

Topic: Freedom To Assemble And Reasonable Limitation Under Article 19 (1) (B) And 19 (3)

Name of the Case: Himmat Lal v. Police Commissioner, AIR 1973 SC 87

Bench: Chief Justice SM Sikri, Justice AN Ray, Justice P Jagmohan Reddy, Justice KK Mathew, Justice M Hameedullah Beg

Fact of the Case: The applicant's application for permission to hold a public meeting on public street was rejected. The applicant filed a writ petition under Article 226 before the High Court Bombay. The High Court felt that the organisation, of which the applicant was an office bearer, had to organise a meeting on the number of occasions and every time the question of applying for permission would arise. However, unsatisfied with the order of High Court, applicant approached Supreme Court.

Ratio: It was held that to confer uncontrolled discretion on administrative officer to regulate freedom of assembly is invalid. Rule of banning holding of public meeting on public street without police permission has been held bad.

In India, citizens had right to hold meeting on public street before the Constitution, subject to control of authority regarding the time and place of the meeting and consideration of a public order. The rule in question gave no guidance as to the circumstances in which permission to hold meeting could be refused and, therefore, gave arbitrary power.