

05.09.2024
Item No.7
gd/ssd

WPA(P)/365/2024
JATIYATABADI AYINJIBI COUNCIL AND ANR.
VS
THE UNION OF INDIA AND ORS.

Mr. Sandip Ray,
Ms. S. Srivastava,
Mr. Shaondeep Chakraborty,
Ms. Madhurima Sarkar,
Ms. Aishwarya Nanda,
Ms. Urmi Biswas
..for the Petitioners.

Mr. Rajdeep Majumder, ld. DSGI,
Mr. Samrat Ghosh
..for the Union of India.

1. This public interest writ petition has been filed by the two petitioners. The first writ petitioner claims himself to be a company registered under the Companies Act, 2013 which certain objects to promote and improve the health to show social work etc. The second writ petitioner claims that to be a practicing advocate before this court as well as the Barrackpore Court.

2. The prayer sought for in the writ petition is to enforce the legislative measures for protective statutes such as Advocates' Protection Act which would provide safeguards for advocates ensuring their ability to perform their professional duties without fear or violence or harassment. The petitioner also seeks for protection to establish a dedicated monitoring

committee or task force to oversee the implementation of the guidelines. Apart from that, the petitioner seeks for a direction to immediately install and maintain functional CC TV cameras in all the critical areas and to direct the authorities to establish a dedicated cell or mechanism for the prompt registration and investigation of complaints related to threats, harassment or intimidation of advocates.

3. Firstly, if the petitioner seeks for implementation of any law that needs to be done in the manner as provided under the said statute. In the pleading the petitioner indirectly seeks for a direction to frame certain guidelines, this court cannot legislate and the court can only interpret the law.

4. Therefore, it is for the State of West Bengal to come forward with the legislation or adopt any Central legislation or to pass appropriate legislation has done by the other States, namely, the State of Rajasthan which has introduced the Rajasthan Advocates' Protection Act, 2023.

5. Therefore, at this juncture, relief sought for cannot be granted.

6. However, we grant liberty to the writ petitioner to pursue the writ petition before the State of West Bengal and if the representation is submitted to the respondent nos.2 and 3, the same shall be considered in accordance with law.

7. The Bar Council of West Bengal shall also submit their views to the Government of West Bengal for appropriate legislation in this regard.

8. With the above directions, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)