

Ramlila Maidan incident case* (2012) 5 SCC 1

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(2012) 5 Supreme Court Cases 1*

(before Dr B.S. Chauhan and Swatanter Kumar, JJ.)

Ramlila Maidan Incident, In Re Suo Motu WP (Crl.) No. 122 of 2011â€ decided on February 23, 2012

Constitution of India â€ Arts. 19(1)(a) & (b) and (2) & (3), 21 and 32 and Preamble â€ Public meetings, rallies and demonstrations â€ Public conducting itself in orderly fashion and agitating peacefully â€ Proper and permissible response of State and police in case of apprehension of breach of peace, disorder, etc., despite the public being in a peaceful state\ Police crackdown at midnight on members of public sleeping in enclosed public ground, who were a part of public agitation spread over a number of days â€ Propriety â€ Ramlila Maidan incident of 4-6-2011/5-6-2011 â€ Imposition of prohibitory order at night and hasty and forcible evacuation of sleeping public by police which resorting to violence to force the evacuation â€ Suo motu probe of incident ordered by Supreme Court on basis of media reports and CCTV camera footage â€ Police found to have misused its power and leader of agitation, a Yoga Guru also found partly responsible â€ Directions issued for initiation of disciplinary and criminal action against police officials/persons concerned, and for remedial action and payment of compensation to victims of incident Permission granted to Yoga Guru, Baba Ramdev for holding yoga camp from 1-6-2011 to 20-6-2011 at Ramlila Maidan in New Delhi abruptly withdrawn on the night of 4-6-2011, and prohibitory order imposed under S. 144 CrPC, 1973 â€ Action taken on pretext that Yoga Guru instead of using premises exclusively for yoga camp as permitted, was promoting his agitation against black money and corruption â€ Huge gathering of people allegedly expected on Baba Ramdev commencing indefinite hunger strike on 4-6-2011 as part of abovesaid agitation â€ Apprehension raised that swelling crowd may cause danger to human life and disturbance of public tranquillity â€ Yoga Guru and his supporters asked to leave Ramlila Maidan at midnight itself â€ Yoga Guru not cooperating with police in implementation of prohibitory order though he appealed to his supporters to remain peaceful â€ Confrontation leading to caning and tear gas shelling from police side and stone-pelting from public side â€ Several persons including police personnel injured and one woman succumbing to injuries later on â€ Hasty police action at odd hours was in fact a fallout of talksâ€™ failure on preceding day (3-6-2011) between Yoga Guru and representatives of Central Government which was trying to persuade Yoga Guru to call off his agitation against black money Police action, held (per curiam), unconstitutional inasmuch as there was no justification to compel sleeping public to leave at night when there was no immediate danger of peace being disturbed â€ Necessary procedural safeguards like public announcement of promulgation, banner display of prohibitory order and prior warning before use of force, also not observed by police â€ Yoga Guru also found to be partly responsible for incident â€ It was his legal and moral duty to obey prohibitory order â€ His cooperation might have avoided police-public confrontation and resultant damage to life and property â€ Contributory negligence of organisers of yoga camp â€ Held, organisers by refusing to cooperate with police contributed to sufferings of people and were therefore also liable Remedial and compensatory measures directed (per curiam) â€ Disciplinary action directed to be taken against police officials who used undue force or failed to render assistance to injured persons â€ Criminal cases directed to be registered both against police officials and members of public who resorted to violence â€ Compensation of Rs 5 lakhs awarded to legal heirs of lady who died as a result of this incident â€ Compensation of Rs 50,000 awarded to each of persons who were hospitalised due to serious injuries â€ Compensation of Rs 25,000 also awarded to each of persons who were discharged after simple medical treatment â€ Liability for monetary compensation apportioned between State and Yoga Guru in ratio of 3:1 â€ Such compensation to be treated as ad hoc compensation, and victims, further held, could claim additional compensation by moving competent court â€ Administrative Law â€ Administrative Action â€ Administrative or Executive Function â€ Colourable/Arbitrary/Mala fi Exercise of Power â€ Criminal Procedure Code, 1973 â€ S. 144 â€ Penal Code, 1860, S. 187 â€ . Under Article 32 of the Constitution of India