

10.04.2023
Court No.13
Item No.17
AP

WPA 4521 of 2023

**Sri Pankaj Kumar Datta
Vs.
The State of West Bengal and Ors.**

Mr. Jayanta Narayan Chatterjee
Mr. Suprem Naskar
Ms. Jayashree Patra
Ms. Sreeparna Ghosh
Ms. Pritha Sinha

... For the Petitioner.

Mr. Debasish Ghosh
Mr. Prantik Garai

... For the State.

The Inspector General of Police, Presidency Range, West Bengal has filed a report dated 6th April, 2023 and the same is taken on record.

It is indicated in the report that there are no rules or guidelines for providing security to retired DIGs and IGs in the State. It appears that security is granted by the police, on the basis of a persistent and accepted threat perception, to retired senior officials of the police.

The office of the DG reviews the threat perception to all retired senior officials every six months. In the last review, according to the Inspector General of Police, security to six senior officials has been withdrawn. The name of the said senior officials, though not mentioned in the report, has been read out by Mr. Garai, learned counsel for the State.

The petitioner has retired from serviced in the year 2011 and has been given security continuously from 2011 to till January 2023. The sudden withdrawal of security and the timing of the same when the petitioner has been vocal in his criticism of the current police establishment is too blatant to be brushed aside.

This Court, however, notices that the report does not deal with the petitioner's application dated 18th January, 2023. It is clearly mentioned in the application that there is continued threat perception to the petitioner to that effect. The petitioner has not even been spoken with by the office of the I.G. This Court has always understood that the police are an independent branch and are supposed to be unified force and are expected to function without any external influence.

Constructive criticism of the State is a necessary and essential right of any citizen. It is a recognized right in any democracy.

The security that the petitioner was enjoying, before its withdrawal on 11th January, 2023, shall be restored back to him immediately as an interim measure.

Since, Mr. Garai seeks time to file further report, let this matter stand adjourned and be listed on 16th May, 2023.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)