

ITEM NO.8

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s).455/2021

ALL INDIA TRINAMOOLO CONGRESS & ANR.

Petitioner(s)

VERSUS

STATE OF TRIPURA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.141067/2021-CLARIFICATION/DIRECTION)

Date : 11-11-2021 This petition was 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

For Respondent(s)

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

- 1 The jurisdiction of this Court under Article 32 of the Constitution has been invoked in the backdrop to the elections which are to take place to a Municipal Corporation, thirteen Municipal Councils and six Nagar Panchayats in the State of Tripura on 25 November 2021. The election process commenced on 22 October 2021.
- 2 The petitioners have disclosed that they have moved a petition under Article 226 of the Constitution before the High Court of Tripura. The petition has not been taken up as the High Court was in the midst of its recess. Mr Gopal Sankaranarayanan, Senior Counsel appearing on behalf of the petitioners, states that though it has been averred in the pleadings in the present proceedings that

the petition was to be listed before the High Court today (11 November 2021), the petition has not been taken up.

- 3 The first petitioner is the All India Trinamool Congress (AITC), while the second petitioner is a Member of the Rajya Sabha. The petitioners have tabulated in the Synopsis several incidents of violence which have taken place since 2 August 2021, aimed at the representatives of the first petitioner and members owing allegiance to the political party in the course of the election campaign. The petition adverts to an incident of violence which took place on 22 October 2021, when a team of AITC leaders and workers under the second petitioner were in the midst of a “Public Contact Program”. An FIR has been registered at Amtali Police Station for offences punishable under Sections 323, 427, 345 and 379 read with Section 34 of the Indian Penal Code 1860, but it has been stated that no arrest has been made in connection with either that case or the earlier criminal cases which were registered. As a consequence, it has been submitted, that though the election process has commenced, the representatives of the first petitioner have been prevented from free recourse to electoral campaigning as a result of actual and threatened violence. Annexure P-6 to the petition is a communication of the Superintendent of Police, West Tripura District, dated 18 September 2021, declining permission to the first petitioner to hold a meeting-cum-procession at Agartala city on the apprehension that supporters of opposing political parties may “try to commit mischief”, resulting in a similar riotous situation which was witnessed earlier on the day.
- 4 On the basis of the above averments, the petitioners have sought directions to the respondents, *inter alia*, to ensure the maintenance of security and safety in the areas where the elections are scheduled to be held in November 2021; and for providing security to the members of the first petitioner and to the second petitioner and for the constitution of a “neutral and fair SIT”.

5 Issue notice, returnable on 25 November 2021.

6 Dasti, in addition, is permitted.

7 Since the election process has commenced, it is the bounden obligation of the respondents to ensure that no political party which is in the fray is prevented from pursuing its electoral rights in accordance with law and from campaigning in a peaceful and orderly manner. Necessary arrangements shall be put into place and appropriate action taken by the Secretary to the Department of Home Affairs of the Government of Tripura as well as by the Director General of Police, together with the law enforcement machinery of the State to enforce and comply with this order.

8 We accordingly direct the respondents, by way of an *ad-interim* order, to duly consider the grievance which has been placed before the Court in these proceedings, which has been briefly adverted to in the earlier part of this order so that appropriate arrangements are made to ensure the maintenance of law and order in a manner that would further the unimpeded right of political participation in the course of the ensuing municipal elections. As regards the plea for individual security, the concerned Superintendents of Police who are impleaded as respondents shall take a decision having regard to the threat perception with reference to each case and area and take necessary action for the maintenance and provision of security, as required.

9 An affidavit shall be filed by the first respondent explaining the steps being taken in pursuance of the present order and even otherwise to ensure that the process of election during the ensuing municipal elections in Tripura remains free and fair.

- 10 The Director General of Police and the Home Secretary shall file a joint report of compliance, on affidavit, in pursuance of the above directions.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER