OFFICE OF THE COMMISSIONER OF POLICE : DELHI

No. 35/2011

CIRCULAR

1. The Hon'ble Supreme Court of India and the Delhi High Court have issued detailed guidelines regarding the conduct of rallies, processions, demonstrations & protests etc. The onus of maintaining peace during the protest has been laid on the organisers.

2 The Hon'ble Supreme Court has clearly laid down that the **organisers** will **meet** the police to discuss the conditions in which the protest can be organised and will **give an undertaking** that they shall maintain peace during the event and have also been banned from carrying any kind of weapon. These guidelines are:-

i) The organizer shall **meet** the police to review and revise the route to be taken and to lay down conditions for a peaceful march or protest.

ii) An **undertaking** is to be provided by the organizers to ensure a peaceful march with marshals at each relevant junction.

iii) All **weapons** including knives, lathis & the like shall be prohibited.

iv) The Police and State Government **shall ensure videograph** of such protests to the maximum extent possible.

v) In the event that demonstration turns violent, the officer-in-charge shall ensure that the events are properly videographed through private operators and also request such further information from the media and others on the incidents in question.

vi) The Police shall immediately **inform the State Government** with reports on the events, including damage, if any, caused.

3. The Hon'ble Delhi High Court in its decision of 1996 has clearly directed that **permission should be obtained for taking out a** rally, public procession, holding of meeting etc **from the district DCP.** The Hon'ble Court has also directed that the organiser shall obtain permission from the land owning authority, comply with all lawful directions given by police and keep members of the procession under proper control.

4. These two judgements of the Hon'ble Supreme Court and Delhi High Court crystallize the powers of police to direct and regulate assemblies and processions in specific terms and the guidelines laid down in these judgements have been incorporated in the enclosed Terms and Conditions which have to be served on the organisers during the meeting to negotiate arrangements for the proposed rally/protest etc.

5. Therefore, it is imperative that in order to bind down the organisers, a copy of the terms and conditions (enclosed) quoting the relevant orders of the Hon'ble Supreme Court and Delhi High Court, be served on them along with the meeting notice as well as the permission.

22/6/2011

(B. K. GUPTA)
COMMISSIONER OF POLICE
DELHI.

No. 3573-3672 /Record Branch /PHQ, dated 22/6/ 2011.

Copy to :-

1. All Special Commissioners of Police, Delhi.
2. All Joint/Additional Commissioners of Police, Delhi.
3. All Deputy Commissioners of Police of District/Units, Delhi.
4. SO, LA and FA to Commissioner of Police, Delhi.
5. DCP/Legal Cell, Delhi.
6. Record Branch, PHQ, Delhi with 10 Spare Copies.
7. Guard File.

TERMS AND CONDITIONS FOR TAKING OUT RALLIES/PROCESSIONS/DHARNAS.

The permission for taking out a procession/rally/dharna is subject to the following terms and conditions, which are based on the guidelines laid down by the Hon'ble Supreme Court, in Writ Petition (Criminal) No. 77 of 2007 read with W.P. (Criminal) No. 73 of 2007 in the matter of "Destruction of Public and Private Properties Vs. Sate of Andhra Pradesh & Ors." and the Delhi High Court in W.P. (Civil) No. 2208/1996, Chandni Chowk Sarv Vyapar Mandal Vs. Lt. Governor, Delhi & Ors:-

1. The organizer shall meet the police to review and revise the route to be taken and to lay down conditions for a peaceful march or protest.

2. An undertaking is to be provided by the organizers to ensure a peaceful march with marshals at each relevant junction.

3. All weapons including knives, lathis and the like shall be prohibited

4. The organizer shall also obtain a "No Objection Certificate" from the land owning agency with regard to holding rally/meeting etc.

5. The organizer shall carry the permission granted to them in original to be shown to a police officer on demand.

6. They will depute a person with whom the police can liaise for various purposes.

7. Organizers would make adequate arrangements for drinking water (by providing tankers) and First Aid/Medical Aid in consultation with the civic/local bodies at the site and also during the procession.

8. The procession will proceed in an orderly manner along the sanctioned route keeping to the left and will not halt on the way or cause impediment to the normal flow of traffic.

9. The organizers shall allow cross traffic at intersection as prescribed by the police.

10. The organizer shall keep more volunteers at these crossing to help the police.

11. No procession would normally occupy more than one fourth of the width of the road. Traffic should be allowed to flow on the road in both directions during any procession. The organizers would keep adequate number of volunteers to held the police to keep flow of traffic. At road crossing, the processionists would stop to allow any cross traffic to be cleared before proceeding further. In case a road is not sufficiently broad, the local police should regulate the procession suitably.

12. No demonstration/rally/meeting etc. would be allowed on roads and road crossings. Except at places especially earmarked for such a purpose by the police authorities, meeting should be held on grounds or on footpaths only.

13. Organizer of processions will be responsible for ensuring that the route permitted to them by the police authorities is strictly followed.

14. No procession should take more than a maximum of four hours from start to finish. The tail of any procession shall reach the finishing point within four hours of start positively.

15. The participants in the procession will not carry any lathis, firearms, spears, swords and other articles likely to be used as a weapon of offence. Besides the carrying of imitation firearms, resembling sten gun, SAF, Carbine or AK-47, pistol, rifle or any other firearm is also not allowed as it is likely to cause danger to human life or safety or disturbance of public tranquillity or a riot. The participants may carry flags, banners, etc. on sticks purely for display purposes.

16. No participant shall make provocative speeches or use language calculated or likely to inflame passions of the crowd or incite them or promote enmity between different groups or ground of religion, race, place or birth, residence language etc. or act in any manner which si prejudicial to the maintenance of harmony between such groups or disturb public tranquility.

17. The participants of the procession/rally shall comply with all lawful directions given to them by the Commissioner of Police, Delhi or any other Police Officer on duty.

18. No participant shall act in a manner as to result in damage to public property, assault on Govt. servant, arson, etc.

19. No participant shall destroy, damage or defile any place of worship or any object held sacred by any class of persons with the intention of thereby insulting any religion or any class of persons.

20. No inflammatory slogans etc. would be raised within 200 meters of any place of religious worship.

21. No shamiana etc. would be erected on any road for any function including public meetings.

22. No loudspeaker or public address system shall be used in the venue of the rally/procession without specific permission from the DCP in whose district the procession/rally is being taken out. Loudspeakers shall be used only between 6 a.m. to 10 p.m. as provided in the Noise Pollution (Regulation and Control) Rules, 2000 framed under the

Environment (Protection) Act, 1986 and in compliance of Supreme Court orders.

23. The licence shall be responsible to keep his followers under control, failing which he will be prosecuted under the law.

24. No animal like horses, elephants, camels, etc. would be allowed in a rally/procession.

25. Crackers, firing by weapons, etc. is prohibited in any procession.

26. In the event of non-compliance of any of the above conditions/restrictions, the procession/meeting/gathering/ religious procession/religious function shall be declared as unlawful and prosecution would be launched against the violators. Regarding use of loudspeakers, action would be taken as per provisions of Noise Pollution (Regulation and Control) Rules, 2000 framed under the Environment (Protection) Act, 1986.