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**WPA (P) 117 of 2021**

**Nitish Debnath**

**-vs-**

**Election Commission of India & Ors.**

**&**

**WPA (P) 118 of 2021**

**Sankar Halder & Ors.**

**-vs-**

**Union of India & Ors.**

**(via video conference)**

Mr. Srijib Chakraborty

Mr. Arindam Das

Ms. Rumeli Sarkar

Ms. Anushka Mahato

... for the petitioner in

WPA (P) 117 of 2021

Mr. Manisankar Bandyopadhyay

... for the petitioner in

WPA (P) 118 of 2021

Mr. Y.J.Dastoor, Ld. ASG

Mr. Phiroze Edulji

Ms. Amrita Pandey

... for respondent nos. 2-4

in WPA (P) 117 of 2021

... for respondent no.1

in WPA (P) 118 of 2021

Mr. Kishore Datta, Ld. AG

... for the State

Mr. Sonal Sinha

... for the State Election Commission

Mr. Dipayan Choudhury

Mr. Suvradal Choudhury

Mr. Priyanka Choudhury

... for the Election Commission of India

1. Following our earlier order, we have before us a report in the form of an affidavit sworn by the Chief Electoral Officer, West Bengal. We have particularly considered paragraphs 43 and 44 of that report.

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2. Let a copy of that report be served upon learned Advocate General. Learned Additional Solicitor General has already received a copy of the report.
3. Learned Advocate General submits that the Election Commission of India and the Chief Electoral Officer are in control of the situation and it is for them to do the needful. That being so, it would be open to the Election Commission of India and the Chief Electoral Officer to take requisite steps as stated in paragraph 43 of the report and also to ensure successful implementation of COVID Protocols by requiring strict compliance of prescribed guidelines and orders by all political parties, electoral candidates and all other concerned with the election process. Paragraph 43 of the report is set out below:

*“ 43. I submit that the Commission has made it clear by its Circular dated 09.04.2021 clarifying that in case of breach of strict observance of Covid Protocols during election rallies, meetings, campaigning etc. the Commission will not hesitate in banning public meetings, rallies of the defaulting candidate/star campaigners/political leaders.”*

4. This obviously means that the Chief Election Commission and the Chief Electoral Officer will be at liberty to utilise such Government officials and

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police force as may be necessary to ensure strict compliance with its guidelines in public domain.

5. Let the needful be done and learned Advocate General will make further submission as to the State's responsibility to meaningfully co-operate with the Chief Election Commission and the Chief Electoral Officer by putting requisite sensitisation methodology in place where the people converge for various purposes.
6. Post the matter on 22.04.2021.

**(Thottathil B. Radhakrishnan, CJ.)**

**(Arijit Banerjee, J.)**

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