

(1991) 05 DEL CK 0087

In the Delhi High Court

Case No : Civil Writ Petition No. 1541 of 1991

S.P. Singh

APPELLANT

Vs

Government of India

RESPONDENT

Date of Decision : 17-05-1991

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1991) 44 DLT 489 : (1991) RLR 335

Hon'ble Judges : Milap Chand Jain, J;Arun Kumar, J

Bench : Division Bench

Advocate : H.S. Phoolka, for the Appellant;

Judgement

M.C. Jain, J.

(1) The petitioner is contesting parliamentary election as an independent candidate from two parliamentary constituencies. South Delhi and outer Delhi.

(2) In this writ petition the petitioner seeks a direction for providing equal facilities and privileges in relation to Doordarshan and All India Radio to the petitioner as is provided to the candidates sponsored by political parties. He has also sought a direction for providing security to him as he always suffered from a sense of insecurity and as such cannot project his view before the public at large fearlessly.

(3) This court declined to issue notice in respect to the first prayer relating to providing equal facility to avail presentation of view on Doordarshan and All India Radio but show cause notice was issued with respect to the second prayer. As a matter of fact, direction was given by the court to the Government Counsel to accept notice. Mr. H. S. Phoolka accepted notice on the court's direction and his statement is that the Election Commissioner has nothing to do with providing security to the candidates and he has also contacted the office of the Commissioner of Police. As a matter of fact, respondent No. 1, i.e. Secretary, Ministry of Law and Justice too has nothing to do in relation to the second relief.

sought by the petitioner.

(4) It may be stated that poll violence is on increase. Everyday reports are being heard that candidates have been gunned down and the elections have been countermanded. It is a serious situation which should attract the attention of all concerned including the political parties. In such a prevalent situation the petitioner may have a genuine sense of insecurity as is averred by him in the petition. For survival of democracy a candidate should feel secure to go to the polls and contest the election.

(5) In the circumstances, in our opinion, it would be most appropriate to direct the Commissioner of Police to provide necessary security to the petitioner till the election is over. A copy of this order be sent to the Commissioner of Police immediately. The Registrar of this court may convey the order to the Commissioner of Police on phone also.

(6) A copy of this order be also delivered to the parties.

(7) With the above directions, this writ petition stands disposed of.