. Solicitor General did not raise it. It is as a matter of pure policy. I have read the entire judgment. It was entirely a policy of issue. It is not justiciable at all. That's all I want to say. The people of this country feel that the decision was taken behind their back. When the Parliament decides they were present in the Parliament. It is with their consent. Then Your Lordships it says...

**PRASHANT BHUSHAN:** ...last order, the Election Commission has put out these sealed covers. But that's very interesting that those sealed covers show that some of the smaller parties have disclosed the donors.

**CJI D. Y. CHANDRACHUD:** You don't have to go into all that, that's not our remit at all. The thing is what has happened after the judgment is not something we are concerned at all.

**PRASHANT BHUSHAN:** This is not after the judgement. What I'm saying, what I'm saying is this, that since the order of the...

**CJI D. Y. CHANDRACHUD:** Very recently I was asked about my...about the critique on a judgement. I need not mention which judgment. And I said, that look it's no part of the role of a judge least of all a Constitutional Court or even a Civil Judge to defend their views. Once we declare a judgment, it becomes public property. It's the property of the nation.

**PRASHANT BHUSHAN:** I was only saying that Your Lordship's Interim Order of April 2019, asked the political parties to disclose the name of the donor. The information given by the political parties to the Election Commission, only a few of the political parties, the smaller political, regional political parties, some of them have disclosed.

1 **TUSHAR MEHTA:** He is not addressing Your Lordships. He's addressing somewhere else.  
2 I've been hearing him for some time. So that if it comes in the newspaper tomorrow, Mr.  
3 Prashant Bhushan vehemently said this. That's the purpose.

4

5 **PRASHANT BHUSHAN:** Amazing. Amazing.

6

7 **JUSTICE B. R. GAVAI:** Unfortunately public interest litigation has now become publicity  
8 interest litigation.

9

10 **TUSHAR MEHTA:** It is publicity interest litigation. There are some hidden agendas. There  
11 is no doubt and I am not apologetic in saying it.

12

13 **PRASHANT BHUSHAN:** I am astonished.

14

15 **HARISH SALVE:** That is the matter of greatest concern because judgments given for high  
16 constitutional principles, then, are used for purposes other than what they are delivered.  
17 Unfortunately...

18

19 **TUSHAR MEHTA:** In You Lordships majesty, would not know what are the people's agenda.

20

21 **CJI D. Y. CHANDRACHUD:** We will dictate a short order. I think we are unnecessarily  
22 expanding upon the remit of the case...Can you give us two minutes to dictate a short order?

23

24 **PRASHANT BHUSHAN:** I will just quiet down but it was for the major political parties  
25 have not disclosed the donors. Therefore, all that I am requesting is, that the disclosure of the  
26 details of the Bonds should actually start from the beginning of the issue of the Bonds, not just  
27 from the Interim Order, because this is leading to a situation...

28

29 **CJI D. Y. CHANDRACHUD:** One second. One second. We got the point. You have filed an  
30 application on that. In our order... Mr. Bhushan do it in a very cool and calm atmosphere. It's  
31 a Constitutional Adjudication. In our Interim Order, we said that the disclosure shall be made  
32 with effect from the date of the Interim Order, 12th April 2019. Right or wrong, we have taken  
33 a conscious decision that the cut off will be the date of our Interim Order. And we also  
34 explained why we took that date. We said after that date, of course, the Constitution Bench has  
35 an option to go all the way back from the date of the Bond or from the date of the judgment,  
36 someplace, some via media in between. We took 12th April 2019 because it was our considered  
37 view of all of us five, that once that Interim Order was pronounced, everybody was on notice.

1 What we told Mr. Rohatgi. Now we have maintained that. If you want that to go back to 2018,  
2 that's in the nature of a review of the judgment. You can't defy that date.

3

4 **PRASHANT BHUSHAN:** The only reason why I'm saying that date -- No, the only reason  
5 because, Your Lordship asked the political parties to give donor details to the Election  
6 Commission prior to that Interim Order. And while some of the political parties have given  
7 donor details, other political parties have not given donor details. The major political parties  
8 have not given donor details. And one political party which is in power in one of the States  
9 says, if somebody came and left it under our door. 10 crores of Electoral Bonds was left under  
10 our door, we don't know who it was. So therefore I am saying that because this is leading to a  
11 situation, though Your Lordship asked the political parties to disclose donor details by that  
12 Interim Order, only some political party...

13

14 **JUSTICE SANJIV KHANNA:** Mr. Bhushan we have understood that argument. But what  
15 we are directing once the numbers are given. It'll sort out a lot of problems. A lot of your  
16 issues...

17

18 **PRASHANT BHUSHAN:** But for that period of 2018 till April...

19

20 **JUSTICE SANJIV KHANNA:** For that we are not [INAUDIBLE], we've taken a conscious  
21 decision.

22

23 **CJI D. Y. CHANDRACHUD:** Mr. Bhushan this will really be a substantive modification of  
24 that. We can't do it like this in a miscellaneous application.

25

26 **PRASHANT BHUSHAN:** No. In the light of the disclosure which has come to light of the  
27 political party. That's why I'm saying,

28

29 **CJI D. Y. CHANDRACHUD:** And this is not a [INAUDIBLE]

30

31 **PRASHANT BHUSHAN:** If the political parties had disclosed the donor details this would  
32 not be required.

33

34 **CJI D. Y. CHANDRACHUD:** Draw the line somewhere, we had to hold the balance. We  
35 held the balance. Ultimately...

36

37 **PRASHANT BHUSHAN:** A Your Lordships pleases but...

1

2 **VIJAY HANSARIA:** Can I just add one sentence. Your Lordships said all the details Your  
3 Lordship may consider them. I have pointed out that six details, which will be necessary. One  
4 is the serial number because they say 28,030 Bonds have been issued. The second would be  
5 the date...

6

7 **CJI D. Y. CHANDRACHUD:** One second. When you say serial number, you mean the  
8 alpha-numeric?

9

10 **VIJAY HANSARIA:** Total number of Bonds issued are 28,030. I'm not saying-- when Your  
11 Lordship said all details, in my respectful submission it will be. Your Lordships, just permit  
12 me a minute.

13

14 **JUSTICE B. R. GAVAI:** Mr. Salve has clearly said that he will give all the details, then why?

15

16 **VIJAY HANSARIA:** No, My lords, if I can just show....

17

18 **HARISH SALVE:** The dates are already disclosed.

19

20 **VIJAY HANSARIA:** What Your Lordships would say. I'm just pointing out what details can  
21 be there. First is serial number. Second is the date. The third, would be alpha-numerical  
22 number. Fourth column would be name of the donor. Fifth column would be the name of a  
23 political party, and 6th column would be the amount. This will cover all the details in my  
24 respectful submissions.

25

26 **HARISH SALVE:** My Lord, this is now asking us to sit down and collate one...

27

28 **VIJAY HANSARIA:** My Lords, this is a submission made to the court. Just like Mr. Salve  
29 made a submission to the court, I'm making. Very well I'm making a submission to the court.  
30 Mr. Salve can't be asking us to do whatever.

31

32 **JUSTICE B. R. GAVAI:** Please permit, My Lord, the Chief Justice, to dictate the order now  
33 at least.

34

35 **VIJAY HANSARIA:** Secondly, Your Lordship has said, Your Lordship has seen that IA My  
36 Lord. I filed that IA, for a preview, whether Your Lordships have taken a conscious decision  
37 on that aspect of the matter, Your Lordships may say, because the order said, the voters are

1 entitled to know as a right of information. If Your Lordships have taken a conscious decision  
2 on that matter My Lord, it will be from 12th of April only because we said, it should be --  
3 Otherwise, logically, once the Right to Know is inbuilt in this system and right to know of the  
4 voter.

5

6 **CJI D. Y. CHANDRACHUD:** Mr. Hansaria,

7

8 **VIJAY HANSARIA:** Very well, we read that.

9

10 **CJI D. Y. CHANDRACHUD:** And there's a specific direction with effect from 12th April.

11

12 **VIJAY HANSARIA:** Then Your Lordships... I will not press that application.

13

14 **JUSTICE B. R. GAVAI:** But then there will be no end to it.

15

16 **CJI D. Y. CHANDRACHUD:** What is the IA number, Mr. Hansaria? Just one second Mr.  
17 Bhushan. IA number which you are now pressing, is IA number?

18

19 **VIJAY HANSARIA:** Diary number 125-80-2024 which is MA number, MA Diary number.

20

21 **CJI D. Y. CHANDRACHUD:** So that you are now pressing.

22

23 **VIJAY HANSARIA:** Yes, My Lord.

24

25 **CJI D. Y. CHANDRACHUD:** Just to say, MA Diary number 125-80-2024 Mr. Vijay  
26 Hansaria, learned Senior Counsel, appearing on behalf of the applicant, states after some  
27 submissions at the Bar that the miscellaneous application is not pressed.

28

29 **VIJAY HANSARIA:** In view of whatever proceedings have gone to the court. In view of the  
30 proceedings, if Your Lordships can say that otherwise...

31

32 **CJI D. Y. CHANDRACHUD:** In view of what? Then we will say, in view of the specific  
33 directions contained in paragraph 219(b) and (c) of the judgement to this court dated 15th  
34 February 2024.

35

36 **PRASHANT BHUSHAN:** Just one fact by way of information.

37

1 **TUSHAR MEHTA:** Enough of assistance by this public-spirited person, My Lord. Your  
2 Lordships doesn't need any further assistance.

3

4 **PRASHANT BHUSHAN:** The details of the number of Bonds shown in the data....

5

6 **TUSHAR MEHTA:** He is gathering the detail for a future PIL My Lord, so that he remains  
7 relevant.

8

9 **JUSTICE B. R. GAVAI:** Now, please permit My Lord, the Chief Justice to dictate the order.

10

11 **CJI D. Y. CHANDRACHUD:** I have heard everybody, Mr. Bhushan.

12

13 **PRASHANT BHUSHAN:** I was just pointing out, that there is a huge mismatch between  
14 the number of Bonds purchased, and the number of Bonds encashed and the data submitted  
15 by the State Bank to the Election Commission. They are showing 18,871 Bonds purchased but  
16 showing 20,421 Bonds redeemed. The total amount of Bonds purchased is 12,155 crores and  
17 the amount redeemed is 12,769 crores that is 550 crores more than what were purchased. Now,  
18 the explanation for this could be, because the data is from 12th April. At that time, the Bond  
19 purchased was going on. On 12th April 2019 it was going on. What is possible is, that some of  
20 these Bonds were purchased prior to 12th April 2019 but redeemed after 12th April 2019 and  
21 that is why there is a mismatch. But I just wanted to point out there is a very large mismatch.

22

23 **HARISH SALVE:** There is My Lord, these figures are not authentic. I have given the  
24 authentic figures. It was roughly 22000.

25

26 **TUSHAR MEHTA:** NGOs are fudging the figures and bringing their own... Your Lordships  
27 are aware there is a beautiful quotation by Einstein, "that some people use statistics, like a  
28 drunken man uses lamp posts, more for support than for illumination".

29

30 **PRASHANT BHUSHAN:** I'm just showing the number. I am saying that 18,000...

31

32 **TUSHAR MEHTA:** This is what happens, My Lord.

33

34 **CJI D. Y. CHANDRACHUD:** We will leave it at that.

35

36 **HARISH SALVE:** My Lord, those numbers are not right. Since all this is going to play out,  
37 the numbers are not right. The corrected numbers are given in our application.

1

2 **CJI D. Y. CHANDRACHUD:** In Sub-para (b) and (c) of paragraph 221, of the judgment of  
3 this court dated 15th February 2024, the direction to the SBI to submit details of,  
4 (1) the Electoral Bonds purchased;  
5 (2) political parties, which have received contributions through Electoral Bonds specifically  
6 since the date of the Interim Order dated 12th April 2019. In other words all details which have  
7 been directed to be furnished in the operative directions of this court are with reference to, the  
8 Interim Order, are with effect from the date of the Interim Order, namely 12th April 2019. The  
9 relief which has been sought in the MA for pre-dating the point of disclosure, would amount  
10 to a substantive modification of the judgment, and hence cannot be dealt with in a  
11 miscellaneous application. The miscellaneous application is therefore not maintainable and is  
12 accordingly dismissed.

13

14 **HARISH SALVE:** My Lord, I want one more relief to prevent another round of contempt  
15 proceedings. Would Your Lordships just for a minute have my affidavit in compliance?

16

17 **CJI D. Y. CHANDRACHUD:** What is it that, you want clarifications for?

18

19 **HARISH SALVE:** Yes, My Lord, there was, when we gave Your Lordship... That's why I can  
20 see all this story started. When we gave Your Lordship the original figure of 22,217 bonds, we  
21 had... by mistake, that was from 1st of April, not on 12th of April. If your Lordship, just sees  
22 para 4 and My Lord, everything will be over. Because I know where this is going, where Mr.  
23 Bhushan is going. Please see para 4 of my compliance affidavit for one second My Lord.

24

25 **CJI D. Y. CHANDRACHUD:** Yes.

26

27 **HARISH SALVE:** And please I would invite Your Lordship to say Your Lordships accept this.  
28 We have given the figures My Lord, there is no mismatch, there is nothing of the sort. The  
29 electoral, if Your Lordship see that...

30

31 **CJI D. Y. CHANDRACHUD:** I'll not go into all that. I mean...

32

33 **HARISH SALVE:** No, no, I have to convince My Lord I have complied with your order, I'm  
34 just saying...

35

36 **CJI D. Y. CHANDRACHUD:** I've read the compliance affidavit. It's a compliance affidavit  
37 of your Chairman and Managing Director. We have accepted that on the record.



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**HARISH SALVE:** Please say Your Lordships, have accepted our compliance affidavit. That will put an end to all this.

**CJI D. Y. CHANDRACHUD:** Okay. By the judgment of this Court dated 15th February 2024, this Court directed "the disclosure of information on contributions received by political parties under the Electoral Bond Scheme to give logical and complete effect" to the ruling. Thereafter in paragraph 219, this Court issued operative directions. These directions in sub-paragraph (b) and (c), are in two parts. Sub-para (b), requires SBI to submit details of the Electoral Bonds purchased since the Interim Order dated 12 April 2019, "till date to the ECI". Such details, the Court has indicated, "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". In the second part of the operative direction in sub-para (c), SBI was required to submit "the details of political parties, which have received contributions through Electoral Bonds" since the Interim Order dated 12th April 2019 till date to ECI. SBI was required to disclose details of each Interim Order underlying each Electoral Bond encashed by political parties and inclusive of the date of encashment and the denomination of the Electoral Bonds. The above narration and the plain reading of paragraph 219 of the judgment dated 15th February 2024, indicates that SBI was required to submit all details both in terms of the purchase and in terms of the receipt of contributions. The expression "include both sub-paragraphs (b) and (c), clearly demonstrate that the inclusive part was regarded as illustrative and not exhaustive of the nature of the disclosure which was to be made by SBI. In other words there's no manner of doubt that SBI is required to make a complete disclosure of all details in its possession. This, we clarify would comprehend the alpha-numeric number and the serial numbers if any, of the Bonds which were purchased and redeemed. The application... This was on your application I think you had moved this. No, the application was by -- Mr. Harish Salve, Learned Senior Counsel states that there is no reservation on the part of SBI in disclosing all details which are in its possession and custody. In order to fully effectuate the order and to update any controversy in the future we direct that the Chairman and Managing Director of SBI shall file an affidavit on or before 05:00 P.M. on Wednesday.

**HARISH SALVE:** We have one more day My Lord.

**CJI D. Y. CHANDRACHUD:** Certainly. 05:00 P.M. on Thursday, indicating that SBI has disclosed all details of the Electoral Bonds which were in its possession and custody, and that no details have been withheld from disclosure. In terms of the directions contained in paragraph 221.

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**PRASHANT BHUSHAN:** Your Lordships may indicate the date when it will be uploaded by the Election Commission.

**CJI D. Y. CHANDRACHUD:** The Election Commission shall upload the details forthwith on the communication by SBI.

**TUSHAR MEHTA:** Obligated My Lords.

**SANJAY KAPUR:** My Lord, as directed, the senior officials of the bank to remain present. The Deputy Managing Director and Chief General Manager are present here. Their presence... they both are here.

***END OF DAY'S PROCEEDINGS***