

26.07.2022
Sl. No.175(ML)
srm

W.P.A. No. 12939 of 2022

Manab Sampad Unnayan Sahayak Karmi Union & Ors.

Versus

State of West Bengal & Ors.

Mr. Samim Ahmed,
Mr. Arka Maiti,
Ms. Saloni Bhattacharjee,
Ms. Gulsanwara Pervin

...for the Petitioners.

Sk. Md. Galib,
Mrs. Jyotsna Roy Mukherjee

...for the State-respondents.

Affidavit-of-service is taken on record.

Th petitioner No.1 is a union. The petitioner Nos.2 and 4 are the Secretary of the union and the Secretary of the All India Vocational Trainers Association, respectively. The petitioners are aggrieved by the rejection of the prayer for permission to hold a sit-in demonstration (*dharna*) in front of Karigori Bhawan. Such rejection was intimated to the petitioners by the Inspector-in-Charge, Techno City Police Station.

The petitioners submit that the right to hold a demonstration is a democratic right. The union, which is espousing the cause of the workers, cannot be deprived from holding a protest.

The police authorities have submitted a report before this Court, from which it appears that the representation/request made by the petitioners for permission was to hold a continuous '*dharna*', had been rejected. This continuous protest, according to the police authorities, would hamper the regular activities within the Karigori Bhawan, create traffic problems and also pose difficulties for smooth running of the educational institutions and the Judicial Academy.

Having considered the rival contentions of the parties, this Court is of the view that the petitioners shall be permitted to hold the sit-in demonstration for two days on the following terms and conditions:

- a) The sit-in demonstration shall be conducted beyond 100 metres from the entrance gate of the Karigori Bhawan. Not more than 50 participants shall be allowed.
- b) Loudspeakers shall not be allowed.
- c) The demonstration shall be peaceful and without any sticks, arms and/or weapons.
- d) No hateful, provocative and abusive speeches shall be allowed.
- e) Public property shall not be damaged or destroyed.
- f) The demonstration shall be held between 11:00 a.m. to 4:00 p.m. for a period of two days.

g) The demonstration shall be organized in a way that free flow of traffic and the movement of the pedestrian are not affected. The roads shall not be blocked by temporary structures.

h) The officials of the Karigori Bhawan and persons, who visit the said Bhawan, shall not be obstructed in any way.

If the police authorities find that there are any law and order problems and the protestors are not abiding by the order of this Court, the police authorities are free to take all such steps, as per law.

The petitioners will approach the Inspector-in-Charge, Techno City Police Station with the dates. An inspection will be made for the exact location, on the basis of this order in presence of the petitioners and the demonstration will be held accordingly.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)