

(1999) 10 AP CK 0074

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 20283 and 20625 of 1999

Kasu Krishna Reddy and Another

APPELLANT

Vs

Election Commission of India and Another

RESPONDENT

Date of Decision : 01-10-1999

Acts Referred:

Constitution of India, 1950 — Article 226
Representation of the People Act, 1951 — Section 29A

Citation : (1999) 6 ALT 209

Hon'ble Judges : V. Eswaraiyah, J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : S. Ramachander Rao and L. Ravichander, in W.P. No. 20283/99, K. Ramakrishna Reddy and Posani Venkateswarlu, in W.P. No. 20625/99, for the Appellant; A.A.G., for the Respondent

Final Decision : Dismissed

Judgement

B. Subhashan Reddy, J.—These two writ petitions, though filed by the persons belonging to rival parties, i.e., petitioner, in W.P.No. 20283 of 1999 belonging to Congress-I and the petitioner in the other case belonging to Telugu Desam Party, seek common prayer directing the Election Commission, i.e., the 1st respondent herein, to deploy Special Forces in the elections to Narasaraopet Parliamentary Constituency and the 7 Assembly segments therein, scheduled on 3rd October, 1999.

2. While the Congress-I Party candidate seeks special police protection to the Polling Agents of its party at the polling booths specified, the Telugu Desam Party candidate seeks protection to their polling agents in general.

3. Sri S. Ramachander Rao, the learned senior Counsel appeared for the petitioner in W.P.No. 20283 of 1999, while Sri K. Ramakrishna Reddy, the learned senior Counsel appeared for the petitioner in W.P.No. 20625 of 1999. In both the writ petitions, the respondents are same, i.e., (1) Election Commission of India, and (2) Superintendent of Police, Guntur District, Guntur.

4. It may be relevant to state that the elections to Narasaraopet Parliamentary Constituency and its 7 Assembly segments were scheduled to be held on 5th September, 1999, but they were postponed for the reason of incident of bomb-explosion in the hospital-cum-residence bearing Municipal No. 2-15-53 of Rajagarikota, Narasaraopet. Dr. Kodela Siva Prasad Rao, who is the contestant on behalf of Telugu Desam Party, along with his family members, resides in a portion of the above building. It is pertinent to mention that in a writ petition (W.P.No. 18471 of 1999) filed by the petitioner in W.P. No. 20283 of 1999, the investigation in bomb-blast case in Crime No. 336/99 of Narasaraopet Town Police Station was entrusted to Central Bureau of Investigation (CBI), by our order dated 29-9-1999.

5. Now that the pleadings of either parties make it clear that the focus of, the entire State is on the above Parliamentary Constituency and the 7 Assembly segments. It is also evident that lot of manpower belonging to either party are pumped into the areas covered by the above Parliamentary Constituency. While the petitioner in W.P.No. 20283 of 1999 apprehends large scale rigging and violence at the hands of Telugu Desam Party people, the petitioner in W.P.No. 20625 of 1999 entertains similar apprehensions against the people belonging to Congress-I Party. It has to be noted that these are the apprehensions and what is relevant is sufficiency of the arrangements made by the Election Commission for conducting smooth, fair and free elections in the above Constituencies on 3-10-1999 so as to allay the apprehensions projected by either party and that is the only question for consideration for this Court and no other factor.

6. It is needless to mention that ensuring the conduct of free and fair elections is the constitutional duty of the Election Commission and if only this Court has got any doubt about any deficiency or lapses on the part of Election Commission in taking steps to ensure free and fair elections, we can intervene and set the things right. u/s 29-A of the Representation of the People Act, 1951, the Election Commission is entitled to exercise its power of drawing such personnel as it feels fit and proper on election duty and all such officers are under the control of the Election Commission till the election process is completed. After the notification in the ensuing elections to Lok Sabha and Assembly, the Election Commission had issued a notification in exercise of the above statutory provision drawing the personnel. Further, the Election Commission monitors the situation regularly through the Chief Electoral Officer of the State, who will be in contact with all District Electoral Officers, who are of the cadre of Collectors. Entire police personnel is at the command of the Election Commission. In exigencies, the Election Commission can call such forces, whom it deems proper to control violence and prevent rigging and paving way for free and fair elections.

7. Relating to the instant elections, which are scheduled on 3-10-1999, on three occasions, i.e., 1st, 7th and 19th September, 1999 (vide reports filed in W.P.No. 18471/99) as also on this day, the Election Commission has apprised this Court of the arrangements made and the material thereto has been filed before us. We

have also perused the report of the Chief Electoral Officer of A.P. as also the Director General of Police. It is quite evident from the said reports and also the counter-affidavit filed on behalf of the Election Commission, that the Election Commission and the authorities acting under it, have taken stock of the tense situation prevailing in Narasaraopet Parliamentary Constituency and its 7-Assembly segments and have deployed sufficient number of forces and also taken some preventive measures for conducting smooth, free and fair elections and" as on date, there is no room for any apprehension that the Election Commission and the authorities acting under it have failed to make sufficient arrangements. As the conduct of smooth, free and fair elections also take-in sufficient protection to be afforded to the personnel drawn for the poll process and also the Polling Agents of the contestants, we are of the considered view that no special protection need be given as sought for by the petitioners. We have got no manner of doubt that the Commission has taken cognizance of the volatile situation prevailing in Narasaraopet Parliamentary Constituency and its 7 Assembly segments, which are going to polls on 3-10-1999, and respond to any emergent situation warranting deployment of further forces. We feel the necessity of continuous monitoring by all the officials entrusted with the election duty so that no untoward incident occurs in the poll process.

8. Both the Writ Petitions are thus dismissed. No costs.