
(1998) 11 AHC CK 0097
In the Allahabad High Court
Case No : C.M.W.P. No. 36735 of 1998

Jag Mohan Singh and another	Vs	APPELLANT
Union of India and others		RESPONDENT

Date of Decision : 07-11-1998

Acts Referred:

Constitution of India, 1950 — Article 19

Citation : (1999) 1 AWC 448

Hon'ble Judges : S.L. Saraf, J;M. Katju, J

Bench : Division Bench

Advocate : Devendra Pratap Singh, for the Appellant; S.S.C., Central Government and S.C., for the Respondent

Final Decision : Disposed Of

Judgement

M. Katju and S.L. Saraf, JJ.—Heard Sri Devendra Pratap Singh learned counsel for the petitioner and learned standing counsel. The petitioner has prayed that the Bandh in U. P. whose call has been given by some political parties for 9.11.1998 be declared illegal.

2. The Supreme Court in Communist Party of India (M) Vs. Bharat Kumar and Others, has upheld the decision of the Kerala High Court in Bharat Kumar K. Palicha and Another Vs. State of Kerala and Others, , by which Bandh was held to be unconstitutional. The Supreme Court held that there is a distinction between a call for Bundh and a call for a general strike or hartal. A Bandh interferes with the exercise of the fundamental rights of the people and hence the Supreme Court held that there cannot be any right to call or enforce a Bandh which interferes with the fundamental freedom of the people in addition to causing national loss in many ways.

3. This petition is, therefore, disposed of on the same terms and directions as in the aforesaid decision of the Supreme Court with the further direction that proper security be given to the citizens of the State by the State Government so

that normal life is not affected.

4. Sri S. N. Srivastava learned counsel has appeared for Union of India and learned standing counsel for the State Government.

5. Let a copy of this order be given to the learned counsel for the parties on payment of usual charges today.