

27/04/2021
Item No.6 (a)
Court No.1.
AB/S DE

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Through Video Conference

W.P.A. (P) 127 of 2021

Durga Pada Mallick

Vs

Election Commission of India & Others

Mr. Sankha Subhra Ray ...for the Petitioner.

Mr. Rakesh Dwivedi, Sr. Adv,
Mr. Amit Sharma,
Mr. Prateek Kumar,
Mr. Eklavya Dwivedi,
Mr. D. Chowdhury,
Mr. Sidhant Kumar,
Mr. S. Chowdhury,
Ms. Priyanka Chowdhury...for the ECI.

Mr. Kishore Dutta, Ld. AG,
Mr. Abhratosh Majumdar, Ld. AAG,
Mr. Sayan Sinha ...for the State.

In this writ petition, the petitioner seeks strict enforcement of Section 126(1)(b) of the Representation of the People Act, 1951. The said provision reads as follows :

“126(1)(b). No person shall display to the public any election matter by means of cinematograph television or other similar apparatus in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.”

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Mr. Dwivedi, learned Senior Counsel representing the Election Commission of India, submits that since the last phase of election is scheduled to be held day after tomorrow i.e. on 29.04.2021, canvassing and rallying has been stopped by the Election Commission of India. Hence, the petitioner has no reason to apprehend that there will be any breach of the aforesaid provision of law.

We record this submission and direct that the authorities concerned shall strictly enforce the aforesaid provision of law.

Learned Counsel for the petitioner submits that the thrust of his contentions is as regards the apprehended violation of the provision of Section 126(1)(b) of the R. P. Act, 1951 by the media houses and publishing houses.

We are sure that if there is violation of that provision, it is for the competent authorities concerned to ensure that strict obedience to that provision of law is obtained.

We may put on record that sensationalism is anathema to responsible and responsive journalism. Print and audio-visual media could be proactive but

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has to be sensitive. This is what is meant in the truest sense by the oft mentioned term “fourth estate”.

List the matter for further consideration on 3.5.2021.

[Thottathil B. Radhakrishnan, C.J.]

[Arijit Banerjee, J.]