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Cont.P.SR.No.161527 of 2023
and Cont.P.Nos.2717 to 2721, 2868,
2873, 2931, to 2933, 2993 to 2997
of 2023 and 3007 to 3014 of 2023
& Sub.Appln.Nos.923 of 2023, 805 to
809 of 2023, 899 to 901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :19.12.2023

Pronounced on :05.01.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Cont.P.SR.No.161527 of 2023
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of 2023 and 3007 to 3014 of 2023
and
Sub.Appln.Nos.923 of 2023, 805 to
809 of 2023, 899 to 901 of 2023

Cont.P.No.Sr 161527 of 2023

and

Sub Appln.No.923 of 2023:-

G.Shanugam (Bala)
Joint Secretary RSS, Tambaram,
C/o Ganesan,
15/8, Varadharajan Street,
Nehru Nagar, Crompton,
Chennai 600 044.

.. Petitioner in both
cases

/versus/

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Cont.P.SR.No.161527 of 2023
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2873, 2931, to 2933, 2993 to 2997
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& Sub.Appl.Nos.923 of 2023, 805 to
809 of 2023, 899 to 901 of 2023

1. Tmt.P.Amudha, I.A.S.,
The Secretary to the Govt. of Tamil Nadu,
Home Department,
Fort and George, Chennai-09.

2. Shri.Shankar Jiwal, I.P.S.,
The Director General of Police, Tamil nadu
Post Box No.601, Dr.Radhakrishanan Salai,
Mylapore, Chennai 600 004.

3. Thiru.A.Amalraj,
The Commissioner of Police,
Tambaram, Chennai 600 044.

4. Tmt.Magudeswari,
The Inspector of Police,
T-13, Chitlapakkam Police Station,
Tambaram, Chennai 600 044.

.. Respondents in both
cases

Prayer in Sub Appl.No.923 of 2023: This Sub Application has been filed under Section 151 of C.P.C., to dispense with the production of the certified copy of Order dated 16.10.2023 in W.P.No.29373 of 2023 passed by the Hon'ble High Court of Madras.

Prayer in Cont.P.No.SR161527 of 2023: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to issue notice to the respondents and punish them for having committed contempt of the order dated 16.10.2023 of this Hon'ble High Court passed in W.P.No.29373 of 2023.



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809 of 2023, 899 to 901 of 2023

For Petitioners
for both cases :Mr.K.S.Jeyaganeshan

For Respondents
for both cases :Mr.N.R.Elango, Senior Counsel
Assisted by
Mr.R.Muniyapparaj,
Addl.Public Prosecutor,
Mr.S.Santhosh, Government Advocate
(Crl.Side)

Cont.P.No.2717 of 2023 and batch-

Mr.S.Raja Desingu

.. Petitioner

/versus/

1.Tmt.P.Amudha, I.A.S.,
The Secretary to the Govt of Tamil Nadu,
Home Department,
Fort and George, Chennai-9.

2.Shri.Shankar Jiwal, I.P.S.,
The Director General of Police,
Post Box No.601, Dr.Radhakrishanan Salai,
Mylapore, Chennai 600 004.

3.Thiru.A.K.Arun Kabilan, I.P.S.,
The Superintendent of Police,
Nethimedu, Salem 636 002.

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4.Thiru.Uma Shankar,
The Inspector of Police,
Vazhapady, Salem-636 115.

.. Respondents

Contempt Petition has been filed under Section 11 of the Contempt of Court Act, 1971, praying to issue notice to the respondents and punish them for having committed contempt of the order dated 16.10.2023 of this Hon'ble High Court passed in W.P.No.29039 of 2023.

For petitioners :Mr.B.Rabu Manohar for
Cont.P.No.2717 to 2721 of 2023

For Respondents :Mr.N.R.Elango, Senior Counsel
Assisted by
Mr.R.Muniyapparaj,
Addl.Public Prosecutor,
Mr.S.Santhosh, Government Advocate
(Crl.Side)in all contempt matters

COMMON ORDER

A batch of Writ Petitions seeking Mandamus directing the police to permit the Members of RSS to conduct procession (Route March) wearing uniform namely, white shirts, dark olive brown pants with belts, cap, shoes

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led by the band, came up for consideration before this Court on 16.10.2023.

Following the dictum of the Hon'ble Supreme Court in S.L.P.(Civil)No.4162 of 2023, dated 11.04.2023, which is in respect of very same organisation, this Court allowed those Writ Petitions with below directions:-

“(i)The Superintendent of Police of the concerned District, to whom the application is made shall issue permission after having consultation with the Organizers, if necessary.

(ii)The Organisers of the processions may be amenable for minor change in the route, if the District Administration feels that it may be difficult for them to provide bandobust in a particular route. If there is any such difficulty, the District Administration can have consultation with the Organizers and provide alternative route.

(iii)The starting point and ending point shall not be compromised under the guise of changing the route.

(iv)The permission in writing with necessary



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restriction to be issued atleast three days prior to the date
of rally/meeting.”

(2) In spite of the above direction, permission for RSS route march was not granted by the Police. Hence, contempt petitions were filed. This Court admitted the contempt petitions and issued Statutory Notice to the contemnors.

(3) Meanwhile, challenging the order dated 16/10/2023 passed in the batch of writ petitions, State through its Director General of Police preferred Special Leave Petition before the Hon'ble Supreme Court.

(4) Pending contempt petitions before the Hon'ble High Court and Special Leave Petition before the Hon'ble Supreme Court, the respondent police permitted the petitioner's-organisation to conduct Route March and the same was reported to the Hon'ble Supreme Court, when SLP came up



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for hearing.

(5) The Hon'ble Supreme Court, recording the events subsequent to the filing of SLP, took note of the fact that the route march by RSS is an event conducted all over the Nation every year in and around Vijayadasami i.e., end of Dasara festival, but repeatedly the members of the RSS are forced to approach the Court to conduct the route march, since the Tamil Nadu Government refuse to grant permission, despite the Courts direction. To avoid parties approaching the Courts every year for getting permission for route march, the Supreme Court had passed the following order:-

“7. Having considered the rival submissions, it appears to us that the petitioner-authorities should in all fairness submit a proposal before the High Court as to how in future they will ensure that the respondent-Organization is permitted to conduct the Route March without seeking intervention of the Court. Such a proposal may be considered by the High Court only after inviting objections/ suggestions from the



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respondent-Organization/its local units. Such a recourse is required to avoid unnecessary litigation in future.

8. As regard to the contempt notice issued by the High Court in one of the matters, it may be seen that the show-cause notice was issued by the High Court on 01.11.2023 i.e. much before this court passed the order on 06.11.2023.

9. It goes without saying that the petitioners shall be at liberty to apprise the High Court that they immediately availed their legal remedy against the directions issued by the High Court and, thereafter, have faithfully and earnestly complied with the order passed by this Court on 06.11.2023. We see no reason to doubt that the High Court shall take into consideration all the subsequent events, most importantly the proposal to be submitted on behalf of the petitioners for future course of action. The High Court may, accordingly, pass appropriate orders for which it is not expedient or desirable for this court to express any opinion on merits.”



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(6) With reverence to the Hon'ble Supreme Court mandate, the respondent police had exchanged draft proposal with the organisers of RSS local unit and they have also given in writing their re-joinder/objections. In response to the objections, the Director General of Police had given the reasonings for the restrictions, which were disagreed by the organisers. The DGP draft proposal is dated 20.11.2023. The petitioners, who are the representatives of the respective local unit of RSS has given their comments/objections. In response to the objections/suggestions submitted by the representatives of RSS, explaining reasons for certain restrictions is filed by the Director General of Police on 15.12.2023. The proposal, objections and reply are placed before this Court to finalise the proposal/guidelines for the petitioner's-organisation to conduct the Route March in future without seeking intervention of the Court.

(7) **Proposal submitted by the Director General of Police:-**

(a) The officer bearers of the association who intend to



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conduct the procession/program should seek permission of the concerned authority before a period of fifteen days from the proposed date of event.

(b) The organizers shall not propose the event in congested and narrow area and other important institutions like hospitals, schools, religious places in the localities.

(c) Agenda of the event should be made clear and transparent to the local authorities to assess the L&O situation.

(d) Participants in the event should not exceed the proposed and permitted numbers.

(e) Special arrangements to be made for senior citizen, children, women, physically challenged person, if they are proposed as participants and later permitted.

(f) Number of vehicles and its type (four wheeler/two wheeler/private/hired/light/medium/heavy) to be mentioned and adequate parking arrangements to be made for the same with local bodies NOC, one week before the commencement of event after obtaining permission.

(g) Regarding public meeting, there should be proper seating arrangements to be ensured by the organizers. Sufficient volunteers to be posted for arrangements. Details of volunteer to be shared to the local police



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authorities.

(h) Regarding security, CCTV installation in sufficient numbers be installed in the place of event to ensure the safety of the participants and also to the public in tie up with the authorities and as instructed by the Station House Officer of that jurisdiction.

(i) The participants shall not exhibit or disseminate pictures, symbols, placards, signs, visible representations or any other object or things which may offend against decency or morality or promote on ground of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony, feelings of enmity or hatred or ill-wil between different religious, racial, language or regional groups or castes or communities.

(j) The Organizers have to seek permission for the conduct of event preferably on Holidays (or) on Sundays.

(k) The program/procession route shall not have places which may create law & order problems. traffic congestion, disturbance commercial activities and other history of communal/caste clashes Sufficient volunteers to be posted to manage the traffic of the event participants at the parking area and event place. The volunteers details to be shared with the local authorities.

(j) The procession shall be allowed to be conducted



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only on the routes earmarked by the police authorities, which would be finalized after taking into consideration the traffic congestion and security aspects.

(m) The program/procession shall be permitted to be conducted only on days when there are no other important religious or local festivals pertaining to that locality.

(n) The program/procession would be permitted to be conducted only if there are no order u/s 144 Cr.P.C or other prohibitory order is in force.

(o) The program/procession shall be allowed to be conducted, taking into consideration the assessment of the prevailing law and order problems or any other specific issues in the jurisdiction by the SHO concerned and also by the concerned Commissioner/Superintendent of Police.

(p) The petition seeking permission to conduct program/procession will be considered on first come first served basis. The organizers shall abide by the conditions/restrictions imposed by the authorities.

(8) **Do's and Dont's:-**

(i) During the program, nobody shall either sing songs or speak ill on any individuals, any caste, religion, etc.



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(ii) Those who participate in the program shall not for any reason talk or express anything in favour of organizations banned by the Government of India. They should also not indulge in any act disturbing the sovereignty and integrity of our Country.

(iii) The program should be conducted without causing any hindrance to public or traffic.

(iv)The participants shall not bring any stick, lathi or weapo that may cause injury/intimidation to anyone.

(v)The organizer(s) shall make adequate arrangements for drinking water and proper First Aid/Ambulance/Mobile Toilets/CCTV Cameras/Fire Fighting equipment etc., in consultation with the Police/Civic/Local Bodies as directed by the Police.

(vi)The procession shall proceed in an orderly manner along the sanctioned route keeping to the left and shall not halt on the way or cause impediment to the normal flow of traffic. The procession shall occupy only one-fourth of the road.

(vii) The organizer(s) shall keep sufficient volunteers to help the police for regulation of traffic and the participants.

(viii) The organizer(s) of procession/rally shall be responsible for ensuring that the route permitted to them



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by the Police Authorities is strictly followed.

(ix) Only box type speakers should be used and output of the speakers should not exceed 15 watts and within a radius of 30 meters only. Cone speakers should not be used at any cost.

(x) In the procession, the processions shall not in any manner offend the sentiments of any religious, linguistic, cultural and other groups.

(xi) An undertaking to reimburse the cost for any damage that may occur enroute to any public/private property and undertaking to bear the compensation /replacement costs as well, if they are to be awarded to any other institution / person, who may apply for the same.

(xii) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law."

(9) The objections/re-joinder by the organisation:-

a) The Office Bearers of the association who intend to conduct the procession/program will seek permission of the concerned authority before



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20 days from the proposed date of event and the respondent should process the application and grant permission before 10 days of the proposed event.

The details of the persons who are in-charge of the Route March and the public meeting will be shared with the authorities.

b) The organisers should be permitted to conduct the event on any day convenient to the organisers and the same should be permitted in full view of the public and not in deserted or an isolated place. Citing presence of hospitals, schools, place of worship and office of politically enemy group should not be a reason for rejecting the request for permission.

c) Route March will be conducted from a particular point to another particular point followed by public meeting. The agenda would be given in advance at the time of seeking permission before the concerned officers.

d) The respondent should not limit the numbers of participants or restrict number of vehicles carrying the participants.

e) The participants who come in vehicles will come in their uniform



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and return in their uniform.

f) Parking for their vehicles will be arranged by the organisers. NOC from the local bodies should not to be demanded.

g) The organisers will arrange for video graph of the event and will to share it with the authorities.

h) The petitioner will exhibit the saffron flag led by musical instruments and fix thoranams of the saffron flag. The organisers should be permitted to affix posters regarding the conducting of the march and meeting.

i) Except on exceptional occasions permission has to be granted when request is made by the organizers for the day and time the permission sought.

j) under this guise restriction, the respondents should not invoke 144 Cr.P.C., or other prohibitory orders deliberately at that time of grant of permission to the route march and deny permission.

k) The condition of first come first serve basis is opposed by the



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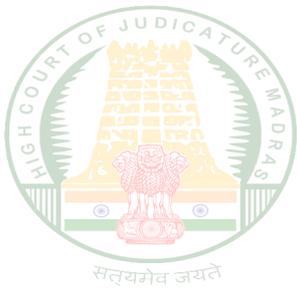
petitioners. They apprehended that the rival organisations/political parties may ante-date their representation and give it to the respondent police and the respondent police will take this as a reason to reject permission.

(10) **The Director General of Police reply to the objections/ rejoinder filed by the organisers:-**

Proposal (b): The Police Act specifically gives power to the authorities to prescribe the routes by which, and the times at which a public procession can pass. Section 30 of the Police Act, 1861 reads as below:-

“The District Superintendent or Assistant District Superintendent of Police may, as occasion required, direct the control of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which and the times at which, such processions may pass.”

Therefore, proposal (b) which only says that event shall not be allowed to



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take place in congested/narrow areas and in areas near schools, hospitals and religious places is to ensure the procession conducted in an orderly manner without causing disturbance to the public.

Proposal (d):- This proposal does not restrict number of participants but only expected from the organisers to inform the authorities about the number of participants so as to make necessary arrangements. The proposal does not restrict or limit the number of participants. The authorities only expect that the number of participants shall not exceed than what expected and disclosed the authorities at the time of seeking permission.

Proposal (f):- To avoid roadside parking and traffic congestion, NOC from the owner of the parking space is expected. It may be either owned by the local bodies or any private person. Being a private affair providing parking space for participants, it is the duty of the organisers.



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Section 71 of the City Police Act, the vehicle can be parked for a longer time except at the place of appointment for parking.

Proposal (h):- Object of this proposal is to ensure speedy of the participants as well as the public. The proposal to instal CCTV camera will be necessary at strategic points in the interest of safety of the public and participants.

Proposal(i):- Prohibition to display or exhibit pictures, symbols, placards, signs, visible representation or any other object or things which may offend against decency or morality or promote hatred of religion, race, place or birth, residence, language, caste or community or any other ground. Fixing thoranams enroute of the procession will not be accepted due to potential risk of accidents, if the Thoranams snap and entangle with two wheeler riders. Similarly, erecting of flags will endanger the lives of the public on the roads due to accidents. The exhibition of the poster with

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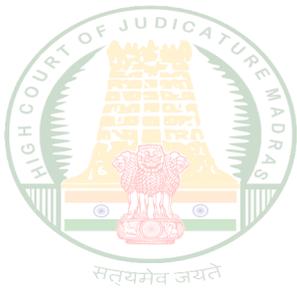
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controversial and objectionable content may hurt the feelings and sentiments of sections of people, which may lead to ill feeling and disharmony. Hence, it may be avoided.

Proposal (j):- This proposal is put forth to avoid inconvenience to the public and officer goes, if the processions to be taken on working days. When the organisation seeking permission utilising public pathways, the authorities first take into consideration the difficulties to be faced by the public before granting such permission. The State has the power to regulate gatherings in public places to avoid nuisance and inconvenience to the public.

Proposal (k): This proposal aims to have a peaceful procession and to avoid time and route which are vulnerable. To avoid prominent threat endangering the public order and tranquillity, restriction regarding time and route is essential.

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Proposal (l):- This proposal is only to avoid routes of heavy traffic and security risk. Maintaining law and order is the primary duty of the State and therefore, it has to be cautious in allowing the route for any public procession.

Proposal (m):- In order to maintain harmonious relationship between the people having different religious beliefs, the proposal to permit route march on days when there are no other important religious or local festival in that locality. If this proposal does not find place in the final draft there is always a danger of an occurrence of communal disharmony among people of different religious beliefs. The Director General of Police in his reply has also referred Police Standing Order 702 which deals with instructions and guidelines to the police officers regarding procession in the public routes.



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Proposal (o):- The proposal says that the procession shall be conducted taking into consideration, the prevailing the law and order situation. This proposal is in tune with Section 41 of the Chennai City Police Act, 1888. It does not attribute any opinion about the members of the petitioner-organisation.

Proposal (p):- Considering the application for granting permission on first come first basis, is the general norm in all the function of a systematical government. Presumption of the petitioner that rival organisation will plan for rallies on the same day is imaginary. The apprehension is purely hypothetical and imaginary.

(11) **Guidelines to grant permission for RSS Route March with uniform:**

After due contemplation, the past experience and need for special regulation as far as RSS route march is concern, the Director General of

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Police of Tamil Nadu had put forth the conditions to grant permission and also explained the reasons for those restriction. The members of the organisation substantially agree to the conditions with certain reservations about few conditions apprehending that those conditions may in future be read in between lines and permission for the route march will be denied.

(12) Weighing the proposal and the reasonings, it is obviously clear that there cannot be any hard and fast rule for the future to come. However it is possible to draw a broad guidelines which are mandatorily to be followed by both the organisation and the police. In a populous and democratic Country like India, through out the year processions, rallies and public meetings are common and held all over India. They are true signs of vibrant democracy and manifestation of freedom of thought and expression. Men in power should not attempt to prevent the Citizens right of thought and expression. Also should not be biased while permitting citizens to express their views. Any restriction, must be reasonable and must



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necessarily pass the test of reasonable restriction to prevent breach of public order and peace. Hence, the proposal of the DGP with necessary changes and elimination of conditions which does not clear the test of reasonable restriction is approved as below:-

a) For the purpose of this guidelines/proposal, the expressions:-

“Authority” the Government, instrumentalities of the Government and representatives of the Government shall include the Chief Secretary, Home Secretary and DGP.

“Organizers” shall mean and include the representatives of RSS seeking permission to conduct route march in public.

“Participants” shall refer to the members of RSS who are clad in uniform namely, White Shirts, Dark Olive Brown Pants with belts, Cap and Shoes lead by a volunteer carrying dwajastham (pole with saffron flag).

“Route march” means March by participants in view of general public on a specific route at the time and date permitted.



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b) Application for permission:-

i) The Office Bearers of the Association who intend to conduct the procession/program shall seek permission of the concerned authority atleast 21 days in advance from the proposed date of event.

ii) On receipt of the application, the authority concerned should process the application and grant permission atleast 7 days prior to the date of the proposed event.

iii) To avoid last hour inconvenience, the organisers may suggest one or more alternate dates/routes for the authority concerned to finalise the date of event.

c) Do's and Dont's:-

i) The authority concerned shall decide about the route and distance. There shall be restrictions, only which are necessary, reasonable and fair. The restrictions neither be unfair and flimsy nor the reasons which were already held unreasonable by the courts on the earlier occasions.



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and Cont.P.Nos.2717 to 2721, 2868,
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of 2023 and 3007 to 3014 of 2023
& Sub.Appl.Nos.923 of 2023, 805 to
809 of 2023, 899 to 901 of 2023

ii) The applicant should furnish the details of the persons, who are in-charge of the Route March and the public meeting.

iii) For the authorities to arrange adequate security, the application should contain details like:-

a) Number of participants expected, the beginning point and the ending point of the route march proposed and the time.

b) If participants proposed to come from far off place in private vans and private buses, the approximate numbers of those vehicles and the place of parking the vehicles.

c) the details of arrangements made for amenities like drinking water, first aid and medical care for the aged and sick participants.

iv) There shall be no restriction for the participants to carry flag and playing music band. However the participants shall not raise provocative slogans or songs during the route march/ public meeting.

v) In case, the organisers desire to display banners, flex boards or



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'thoranam' in public places, then a separate application for permission has to be sought, mentioning the places in which such displays to be made.

vi) To ensure no damages to the public properties is caused, the authority concerned shall collect any reasonable amount as refundable caution deposit, as he deem fit from the organisers. After the event, the caution deposit to be refunded after defraying costs of damages, if any.

(13) Without resorting to Courts intervention, in future, the authorities and the organisers shall scrupulously follow the above guidelines and conduct the route march and public meeting peacefully. These guidelines shall be read in harmony with the Rules and Regulations in force regarding permission for processions in public places and in conjuncture with the directions of this Court passed by the Division Bench in L.P.A Nos.6 to 50 of 2022 dated 10/02/2023; the order of the Hon'ble Supreme Court in S.L.P (Civil) No:4163 of 2023 dated 11/04/2023 and the common

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order passed by this Court in the batch of W.P.Nos.29039/2023 etc., dated
16/10/2023.

(14) In fine, considering the subsequent events and the undertaking
by the respondents/contemnors that in future, there shall not be any unfair
restrictions for the RSS organisers to conduct their route march and also
considering the proposal given by D.G.P pursuant to the Hon'ble Supreme
Court direction, this Court purges the contemnors from contempt.
Accordingly, **these Contempt Petitions are closed.** Consequently,
Miscellaneous Petitions are also closed.

05.01.2024

Index: Yes
Internet: Yes/No.
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To:

1. Tmt.P.Amudha, I.A.S.,
The Secretary to the Govt. of Tamil Nadu,
Home Department,
Fort and George, Chennai-09.

2. Shri.Shankar Jiwal, I.P.S.,
The Director General of Police, Tamil nadu
Post Box No.601, Dr.Radhakrishanan Salai,
Mylapore, Chennai 600 004.

3. Thiru.A.Amalraj,
The Commissioner of Police,
Tambaram, Chennai 600 044.

4. The Public Prosecutor,
High Court, Madras.

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Dr.G.JAYACHANDRAN,J.

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Common Order made in
Cont.P.SR.No.161527 of 2023
& Cont.P.Nos.2717 to 2721, 2868,
2873, 2931, to 2933, 2993 to 2997
of 2023 and 3007 to 3014 of 2023 and
Sub.Appln.Nos.923 of 2023, 805 to
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