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**(Through Video Conference)**

**22.04.2021**

*Item no. 5 to 11*

*Dd/aloke*

**WPA (P) 117 of 2021**

**Nitish Debnath**

**Vs.**

**Election Commission of India & Ors.**

**with**

**WPA (P) 118 of 2021**

**Sankar Halder & Ors.**

**Vs.**

**Union of India & Ors.**

**with**

**WPA (P) 107 of 2021**

**Somnath Roy & Ors.**

**Vs.**

**The State of West Bengal & Ors.**

**with**

**WPA (P) 123 of 2021**

**Bimal Kumar Chatterjee**

**Vs.**

**Election Commission of India & Ors.**

**with**

**WPA (P) 122 of 2021**

**Smt. Dipika Sarkar**

**Vs.**

**Union of India & Ors.**

**with**

**WPA (P) 129 of 2021**

**Arindam Ghosh**

**Vs.**

**Election Commission of India & Ors.**

**with**

**WPA (P) 127 of 2021**

**Durga Pada Mallick**

**Vs.**

**Election Commission of India & Ors.**

*Mr. Srijib Chakraborty, adv.*

*Mr. Arindam Das, adv.*

*... For the petitioner in WPA (P) 117 of 2021*

*Mr. Mani Sankar Chattopadhyay, adv.*

*... For the Petitioner in WPA (P) 118 of 2021*

*Mr. Shamik Bagchi, adv.*

*Mr. Noor Islam Seikh, adv.*

*... For the Petitioner in WPA (P) 107 of 2021*

*Mr. Dipayan Choudhury, adv.*

*Mr. Suvradal Choudhury, adv.*

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*Ms. Priyanka Chowdhury, adv.  
... For the Election Commission of India*

*Mr. Y.J. Dastoor, Id. ASG  
Mr. Phiroze Edulji, adv.  
Ms. Amrita Panday, adv.  
Mr. Arijit Majumdar, adv.  
...For the Union of India*

*Mr. Kishore Dutta, A.G.  
Mr. Abhrathosh Majumdar, Id. AAG  
Mr. Sayan Sinha, adv.  
... For the State*

*Mr. Sonal Sinha, adv.  
... for the State Election Commission*

We are unable to reconcile the fact that the Election Commission of India is not able to update us as to what action by way of enforcement of the circulars has been obtained. Issuance of circulars and holding of meetings by themselves do not discharge the onerous responsibility of the Election Commission of India and officers under its command in due performance of not only the statutory power and authority under the Representation of People Act, 1950 and the Representation of People Act, 1951 but the confidence that the Indian polity would have on it to carry forward the mechanism of upholding the democracy by use of requisite facilities even in pandemic times like heightened challenge by COVID-19 virus and its variants.

We are not satisfied with the materials on record to state that the Election Commission of India and its officers on ground in West Bengal have enforced their circulars. We are sure that circulars are not merely advisories to be wrapped up by the political parties or those involved in the political

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propaganda or even the public at large. The circulars of the Election Commission of India show the route map and the protocol for human behaviour, meaning thereby the behaviour of the political parties, their workers, the people at large and responsible management by the officers including the police and other forces under the command of the Election Commission of India.

We expect learned counsel for the Election Commission of India to return to make submissions with a very short affidavit reflecting on whatever we have stated hereinabove.

In view of the urgency of the situation, we cannot but post these matters as the first item tomorrow (**23.04.2021**)

**[Thottathil B. Radhakrishnan, C.J]**

**[Arijit Banerjee, J.]**