

23.04.2026

Court No.25

D/L No.5

S. Gayen/

Sourav/

Suvayan

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 9984 of 2026

**All India Trinamool Congress
Versus
Election Commission of India & Ors.**

Mr. Anirban Ray, Sr. Adv.

Mr. Dhruv Chadda

Mr. Shivam Pathak

Mr. Kamran Hussasin

...for the Petitioner

Mr. Dama Seshadri Naidu, Sr. Adv.

Mr. Jishnu Chowdhury, Sr. Adv.

Mr. Prateek Kumar

Mr. Abhinav Thakur

Ms. Anamika Pandey

...for the ECI

1. The petitioner has filed the present writ application challenging the communication dated April 18, 2026 issued by the Additional Chief Electoral Officer, West Bengal informing that after getting intelligence from different sources and information received from various quarters a list of most sensitive booths from vulnerability point of view has been collated. On these most sensitive booths, Central Reserve Police Force (CRPF) has been deputed who are specialized in handling various Law & Order situation across the country and in the diverse sensitive environment including communal environment to conduct free and fair polls.

2. Mr. Anirban Ray, learned senior advocate appearing for the petitioner submits that after issuance of the impugned order, immediately the petitioner has made a representation to the Chief Election Commissioner requesting to withdraw the impugned communication dated April 18, 2026 but the Chief Election Commissioner, in spite of receipt the said representation, failed to withdraw the communication and the present writ application has been filed.

3. Mr. Ray submits that the impugned order is passed by deputing CRPF in the sensitive booths from the vulnerability point to conduct the free and fair polls but while issuing the said order failed to consider the Manual on force deployment in elections. He submits that the impugned order is passed in violation of the manual. Mr. Ray has pointed out that the force deployment is to be made for safeguarding the polling stations and EVMs, VV PATs and creative.. eco system. In the scheme of force deployment, the Central Armed Police Force (CAPF) occupies centre position being not the part of local police force. This lead to unreasonable and impracticable demand of CAPF at time. He submits that the Ministry of Home Affairs with the Election Commission of India is to assess the total force availability and requirement booth at the State and MHA level before six months in advance of the expected date of election but in the present case, the

impugned order has been passed when the election process has been started.

4. Mr. Ray submits that the Manual provides the exercise of vulnerability mapping in the context of election is to be undertaken with the objective of clearly identifying, in advance, such voters or sections of voters, who are likely to be vulnerable but in the present case when the process has been started for the election the authorities have issued the impugned letter.
5. Mr. Ray further submits that the District Election Officer needs to collect input based on present and past records concerning the elements of vulnerability in his/her district/constituency. The District Election Officer should collect such information at least six months before the date of poll fixed for the last held election from RO/SDO of each assembly but in the present case no procedure has been adopted before issuance of the impugned order.
6. Mr. Ray submits that timeline for vulnerability mapping has been provided in the Manual and as per Manual, collection and compilation of basic information on each District Election Officer is six months before the date of poll of the last election. He further submits that preliminary identification and submission of VM report to vulnerable areas/ segments / villages/ hamlets, persons causing such vulnerabilities is two months before the date of poll of

the last held election. He further submits that the final identification of vulnerable areas/ segments/ villages/ hamlets, persons causing such vulnerabilities shall issue after the issue of Press Note by the Commission and before the issuance of gazette notification. He further submits that the authorities have not followed any of the provisions before issuance of the impugned communication.

7. Mr. Ray submits that in the impugned order it is mentioned with regard to the sensitive booths but in the Manual there is no provision of sensitive booths. The Manual provides the critically assessment and for the critically assessment, due cognizance of role of muscle power in the election and taking into account certain prevailing socio-economic realities of the electoral politics, the Commission has issued instructions to curb the menace of threat and intimidation of voters especially the weaker sections of society at elections by identifying critical polling stations but in the impugned order, there is mentioning about the list but the list is not enclosed with the impugned letter. He further submits that all critical polling stations shall have CAPF deployment to safeguard the polling stations to the maximum possible extent but in the present case, the authorities have only deputed the CRPF though the CAPF having

several branches but the authorities have choose to depute CRPF.

8. In support of his submission, Mr. Ray has relied upon the judgment in the case of ***Union Territory of Ladakh & Ors. vs. Jammu and Kashmir National Conference & Anr.*** passed in ***Special Leave Petition (Civil) No. 18727 of 2023*** dated September 6, 2023 and submits that the Hon'ble Supreme Court has categorically held that the Constitutional Courts, under normal circumstances are loath to interfere, is not a contentious issue. But where issues crop up, indicating unjust executive action or an attempt to disturb a level-playing field between candidates and/or political parties with no justifiable or intelligible basis, the Constitutional Courts are required, they are duty-bound, to step in. By referring the said judgment, the learned senior advocate for the petitioner submits that the Additional Chief Electoral Officer has passed the order arbitrary even after the election process has been started. Thus, the order is required to be set aside and quashed.
9. *Per contra*, learned advocate appearing for the ECI firstly raised the point of maintainability of the present writ application. He submits that the writ petition is filed by All India Trinamool Congress but it is not mentioned in the cause title through whom the writ petition has been filed the All India Trinamool

Congress. He further submits that the writ application was affirmed by one Subhasish Chakraborty and in the affidavit it is mentioned that he is the authorized person of the petitioner but there is no authorization filed by him to say that he is relating to the All India Trinamool Congress party. He further submits that Article 329(b) of the Constitution of India bar to interference by Court in electoral matters. He further submits that the election process is started in the month of March, 2026 and the impugned order is issued on April 18, 2026 wherein the election process continuing thus the writ petition is not maintainable.

10. In support of his submission, he has relied upon the judgment in the case of ***N. P. Ponnuswami vs. Returning Officer, Namakkal Constituency & Ors.*** reported in ***(1952) 1 SCC 94*** and submits that the use of expression conduct of election in Article 324 specifically points to the wide meaning and that meaning can also be read consistently into the other provision which occur in Part XV including Article 329(b) of the Constitution of India. He submits that the word “election” bears this wide meaning whenever we talk of elections in the democratic country, is borne out by the fact that in most of the books on the subject and in several cases dealing with the matter, one of the questions mooted is, when the election begins.

11. He further relied upon the judgment in the case of ***Mohinder Singh Gill & Anr. vs. The Chief Election Commissioner, New Delhi & Ors.*** reported in **(1978) 1 SCC 405** and submits that election, in this context, has a very wide connotation commencing from the Presidential notification calling upon the electorate to elect and culminating in the final declaration of the returned candidate.
12. He further relied upon the judgment in the case of ***Durga Shankar Mehta vs. Thakur Raghuraj Singh & Ors.*** reported in **(1954) 2 SCC 20** and submits that Article 329(b) of the Constitution had been used in the wide sense to connote the entire process, culminating in a candidate's being declared elected and that the scheme of Part XV of the Constitution was that all matters which had the effect of vitiating election should be brought up only after the election was over and by way of an election petition.
13. Mr. Naidu, learned Senior Advocate appearing for the ECI further submits that identification of the persons causing such vulnerability the sector officer along with sector police officer is to make field visits at regular intervals and give inputs on vulnerability mapping and identified voters segments, vulnerable to threat or intimidation or due influence, etc. The District Election Officer and the Superintendent of Police of the District shall hold a joint meeting on the subject and

shall finalize a focus action plan to deal with the potential threat and intimidation points identified. The action plan may be included, *inter alia* bounding down the identified trouble makers under appropriate sections of law, seizure illegal arms, preventive detention if required, forcing their appearance in the local Police Station at reasonable intervals to ensure their good behavior, placement of police pickets, deposit of license arm, etc.

14. Mr. Naidu, learned Senior Advocate submits that CAPF consist of Assam Rifles, Border Security Forces, Central Industrial Security Forces, Central Reserve Police Force, Indo-Tibetan Border Police, National Security Guard, Sashastra Seemabal and any other forces detailed by the MHA. The impugned order is passed by deputing the Central Reserve Police Force to conduct free and fair polls. The authority cannot appoint part from each of the units and thus one unit has been deputed to conduct free and fair poll.

15. Mr. Naidu, learned Senior Advocate submits that CAPF arrives in advance to carry out flag marches for area domination, point controlling and other confidence building measures till two days before the polling date. The duty of the State police for area domination, guarding of EVM strong room and EVM warehouses, vulnerability mapping and taking preventive measures, responsible for maintenance of general law and order

and in the catchment area of the polling stations and generally in the constituency/district/state. He further submits that on the poll day and post poll CPF is guarding the polling stations, EVM-VVPAT strong room escorting duty of polled EVMs, poll materials including EVM-VVPAT, poll personnel and the poll process static guarding of trouble spots, patrolling duty on assigned routes covering a fixed cluster of polling stations, patrolling duty as “flying squads” in a different area with surprised element, strong room security after poll. Whereas the State police shall maintain the general law and order in the catchment area of polling stations and inside and outside of polling premises (as different from polling stations), ensure safety of voters, polling personnel and polling material, continue implementation of model code of conduct, continue implementation of Election Expenditure Monitoring Guidelines, etc.

16. He submits that as per the Manual, pre-poll deployment and post poll day has been defined and work has been assigned to the CRPF as well as the State police authority and thus it cannot be said that by deploying CRPF, the State police have been deprived.

17. Heard the learned counsel for the respective parties. Perused the materials on record and the judgments relied by the parties.

18. The only issue in the present writ application is whether the impugned order dated April 18, 2026 wherein the Central Reserve Police Force (CRPF) deployed by the Additional Chief Electoral Officer, West Bengal is bad or illegal.
19. The contention of the petitioner is that the impugned order is issued without following the provisions mentioned in the Manual on Force Deployment in Elections. On the other hand, learned counsel appearing for the Election Commission of India submits that the impugned order is issued by complying the provisions of the Manual of 2023. The process is defined in Clause 1.3 which reads as follows:

“1.3 The Process

This involves a meticulously planned process that begins with a meeting of States, MHA with ECI where an assessment of total force availability and requirement is assessed both at the state and at the MHA level. Usually this beings 6 months in advance of expected date of elections. After a thorough assessment and consultation with all stakeholders, force is allocated to states depending upon availability, phases of elections and inputs from the states about vulnerability and criticality. The allocated forces are further deployed across the states as per the approved state and district security deployment plan. The process involves Budgeting, Capacity Building, Logistics Arrangement, Vulnerability

Mapping, Criticality Analysis, deployment planning and its execution.”

20. It is the specific case of the respondent that the Central Reserve Police Force (CRPF) is deputed at the sensitive booths from the vulnerability point only for conducting the free and fair polls. The parameter of vulnerability is defined in Clause 5.5 of the Manual. As per the said Clause every District Election Officer needs to collect input based on the present and past records concerning the elements of vulnerability in his district/constituency. The District Election Officer should collect such information at least six months before the date of poll fixed for the last held General Election from Returning Officer/SDM of each Assembly Segment and continue updating it subsequently.
21. Learned counsel appearing for the Election Commission of India has categorically mentioned that the impugned order is not issued without considering all the incidents. The respondent authorities having all the data and considering the same, the Additional Chief Electoral Officer has passed the order by deputing the Central Reserve Police Force (CRPF). It is also found that the timeline for Vulnerability Mapping has also been provided and as per the timeline, collection and compilation of basic information each AC by DEO from RO/SDM of each assembly segments is six months before the date of poll of the last election.

22. All the basic information as required for the vulnerability mapping are available with the respondent authorities. Before issuance of the impugned order, the vulnerable mapping was done in advance and the District Magistrate and the Superintendent of Polices are fully aware of the situation at the time when the same was reviewed by the Commission. In adopting all the procedure, the police personnel were very much involved and on their report only the order passed with regard to the deputation of the Central Reserve Police Force (CRPF).

23. Learned counsel appearing for the Election Commission of India has brought to the notice of paragraph 8 of the present writ petition and submits that the writ petitioner has made an allegation against the Central Reserve Police Force (CRPF) which is not appreciated. He submits that the Central Reserve Police Force (CRPF) is not having any enmity with any political party or with any person of the particular State. The Central Reserve Police Force (CRPF) has to perform their duties as assigned to them by the competent authority. In all the States whenever either assembly election or legislative election is to be conducted, in every state Central Reserve Police Force (CRPF) has been deputed for conducting the free and fair poll. Thus the allegation made by the petitioner in

paragraph no. 8 in the present writ application is totally false and baseless.

24. This Court finds that as per the Clause 5.6(E) of the Manual, the identification of the persons causing such vulnerability is defined which reads as follows:

“5.6 E. Identification of the Persons Causing Such Vulnerability

On the basis of the inputs provided by the DEO in Annexure-I, VM-I, the Sector Officer along with Sector Police Officer shall make field visits at regular intervals and give inputs on Vulnerability Mapping and identify voter's/voter segments vulnerable to threat or intimidation or undue influence etc. This exercise of identifying the persons responsible for making the voters/villagers vulnerable shall be undertaken polling station wise indicating the name of the village, hamlet, names of the potential troublemakers, including their address, and so on. This work has to be done by maintaining complete confidentiality of the informers/source, if so desired.”

25. It is the specific case of the respondents that on the basis of inputs provided by the District Election Officer, Sector Officers and the Sector Police Officers, the Additional Chief Electoral Officer has passed the order for deputing the Central Reserve Police Force (CRPF) at the sensitive booths from the vulnerability point to conduct the free and fair polls. Thus, it cannot be said

that the impugned order dated April 18, 2026 without following due process of law in an arbitrary manner.

26. As regards the maintainability of the present writ application as raised by the Election Commission of India, this Court finds that the petitioner is the All India Trinamool Congress and the petitioner is the recognized political party under Section 29A of the Representation of the People Act, 1951 and one of the members of the National Working Committee of the All India Trinamool Congress has authorized the deponent to affirm the present affidavit. The authorization is enclosed with the writ petition. Thus the writ petition has been filed appropriately by the All India Trinamool Congress by authorizing the deponent to affirm this affidavit.

27. As regards, section 329(b) of the Constitution of India, it is settled law that there is bar for interference by courts in electoral matters but in the present case, this Court finds that the petitioner has not challenged any election process. The petitioner has filed the present application challenging the order passed by the Additional Chief Electoral Officer, West Bengal by deputing the Central Reserve Police Force (CRPF). The petitioner has not called any question regarding election process.

28. In the case of **Ashok Kumar (Supra)**, the Hon'ble Supreme Court has categorically held that the

founding fathers of the Constitution have consciously employed use of the words “no election shall be called in question” in the body of Section 329(b) and these words provide the determinative test for attracting applicability of Article 329(b). If the petition presented to the Court “calls in question an election” the bar of Article 329(b) is attracted. Else it is not. In the present case the petitioner has not called for any election. The petitioner has only challenged the deputation of the Central Reserve Police Force (CRPF) which is administrative decision taken by the authority and thus, it cannot be said that the petitioner has challenged the election process.

29. Considering the above, this Court finds that the writ application is maintainable.

30. This Court also finds that the Additional Chief Electoral Officer has deputed the Central Reserve Police Force (CRPF) at the sensitive booths from the vulnerability point and while deputing the said force, the respondent authorities have followed the procedure of Manual on Force Deployment in election, 2023 by considering all materials and reasons available with the authority. Thus there is no illegality in issuance of order dated April 18, 2026.

31. In view of the above, WPA 9984 of 2026 is dismissed.

32. There shall, however, be no order as to costs.

33. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)