

Tuktuki Nag
vs.
Government of West Bengal and others
(Through Video Conference)

Mr. Shuvashish Sengupta, advocate
... for the petitioner

Mr. Dipayan Choudhury, advocate
... for the Election Commission of India

Mr. Kishore Datta, Id. Advocate General
Mr. Abhrotosh Majumder, Id. Addl. Advocate General
... for the State

The issues sought to be raised in the present petition filed in public interest are with regard to adherence to the COVID-19 protocols at the time of counting of votes and declaration of the results of the West Bengal Assembly Election, 2021.

Mr. Choudhury, learned counsel for the Election Commission of India has referred to the guidelines issued by the Election Commission of India bearing No.464/INST/2021/EPS dated April 28, 2021 which are comprehensive in nature. These are to be adhered to at the place where counting of votes will be done. The said guidelines also prohibit victory procession after declaration of results. Some of the issues raised in the present petition have been taken care of by the aforesaid guidelines.

However, learned counsel for the petitioner submitted that to celebrate victory of the candidate of a particular party in an area, his supporters may assemble in and around the party office. There are

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chances of violation of the COVID protocols. That part is also required to be taken care of.

Mr. Kishore Datta, learned Advocate General, has referred to an order issued by the Ministry of Home Affairs, Government of India, dated April 29, 2021 specifying the directions to be followed for COVID-19 management, which are applicable throughout the country irrespective of any election or not. The guidelines specified in Annexure-I to the said order include a direction that social/ political/ sports /entertainment /academic /cultural /religious /festival-related and other gatherings and congregations shall be prohibited. Annexure-II thereto provides for other guidelines.

We hope and expect that the aforesaid guidelines are followed and enforced by the State agencies and also the Election Commission of India, wherever it has the jurisdiction at all places including in and around the offices of all the political parties across the State of West Bengal. We expect adherence of the guidelines by the political parties, their candidates and the supporters also keeping in view COVID-19 pandemic situation.

Accordingly, this petition is disposed of.

[Rajesh Bindal, C.J.(A)]

[Arijit Banerjee, J.]