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(supple.)
21.10.2020
rrc

WPA 8520 of 2020
(Ajay Kumar De Vs. The State of West
Bengal & Ors.)

with
I.A. No. CAN 1 of 2020
with
I.A. No. CAN 2 of 2020
with
I.A. No. CAN 3 of 2020
with
I.A. No. CAN 4 of 2020
with
I.A. No. CAN 5 of 2020
with
I.A. No. CAN 6 of 2020
with
I.A. No. CAN 7 of 2020
with
I.A. No. CAN 8 of 2020

(via video conferencing)

Mr. Kalyan Bandyopadhyay
Mr. Arka Kumar Nag

.....For the applicants
(in CAN 1/2020,
CAN 2/2020)

Mr. Steven Sourodip Biswas

.....For the applicants
(Forum for Durga Utsab,
Hindustan Park,
Debigarh Bijoli Park)

Mr. Mainak Swarnokar

.....For the applicants
(Suruchi Sangha,
Gariahat Hindustan Club)

Mr. Ayanava Bhattacharyya

.....For the applicant
(Samajsebi Sangha)

Mr. Bihash Ranjan Bhattacharya
Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Mr. Pintu Karar

.....For the petitioner

Mr. Aniruddha Chatterjee
Mr. Rahul Karmakar
Ms. Gargi Goswami
Mr. Rammez Alam

.....For the applicant
(proposed added Party)

Mr. Kishore Dutta, Advocate General

.....For the State

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Eight applications have been filed, primarily by the organisers of Durga Puja in and around Kolkata, for modification of the order dated October 19, 2020. In effect, some of the strict rules put into place by such order are sought to be relaxed.

At the outset it is recorded that on a direct query from the court as to whether the State has challenged the order dated October 19, 2020 passed in the present proceedings, the State has indicated that no petition for special leave to appeal has been filed before the Supreme Court.

On behalf of the applicants, it is submitted that phase by phase *Anjali* should be allowed during the *Saptami*, *Ashtami*, *Navami* and *Sandhi Puja* occasions. It is submitted that *Sindur Khela* being a part of the puja celebrations, may also be permitted.

A specific prayer is made for the dhakis to be accommodated, whether inside the pandals or in the 'No Entry' zone created beyond the pandals. In addition, it is suggested that the number of local people to be given access within the pandals should be increased and it may not be possible for a fixed list of persons to hold good for all the days of the puja celebrations.

Some murmurs have also been made as to the distance required to be maintained beyond the extremities of the puja pandals on all sides. It is submitted that in some cases the pandal may also be on the roadside

pavements and creating a no-entry zone would result in a part of the road being blocked and the movement of traffic being impeded.

An attempt has been made by a body of doctors to intervene. Considering that today is Panchami, the first day of the six-day celebrations, no submission for further possible restrictions has been allowed at this stage.

The State and the petitioner in the public interest litigation have also been heard. The State adds to the submission made on behalf of the applicants that pursuant to a Central Government notification published on September 30, 2020, permission has now been accorded for religious, political and other gatherings to be held with 100 persons present.

Upon consideration of the submission made on behalf of the applicants and the parties and upon considering the effect of the order dated October 19, 2020, it is felt that such order is required to be modified only in respect of the following :-

- (i) Dhakis may be permitted, not within the pandal area but in the no-entry zone immediately beyond the pandals. For all other purposes such no entry zone has to be kept completely empty and the only exception that is made is for a reasonable number of dhakis to be allowed to play in such enclosed place. It is made clear that the dhakis should wear masks and

maintain proper hygiene and distancing norms;

- (ii) The directions as to the fixed charts referred to in the order of October 19, 2020 stand modified and the charts will now be fixed for the day. Such charts must be put up by 8 a.m. and, in case of smaller pujas, may include upto 20 names, but not more than 15 persons in case of smaller pujas should get access to the pandals at any given point of time. At the highest end, the charts may include upto 60 names, but at no point of time should the number of persons present within the pandals or the covered area be more than 45. The norms for the highest end pandals would only apply to pujas where the pandals cover an area in excess of 300 sq. metre excluding the dais on which the idols are placed.

It will be permissible for the *dhakis* to be inside the pandal, but in such event the number of other persons simultaneously allowed inside the pandal will stand reduced so that the maximum number of persons as permitted by the present order is not exceeded.

No further modification is thought appropriate so that the effect of the order is not diluted or the purpose thereof defeated.

The relevant applications being CAN 1 of 2020, CAN 2 of 2020, CAN 3 of 2020, CAN 4 of 2020, CAN 5 of 2020, CAN 6 of 2020, CAN 7 of 2020 and CAN 8 of 2020 in WPA 8520 of 2020 are disposed of without any order as to costs.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)