

WPA (P) 153 of 2025

Sri Suwendu Adhikari & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Soumya Majumder, Sr. Adv.
Mr. Billwadal Bhattacharyya, Sr. Adv.
Mr. Kaustav Bagchi
Mr. Anish Kr. Mukherjee
Mr. Suryaneel Das ... for the petitioners.

Mr. Kalyan Bandyopadhyay, Sr. Adv.
Mr. Anirban Ray , Ld. GP.
Mr. Arka Kumar Nag
Mr. Debangshu Dinda ... for the State

Mr. Nilanjan Bhattacharjee
Mr. Siddhartha Lahiri ...for U.O.I.

Mr. Rananesh Guha Thakurata
...for Intervenor.

1. This Public Interest Litigation is filed by the Leader of the Opposition Sri Suwendu Adhikari and one Mr. Tarun Jyoti Tewari a practicing advocate and member of the Bharatiya Janata Party.
2. In view of the urgency shown this matter has been assigned to this Bench by Hon'ble The Chief Justice and accordingly has been listed today and being heard in presence of the parties.
3. Mr. Soumya Majumder, learned senior counsel appearing on behalf of the petitioner submits that in view of escalation of violence at Jangipur and Dhuliyon between two communities and some other parts in the State of West Bengal, it is imperative that the Central Police Force is to be deployed for

restoration of law and order and for ensuring communal harmony.

4. Mr. Majumder submits that in fact various news reports suggest that very recently at the request of the District Administration Border Security Force (BSF) was deployed and force was mobilized to help administration for restoring normalcy in Jangipur, Murshidabad. It is submitted that the presence of the BSF or Central Armed Police Forces may be required to stop the escalation of violence and loss of life and property.
5. Mr. Majumder has referred to Article 355 of the Constitution of India read with List 1 of the 7TH Schedule Entry 2A to show that the Union of India has the power to deploy forces in any State in order to aid the civil administration in enforcing law and order. It is further submitted that the said Advocate, in fact, obliged the Union of India to exercise such power where internal disturbance in a state is reported.
6. Mr. Majumdar has submitted that epicenter of the disturbance is a border district of West Bengal and from there it has escalated to the other parts in the State and a particular community has been targeted during protest against Waqf Bill.
7. Mr. Majumder has drawn our attention to paragraph nos. 13,14 and 17 of the petition, in his submission for an interim order in terms of prayer (i).
8. Mr. Majumder has submitted that although it may be canvassed that the petitioners may not have lack of faith on the intention of the State to prevent escalation of violence

having regard to the prevailing circumstances and the gravity of the situation the deployment of the Central Armed Police Force is desired to aid the administration in preserving the law and order and securing the life and property of the citizens.

9. Mr. Majumder has submitted that today provocative statement has been made by the Minister-in-charge of Library and two deaths have occurred in the District of Murshidabad. In view of such conduct of the state machinery deployment of Central Forces have become imperative. However, it has been submitted that these facts were subsequent developments which could not be included in the petition and he has prayed to file a supplementary affidavit disclosing such incidents.
10. The Union of Indian although represented has submitted that due to paucity of time due to lack of any instruction, they are unable make any submission.
11. Mr. Kalyan Bandyopadhyay, learned senior counsel appearing with Mr. Arka Kumar Nag, learned special counsel appearing on behalf of the State of West Bengal has submitted that this is a politically motivated petition. Adequate steps have been taken by the administration to secure the life and property of the citizen. There is no material on record to show that State has failed to perform its obligation and discharge its constitutional duty. A chart has been handed over to show the deployment of police personnel of various hierarchy and till date about 138 persons have been arrested.

The chart referred to in the submission is reproduced below.:-

Sl. No.	Particulars	Strength
1	DGP rank officer	01
2.	ADG rank officer	03
3.	IGP rank officer	02
4.	DIG rank officer	02
5.	SP rank officer	04
6.	Addl. SP rank officer	03
7.	Dy. SP	10
8.	Inspector	10
9.	SI/ASI	20
10.	Specialized force [RAF/EFR]	480
11.	General officers & force	300

Total arrest : 138

12. It is further submitted that six companies of BSF have been deployed for assisting the police on the basis of the request of the District Magistrate and they are all working under the direction of local police. They have been deployed at Jangipur and Dhuliyān at Murshidabad.

13. Mr. Bandyopadhyay submits that Article 355 cannot be invoked unless the State made a request to the Union of India for assistance of police force in maintaining the law and order situation. However, Mr. Bandyopadhyay, has fairly submitted the power of the Court to direct the deployment of CRPF or para-military forces are not curtailed by the said article depending upon the facts situation. He has also fairly submitted that in a given situation the State police and Central Police Forces can act hand in hand to pacify the

situation and ensure peaceful co-existence of different communities in the State.

14. It is further submitted that the Hon'ble Chief Minister of the State of West Bengal has made a public appeal to the people of the State to maintain peace and harmony and more particularly the population in the District of Murshidabad to maintain harmony, peace and tranquility.

15. We have heard the learned advocates for the parties.

16. The duty of the Court is to protect the citizen. Every citizen has right to life and it is the responsibility of the State to ensure that the life and property of every citizen is secured. It is undeniable that there have been frequent instances of violence between communities at different parts in the State of West Bengal and the disquieting situation prevailing till today cannot be ignored. Although we have noted the stand of the State that the State is making an endeavour to ensure co-existence of different communities in peace and harmony the measures so far taken does not appear to be adequate. The situation is grave and volatile. Action is to be taken against the culprits to arrest the atrocities committed on innocent citizens on war footing. Constitutional Courts cannot be a mute spectator and embroil itself in technical defences when the safety and security of the people are at danger. The deployment of Central Armed forces earlier could have de-escalated the situations as it appears adequate measure have not been taken in time. The Article 355 of the Constitution of India has to be read as an enabling provision with an obligation cast upon the Union of India that the State

is not inconvenienced by an internal disturbance in spite of the fact that the State made attempt to de-escalate such situation. We cannot turn a blind eye to the various report that have surfaced which prima facie shows vandalism in few districts of the State of West Bengal. The purpose of deployment of the para-military forces or Central Armed Police Force is only for the purpose of facilitating the State Administration to ensure the safety and security of population in this State. It cannot be denied that there is an internal disturbance in some of the districts in the State which inter alia, include Murshidabad. Apart from Murshidabad incidents have been reported to have occurred at Amtala (South 24 Parganas), North 24 Parganas, Champdani (Hooghly), Dhuliyani and Jangipur (Murshidabad) and even in parts of Kolkata.

17. It would be open for the petitioners to file supplementary affidavit disclosing the situation prevailing in the said three districts and it would also be open for the State administration to engage para-military forces or Central Armed Police Force to ensure that no escalation of violence takes place and life and property of the population of the said locality are safe and secured.
18. Accordingly, we direct, the deployment of Central Armed Forces in district Murshidabad who shall operate in the District in co-operation with the civil administration so that the situation which has necessitated the deployment of the armed forces is effectively dealt with and normalcy is restored. This direction, however, shall not be limited to the

district of Murshidabd and as and when required it should be extended to other districts faced with similar situation in which case the Central Forces may be deployed immediately to arrest the situation and bring normalcy.

19. A comprehensive report shall be filed by the State with regard to the steps taken pursuant to our order on the adjourned date upon prior service to the parties.
20. The interim arrangement shall continue till 17th April, 2025.
21. All the parties may file their affidavits in the meantime.
22. The matter is made returnable on **17th April, 2025**.

(Soumen Sen, J.)

(Raja Basu Chowdhury, J)