

ITEM NO.2+11

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No.455/2021

ALL INDIA TRINAMOOOL CONGRESS & ANR.

Petitioner(s)

VERSUS

STATE OF TRIPURA & ORS.

Respondent(s)

(With appln.(s) for IA No.141067/2021 - CLARIFICATION/DIRECTION and IA No.147121/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH CONMT.PET.(C) No.884/2021 In W.P.(Cr1.) No.455/2021

(With appln.(s) for IA No.150596/2021- APPROPRIATE ORDERS/DIRECTIONS)

Date : 25-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vikas Mehta, Adv.
Mr. Rajat Sehgal, AOR
Mr. Amar Dave, Adv.
Mr. Adith Nair, Adv.
Mr. Apoorv K., Adv.

For Respondent(s) Mr. Tushar Mehta, SG

Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Shuvodeep Roy, Adv.
Mr. Kabir Shankar Bose, Adv.

Mr. Ravi Sharma, Adv.
Mr. Ishaan Borthakur, Adv.
Ms. Kanika Singhal, Adv.

Mr. P.V. Surendranath, Sr. Adv.
Mr. Subham Chandran K.R., Adv.
Mr. Biju Raman, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Mr Gopal Sankaranarayanan, learned senior counsel appearing on behalf of the petitioners and Mr P V Surendranath, learned senior counsel appearing on behalf of the intervenor have made submissions in regard to the present situation as it has emerged during the course of the balloting process since polls have opened this morning.
- 2 Mr Mahesh Jethmalani, learned senior counsel and Mr Shuvodeep Roy, learned counsel appearing on behalf of the State of Tripura stated that in addition to the deployment of 78 sections which was noted in the previous order of this Court, 15 additional sections have been deployed and, pursuant to a requisition made by the Director General of Police and the Home Secretary of the State of Tripura, two companies of the Border Security Force (BSF) have been deployed by the Union Ministry of Home Affairs. Moreover, additional 458 personnel belonging to the Tripura State Rifles (TSR) have been deployed for law and order duties.
- 3 The Court has been apprised of the fact that there are 770 polling booths where the polling is taking place. Enquiring into the merits of the allegations which have been submitted on behalf of the petitioners and the intervenor, would occasion a further delay in appropriate orders being passed to facilitate a free and fair election. At this stage, having regard to the exigencies of the situation, we are of the view that certain ad-interim directions of this Court are warranted.

- 4 During the course of the hearing, Mr Tushar Mehta, learned Solicitor General of India was present in the Court and has assured the Court that should a requisition be made for additional para military forces, the Union Ministry of Home Affairs would respond immediately in a favourable manner.
- 5 In the circumstances, we direct that the Union Ministry of Home Affairs to provide additional two companies of any CAPF as expeditiously as possible having due regard to the fact that polling has already commenced and in order to secure the polling booths so that polling can take place without any disturbance or dislocation. The Director General of Police and Secretary in the Department of Home Affairs of the State of Tripura shall immediately review if there is any additional requirement of further deployment, over and above the above direction and if so, communicate it to the Department of Home Affairs of the Government of India for necessary action. Any such request having due regard of the statement made by the Solicitor General shall be duly considered.
- 6 The Court has been apprised of the fact that as a result of the redeployment of two companies of the BSF last night, 128 personnel of the BSF are also stationed in addition to the force which is made available. We direct the State Election Commission, the Director General of Police and the Secretary, Home Affairs of the State of Tripura to ensure that every polling booth is manned by a sufficient strength of CAPF personnel, bearing in mind the sensitivity of the polling station and the need for a requisite number of personnel to guard the polling booths to ensure free and fair elections. The polling officer at each polling booth shall take the help of CAPF personnel, in the event that any exigency arises.
- 7 Necessary arrangements would also be made for deploying an adequate number of CAPF personnel to ensure the safety of the ballots and to facilitate an unhindered counting of votes, when counting is scheduled to take place.

A copy of this order shall be uploaded immediately for ensuring compliance.

- 8 Mr Gopal Sankaranarayanan, learned senior counsel submitted that there is an absence of CCTV cameras at the polling booths and when a petition was listed yesterday (24.11.2021) before the High Court, an objection was raised on behalf of the State Government to the High Court entertaining the proceedings on the ground that the entire matter is in seisin of this Court. However, it is common ground that when the proceedings were previously heard by this Court, we had clarified during the course of the submissions to the counsel that since in the present proceedings no issue pertaining to CCTV cameras is being urged, the High Court would be at liberty to proceed ahead. Be that as it may, in view of the emerging situation, we also order and direct that in the absence of the installation of CCTV cameras, both the electronic and the print media should have unhindered access for full reporting and coverage of the election process. Directions to effectuate this part of the order shall be issued by the Director General of Police, State Election Commission and the Secretary in the Department of Home Affairs of the State of Tripura to all the polling officers and other concerned personnel on the ground.
- 9 A report of compliance in regard to the above directions shall be filed by the DGP and the Home Secretary, State of Tripura jointly as directed earlier.
- 10 List the Petitions on 2 December 2021.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master