

Government of Sikkim
Department of Information Technology
178/DET/19
22/2/19



GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. Home/Confdl./01

Dated: 20.02.2019

CIRCULAR

Whereas the Hon'ble Supreme Court of India in its judgment delivered in the case of Communist Party of India (M), Appellant vs Bharat Kumar & Ors, Respondents in Civil Appeals No 7728-29 of 1997 which was decided on 12th November, 1997 and reported in (1998) 1 Supreme Court cases, 201, has held that Bandh, calling for, holding of and enforcing bandh by political parties, organized bodies or associations is violative of fundamental rights of the citizen in addition to causing national loss and hence declared unconstitutional and illegal, And

Whereas the Hon'ble Supreme Court of India in All India Anna Dravida Munnetra Kazhagam, Petitioner vs. Chief Secretary, Government of Tamil Nadu and Ors, Respondents in SLP (C) No. 18879 of 2007 and other cases decided on September 30, 2007, reported in (2009) 5 Supreme Court cases, 452, has held that a call given by political parties to conduct total cessation of work and closure of shops on the date specified was prima facie a call for bandh and has held that call for or enforcing of such bandh is impermissible.

Now, therefore, in view of the aforesaid law of the land as declared by the Hon'ble Supreme Court, it is hereby ordered that any call for strike or bandh or for that matter whatever nomenclature may be used for the purpose of causing bandh or strike or disruption of public life or closure or affecting the fundamental right of the people as a whole or in any manner shall be illegal, unconstitutional and the political parties or organizer causing such bandh or strike or disruption or closure of public life would be liable to be dealt under the law and the State Government would recover the loss from the sponsors and organizers of such bandh and would also be liable to be dealt with such other law as applicable.

By Order



-Sd/-

(A.K. Shrivastava, IAS)
Chief Secretary & Home Secretary
Government of Sikkim
File No. Home/Confdl./166/2019

Copy to:

1. Additional Chief Secretary to Hon'ble Governor, Raj Bhawan;
2. Principal Secretary to Hon'ble Chief Minister;
3. Sr. PS to the Chief Secretary, Govt. of Sikkim;
4. All Secretaries/HODs;
5. All District Collectors (East, West, North & South);
6. All Superintendent of Police (East, West, North & South);
7. Joint Director, Information and Technology Department for uploading on Government website;
8. Gazette Section for publication in the Official Gazette;
9. File and Guard File.

Joint Secretary (Confdl.)
Home Department