

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 5.5.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
AND  
THE HONOURABLE DR.JUSTICE S.VIMALA

W.P. No.17355 of 2016

M.Kalaichelvi ... Petitioner

versus

The State, rep. By its  
Chief Election Commissioner of Tamil Nadu,  
Government of Tamil Nadu,  
Chennai 600 009. ... Respondent

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 15.4.2016.

For petitioner : Mr.T.Sivagnanasambandan

For Respondents : Mr.Niranjana Rajagopalan

ORDER

(made by Dr.S.Vimala, J.)

This Writ Petition is filed by Tamil Nadu Sudhesi Penkal Padhukappu Sangam, to direct the Chief Electoral Officer, Tamil Nadu, to provide mobile toilet facilities to the Women Constables, engaged in connection with the election to the Legislative Assembly of Tamil Nadu, scheduled to be held on 16 May 2016.

2. The learned counsel for the petitioner submitted that arrangements have not been made to provide toilet facilities to Women Constables engaged in election work by the respondent. Even though a representation was made on 15 April 2016, follow up action was not taken by the respondent.

3. The learned Standing Counsel for the Election Commission, on instruction, submitted that Election Commission of India has identified minimum facilities to be provided at the polling stations. Toilet facility is one among the seven basic minimum facilities identified and provided by the Election Commission. According to the learned counsel, the Women Police Constables can use the facility available at the polling

stations as well as the nearby police stations.

4. The election to the Tamil Nadu State Legislative Assembly is scheduled to be held on 16 May 2016. The Election Commission has taken action to bring police force from other States and paramilitary force to ensure free and fair election. Since adequate facilities were not provided to the Women Police Constables, the petitioner has come up with this Writ Petition for a direction to provide them mobile toilet facilities.

5. We do see considerable force in the submission made by the petitioner with regard to inadequate basic facilities to those who were engaged on election duty.

6. The newspapers have reported that Central Paramilitary Force, who have arrived for election duty at Central Railway Station, Chennai, recently, were kept in the Railway Station for hours together without food and water. They are also human beings, entitled to the right guaranteed under Article 21 of the Constitution of India. Such things should not happen. State Police force as well as central forces should be given basic minimum facilities both in the polling stations as well as in other locations where they are assigned election duty. It would not be possible for the polling staff and police to discharge their duty in this peak summer without providing them reasonable facilities.

7. The report submitted by the State Election Commission indicates that they have provided toilet facilities at about 65512 polling stations which would cover 99.84%. The Election Commission has assured that temporary facilities would be provided in remaining polling stations on the date of poll.

8. We direct the Chief Electoral Officer to provide all the basic facilities to polling staff and police who are on election duty. This direction should not be construed as an expression of opinion that the Election Commission has not taken any steps for providing basic minimum facilities to police force on election duty. It is only for the purpose of ensuring that minimum facilities are available to all the polling staff and police on duty in all polling stations and in other places in connection with election duty, we have issued the direction as indicated above.

9. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

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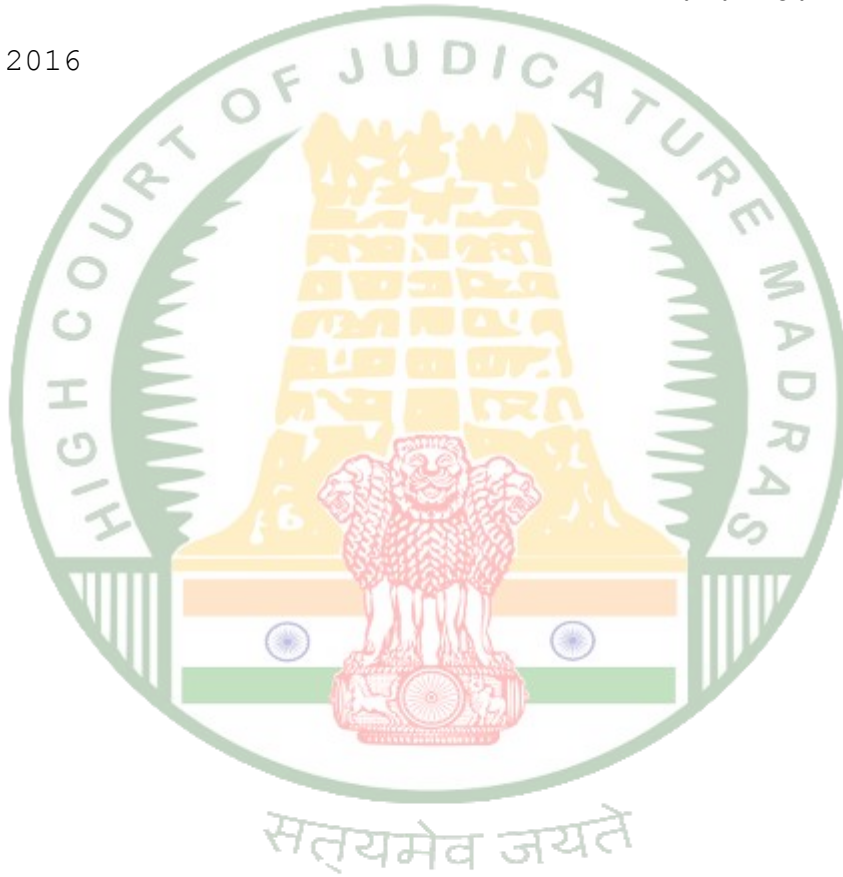
To

The Chief Election Commissioner of Tamil Nadu,  
Government of Tamil Nadu,  
Chennai 600 009.

+1 cc to Mr.T.Sivaghanasambandam, Advocate, sr.28107

W.P. No.17355 of 2016

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