

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
PAPER CLIPPINGS

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HC to study cancellation of permission for protests

Court to go into the legality of prohibitory orders passed by City Police Commissioner under Section 144 of the CrPC



Chief Justice Oka's questions

- Can the state go under the assumption that every protest will disturb peace?
- Are you (state) going to ban each and every protest? How can you cancel permission of a previously granted order?
- When permission for carrying out protests was given to certain organisations, then how can it be cancelled overnight?"
- Can a sweeping order under Section 144 cancel an already granted permission?



Suppose an author goes to Town Hall and holds a peaceful protest, then the status of the person should be considered. Elementary principle of natural justice should be followed, though the police have powers to cancel permission

High Court

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THE High Court on Friday said it would hear a batch of public interest litigations on the legality of the orders cancelling permissions for protests against the Citizenship (Amendment) Act in Bengaluru.

The court observed that people would be deprived of their fundamental rights if permissions granted for holding peaceful protests were cancelled without following the elementary principle of natural justice.

The court stated that it would go into the legality of prohibitory orders passed by City Police Commissioner under section 144 of the CrPC even though the order would expire on Saturday.

The court also passed an interim order directing the city police to decide within three days if fresh applications were made by organisations or individuals seeking permission to hold protests in accordance with the law.

A division bench of Chief Justice Abhay Shreeniwas Oka and Justice Pradeep Singh Yerrur passed the interim order after hearing arguments from counsels of petitioners -- Congress MP prof Rajeev Gowda, social activists Kavitha Lanke-sh and others -- as well as the Advocate General.

The bench also issued notices to the government asking it to file objections by January 6.

When counsel of the petitioners expressed apprehensions that the prohibitory or-

ders would be extended beyond December 21, the bench clarified that there would have to be "fresh application of mind and formation of opinion" if such an extension was to be made. The bench also orally observed that the police "cannot reject each and every application seeking permission to hold peaceful protests".

Without naming writer-historian Ramachandra Guha, the court said: "Suppose an author goes to Town Hall and holds a peaceful protest, then the status of the person should be considered. Elementary principle of natural justice should be followed, though the police have powers to cancel permission."

'Ban orders based on intelligence inputs'

Advocate General Prabhuling K Navadgi submitted to the court that Police Commissioner Bhaskar Rao had passed prohibitory orders on receiving inputs from the intelligence wing "strongly indicating" that protests were likely to turn out to be a law and order problem.

He said permission had been granted for peaceful protests, but there was a possibility of anti-social elements participating in them. "The decision was also taken in the interest of petitioners' lives due to likelihood of unlawful incidents", he said.

Navadgi also argued that rejection of permissions were not restricted to anti-CAA protests. Pro-CAA rallies planned for December 22 are also not allowed, he said.