

28th January,
2021.
(as)
25

W.P.A.2675 of 2021
(Via Video Conference)

**Non-Technical Electricity Employees'
Welfare Association & Anr.**

-vs-

State of West Bengal & Ors.

Mr. Biswarup Bhattacharya,
Mr. Samim Ahammed,
Mr. Arka Maiti,
Ms. Saloni Bhattacharjee.
...for the Petitioners.

Mr. Subhabrata Datta,
Mr. Benazir Ahmed.
...for the State.

Mr. Swapan Banerjee,
Mr. Kunal Ganguly .
...for the Respondent No.7.

Mr. Partha Sarathi Bhattacharyya,
Sr. Adv.,
Mr. Sujit Sankar Koley.
...for the Respondent No.8.

The petitioners allege that they represent non-electrical electricity employees working at the Bidyut Bhawan at Bidhan Nagar (Salt Lake). Upon having approached the police authorities for permission to hold a sit-in demonstration in the vicinity of the Bidyut Bhawan, it is alleged that the police authorities sat tight over the matter.

However, learned counsel for the petitioners hands up a copy of a response of the I.C., Bidhannagar East Police Station (issued during pendency of the writ

petition), permitting the petitioners to hold such demonstration at the place specified therein, subject to the stipulations as given in the communication, on February 02, 2021 from 10:00 hours to 16:00 hours. Learned counsel submits that although, in principle, the petitioners do not have any objection to comply with legal provisions and the stipulations mentioned in the communication of the I.C., the restriction of time for such demonstration is in contravention of the fundamental and democratic rights of the petitioners to ventilate their grievance.

Learned counsel appearing for respondent No.8 submits that, on a previous occasion, when a similar demonstration was held in front of the Bidyut Bhawan, the employees of the respondent No.8 were seriously harassed and had to be rescued, since they were confined within office precincts due to the demonstration even after completion of work hours.

Copy of the relevant complaint is handed up by learned senior counsel appearing for the respondent No.8.

Learned counsel appearing for the State respondents reiterates that the schedule and restrictions issued by the I.C., Bidhannagar East Police Station ought to be complied with in order to maintain law and order.

It appears from the communication, which may be treated as a part of the record along with the copy of the

complaint handed over by respondent No.8, that the restrictions stipulated therein are reasonable. However, the time limit imposed by the police authorities is arbitrary and contrary to the fundamental rights of the petitioners to assemble peaceably and exercise free speech by way of the proposed demonstration.

The stipulation of merely six hours on a particular date appears to be drastic and without any reason. However, the continuance of the demonstration cannot be indefinite, till the demands of the petitioners are made, as submitted on behalf of the petitioners, in view of the fact that such an uncertain situation might give rise to a law and order situation and cause disruption to traffic and to the normal activities of the other citizens in the vicinity. An outer limit of seven days, for the time being, ought to appropriately redress the present grievance of the petitioners.

Accordingly, WPA 2675 of 2021 is disposed of by permitting the petitioners to hold a demonstration in terms of the communication dated January 27, 2021 issued by the I.C., Bidhannagar East Police Station, which is handed up in court today, and strictly as per the restrictions mentioned therein, except that the demonstration may continue for a period of seven days, that is, from 10:00 A.M. on February 02, 2021 till 4:00 P.M. on February 09, 2021, subject to such time being

extended further in the meantime by the police authorities, upon being approached in that regard by the petitioners.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)