

ITEM NO.3

COURT NO.1

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 33893/2018

(Arising out of impugned final judgment and order dated 21-12-2018
in MAT No. 1673/2018 passed by the High Court At Calcutta)

BHARATIYA JANATA PARTY, WEST BENGAL

Petitioner

VERSUS

STATE OF WEST BENGAL & ORS.

Respondents

(IA No.185788/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 15-01-2019 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ranjeet Kumar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Kabir Shankar Bose, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Devanshi Singh, Adv.
Mr. Brajesh Jha, Adv.
Mr. E.C. Agrawala, AOR

For Respondents

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Anand Grover, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Bhandari, Adv.
Mr. Vishal Prasad, Adv.
Ms. Kajal Dalal, Adv.
Mr. Samyak Gangwal, Adv.
Mr. Avishkar Singhvi, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Dimple Nagpal, Adv.
Mr. Suraj Sanap, Adv.
Mr. Rahul Arya, Adv.

M/s. PLR Chambers And Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

Pursuant to the order of this Court, dated 8.1.2019, the petitioner has submitted a revised schedule of the Rath Yatra/Ganatantra Bachao Yatra/Chetna Yatra to the respondent State Government. This was done as directed by this Court in the course of the same day. There appears to have been exchange of some communications between the parties i.e. the State Government and the petitioner immediately thereafter, eventually culminating in an order dated 14.1.2019 of the OSD & Ex-Officio Joint Secretary, Home & Hill Affairs Department, Government of West Bengal addressed to the General Secretary, Bharatiya Janata Party, West Bengal. The said order has been placed before the Court and has been taken on record.

We have perused the revised programme submitted by the petitioner pursuant to the order of this Court and have also considered the details recorded in the order of the Government, dated 14.1.2019. The Government of West Bengal does not and in fact cannot have any objections in holding of public meetings and rallies and by the order dated 14.1.2019, it had merely requested the petitioner to furnish details and schedules of such meetings and rallies.

So far as the Rath Yatras are concerned, there appears to be some objections of the State Government. Shorn of details, the Rath Yatras contemplate simultaneous processions from four different parts of the State, covering all the 42 Parliamentary Constituencies in a total period of 20 days. A minimum number of 2000 people is expected to join each of the

Rath Yatras proposed. The Rath Yatras naturally would cover the entire length and breadth of the State and would pass through different areas inhabited by different communities. The extent to which the Rath Yatras have been planned, the details of which have been submitted to the Government, has led to certain apprehensions in the mind of the Government as to the possible effect of the Rath Yatras on the law and order situation in the State.

Looking into the details of the proposed Rath Yatras and the order of the State Government, dated 14.1.2019, we cannot say that the apprehensions expressed by the State Government are totally unfounded. It is for the State Government to maintain law and order in the State and the apprehensions expressed in the order will have to be addressed to by the petitioner to the Government in a reasonable manner. We, therefore, propose not to entertain this special leave petition any further and, instead, we are of the view that the same should be ordered to be closed by directing the State Government to permit all public meetings, rallies etc. proposed to be held by the petitioner at different venues, provided adequate and timely information and schedules of such meetings, rallies etc. are furnished by the petitioner.

Insofar as the Rath Yatras are concerned, it will be open for the petitioner to submit a further modified proposal, which meets and answers the apprehensions of the State Government, so far as maintenance of law and order is concerned. Once such a proposal is submitted, the State Government will consider the matter and pass appropriate orders keeping in mind that the present involves a case of exercise of the fundamental rights, inter alia, under Article 19(1)(a) of the Constitution

of India. It is in that spirit that we expect the State Government to deal with the matter on receipt of such revised proposal as may be submitted.

Any revised proposal submitted by the petitioner will be responded to by the State Government with utmost expedition, keeping in mind that with the commencement of the Board examination of C.B.S.E. and other Boards, the use of loudspeakers etc. may be banned.

In view of the above, the special leave petition is closed.

Pending interlocutory applications, if any, shall stand disposed of.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master