
(2014) 05 MAD CK 0025
In the Madras High Court
Case No : W.P. No. 12728 of 2014

T.R. Baalu

APPELLANT

Vs

The Election Commission of India and Others

RESPONDENT

Date of Decision : 08-05-2014

Acts Referred:

Citation : (2014) 05 MAD CK 0025

Hon'ble Judges : R. Sudhakar, J;K.K. Sasidharan, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R. Sudhakar, J.—This writ petition has been filed for issuance of a mandamus to direct the respondents to install video-cameras in each and every counting table and the ARO's table and consequently to record and display lively the counting and totalling of counted votes to be entered in Part-II in Form No. 17C, enabling the petitioner/candidate or his authorised agents to cross-check the votes displayed in the EVM and the total entered in Part-II in Form No. 17C and simultaneously to be displayed/transmitted in the common single screen and also by webcast method in the official website of the Election Commission.

2. Mr. G. Rajagopalan , learned Senior Counsel appearing for the respondents submitted that the plea made in this writ petition to install video-cameras in each and every counting table cannot be countenance in view of the instructions given by the Election Commission of India in this regard on 30.4.2014. The relevant portion of the said communication reads as under:

3.5. No camera still or video of the media (except the official video camera for officially recording the entire counting process) is allowed to be fixed inside any counting hall. No camera stand should, therefore, be allowed to be taken inside counting hall by media and journalists. Hand held cameras can be allowed to press corps carrying Media pass issued by the ECI. Further, while taking audio visual coverage of the counting process with camera carried in hand or on

shoulders by the media/press, under no circumstances, the actual votes recorded on an individual EVM or ballot papers is to be photographed or covered by audio visual coverage. The exact location up to which the still and video cameras of the media and press can move, should be indicated by the Returning Officer in advance, marked by a line or a string for guidance of all concerned.

3. The Election Commission is entitled to formulate its own method for the purpose of counting of votes from the Electronic Voting Machines and a detailed procedure has been prescribed to all the Counting Halls. So far as the installation of camera is concerned, taking into account the various parameters to maintain security and also to ensure that there is secrecy of the ballots and to curb the interference of third parties inside the counting hall, procedure has been prescribed in paragraph No. 3.5 of the instruction of the Election Commission of India dated 30.04.2014. There is no reason to fault the procedure.

4. On a mere apprehension, the writ petition has been filed pleading that video cameras should be installed in each and every table which is objected to by the learned Standing Counsel appearing for Election Commission. We find much force in the objection raised by the learned Standing Counsel as the Commissioner has to ensure that there is no third party interference. Further, the security during the process of counting of votes in counting halls will be affected if outsiders are allowed. This is one step in the process of free and fair election. In any event, the instructions issued by the Election Commission of India is a self-contained provision for conduct of election. The Court will not interfere with the decision of the Election Commission of India as to how it should go about conduct of election till the declaration of results. The Court is conscious of the fact that in an issue of this nature supplementing its views one or other way would amount to interfering with the election process, which is deprecated by the Supreme Court in several decisions.

For the foregoing reasons, we find no reason to interfere with the procedure followed by the Election Commission in this regard and no relief as sought for by the petitioner could be granted. Hence, the writ petition stands dismissed. No costs.