

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).13992/2024

(Arising out of impugned final judgment and order dated 30-09-2024 in HCP No. 2487/2024 passed by the High Court of Judicature at Madras)

ISHA FOUNDATION

Petitioner(s)

VERSUS

S. KAMARAJ & ORS.

Respondent(s)

(WITH IA No.232323/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.232325/2024-EXEMPTION FROM FILING O.T. and IA No.236333/2024-INTERVENTION/IMPLEADMENT and IA No.236334/2024-APPROPRIATE ORDERS/DIRECTIONS)

Date : 18-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. V. Giri, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Manu Krishnan, Adv.
Mr. Chirag Nayak, Adv.
Mrs. Misha Rohatgi, Adv.
Mr. Pushpaveni Kakkaji, Adv.
Mr. Nihar Dharmadhikari, Adv.
Ms. Vishwaja Rao, Adv.
Mr. Rahul Narang, Adv.
Mr. Harshed Sunder, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. D.Kumanan, AOR
Ms. Deepa S, Adv.
Mr. Sheikh F Kalia, Adv.
Mr. Kartikeye Dang, Adv.
Mr. Sahir Seth, Adv.
Mr. Shariq Ansari, Adv.
Mr. Veshal Tyagi, Adv.
Mr. Chinmay Anand Panigrahi, Adv.

Mr. Manohar Kumar Mishra, Adv.
Mr. Ashutosh Thakur, AOR
Mr. M. Purushothaman, Adv.
Mr. Krishnakumar R S, Adv.
Mr. Chandra Pratap, Adv.

Mr. Varun Thakur, Adv.

Mr. Mukesh Kumar, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The proceedings before this Court under Article 136 of the Constitution arise from an order of the Division Bench of the High Court of Judicature at Madras dated 13 September 2024 in a petition seeking a writ of *habeas corpus*, being Habeas Corpus Petition No 2487 of 2024.
- 2 The antecedent facts which led to the initiation of the proceedings under Article 136 of the Constitution have been adverted to in the order of this Court dated 3 October 2024. For convenience of reference, the entirety of the order is reproduced below:
 - "1 A habeas corpus petition was filed under Article 226 of the Constitution by the first respondent, seeking the production of his daughters - Geeta Kamraj and Lata Kamraj - who, he alleged, were held captive inside the premises of Isha Foundation at Coimbatore.
 - 2 In its order dated 30 September 2024, a Division Bench of the Madras High Court, recorded that it had "examined both the detenuess and the petitioner". The order of the High Court does not specifically refer to what transpired during the course of the interaction between the Bench and the two individuals noted above. After noticing the submissions of counsel for the petitioner to the effect that several other persons were staying at the Ashram of Isha Foundation in Coimbatore out of compulsion, the High Court issued a general direction ordering that "with reference to the said allegations, Coimbatore Rural Police having jurisdiction shall conduct an enquiry and file a status report before this Court".

- 3 The petition was mentioned for urgent listing by Mr Mukul Rohatgi, senior counsel on the ground that in pursuance of the order of the High Court about 150 officers of the Coimbatore Rural Police entered the premises. It has been submitted that the interaction with the Division Bench of the High Court took place in open court in the course of which both the individuals concerned stated that they were staying in the Ashram voluntarily and without any coercion.
- 4 Mr Siddharth Luthra, senior counsel has appeared in these proceedings on behalf of the State of Tamil Nadu and its officers - Respondent Nos 2, 3 and 4 - and states that the Police team which conducted the enquiry in pursuance of the impugned order of the High Court was accompanied by the:
 - (i) District Child Welfare Committee headed by its Chairperson;
 - (ii) District Child Protection Officer and team;
 - (iii) District Social Welfare Officer;
 - (iv) Joint Director, Health;
 - (v) Two Psychiatrist; and
 - (vi) Food Safety Officer.
- 5 During the course of the hearing, we have interacted online with both the individuals concerned in Chambers.
- 6 During the course of the interaction, both the individuals stated that they joined the Ashram when they were 24 and 27 years old, respectively. The order of the High Court indicates that they are presently 39 and 42 years old. Both the individuals stated that (i) they are residing at the Ashram voluntarily and without any coercion; (ii) they are free to travel outside the Ashram which they have done from time to time; (iii) one of the individuals has participated in a marathon run extending to about 10 kilometers in Hyderabad; and (iv) their parents visit the Ashram periodically to meet them.
- 7 As regards the presence of the Police in pursuance of the order of the High Court, it has been stated by both the individuals that the police have left the premises last night after a visit lasting for two days.
- 8 The submission which has been urged on behalf of the petitioners is that a similar petition was filed by the

mother of the two individuals about eight years ago in which the father also appeared and eventually the same statement, as was made before the High Court on this occasion, was made by the two individuals. The petition was disposed of. Hence, It has been submitted that a second habeas corpus ought not to have been entertained on these facts particularly having regard to the age, maturity and volition of the individuals.

9 At this stage, based on our interaction with the two individuals and after considering the submissions, we are of the view that the ends of justice would require the following order :

- (i) Habeas Corpus Petition No 2487 of 2024 shall stand transferred from the file of the High Court of Judicature at Madras to this Court. We permit the first respondent, who is the original petitioner before the High Court, to appear through the video conferencing platform, if he wishes to interact with the Court in person or through counsel either on the same platform or physically, as he may desire;
- (ii) The status report which was directed by the High Court to be filed by the Police shall be submitted to this Court;
- (iii) The Police shall not take any further action in pursuance of the directions issued in Paragraph 4 of the impugned order dated 30 September 2024, save and except for the submission of the status report to this Court.

11 Interlocutory Application for impleadment of Union of India is allowed.

12 List the Petition on 18 October 2024.”

3 In pursuance of the order of this Court dated 3 October 2024, a status report has been filed by Shri K Karthikeyan, Superintendent of Police of Coimbatore District in the State of Tamil Nadu.

4 The petition before the High Court was moved by the first respondent seeking the production of his daughters, Geeta Kamraj and Lata Kamraj, who were alleged to be held captive inside the premises of Isha Foundation at Coimbatore.

5 The High Court had the benefit of engaging with both the daughters of the first respondent in the course of the proceedings. Since the High Court did not specifically advert to what transpired during the course of their interaction with the Bench, this Court interacted on the video-conferencing platform with the two individuals in respect of whom the Habeas Corpus Petition was filed. Geeta Kamraj and Lata Kamraj are presently 39 and 42 years old, respectively. They joined the Ashram when they were 24 and 27 years old, respectively. Paragraph 6 of the order of this Court, which has been reproduced above, takes note of the fact that they stated, in the course of the interaction, that:

- (i) They are residing at the Ashram voluntarily and without any coercion;
- (ii) They are free to travel outside the Ashram which they have done from time to time;
- (iii) As a matter of fact, one of them has participated in a marathon run extending to about 10 kilometers in Hyderabad; and
- (iv) Their parents visit the Ashram periodically to meet them.

6 The status report which has been filed by the Superintendent of Police specifically adverts to the two individuals in Paragraphs 23 to 30, which are reproduced below:

“23. It is respectfully submitted that in his affidavit filed in H.C.P. No. 2487 of 2024, the 1st respondent has raised concerns about the nutrition and mental wellness of his two daughters. In this regard, the alleged detainees Geetha Kamraj @ MAA MATHI and Latha Kamaraj @ MAA MAAYU were enquired personally by Assistant SP Ms. Shristi Singh on 02.10.2024 and they submitted their written submission where they have stated that they are in good physical and psychological condition. The

written submissions of both MAA MATHI and MAA MAAYU are herewith produced for the perusal of this Honourable Court.

24. Further I submit that there were phone calls made between the parents and daughters. There are totally 10 calls made between the petitioner and the said Geetha Kamaraj @ MAA MATHI in this year 2024 and 70 calls are being made between the wife of the petitioner and the said Geetha Kamaraj @ MAA MATHI. On the said date of 15.06.2024 calls were made by the said Geetha Kamaraj @ MAA MATHI to her father and mother. She spoke to her father for 126 second and a seven seconds call was made by the said Latha Kamaraj to the mobile number of the petitioner. The alleged detainees Geetha Kamaraj @ MAA MATHI and Latha Kamaraj @ MAA MAAYU were personally enquired by me about the allegations of mental torture or commission of any offences as raised by the petitioner in his affidavit.
25. In reply, the said MAA MATHI and MAA MAAYU stated that they are living happily in Isha Yoga Centre in the path of monkhood and they requested their parents to not to tell any lies about them and the institution in public and not to disturb their path. But the petitioner did not show ears to their requests and continue to humiliate them in public. Both MAA MAAYU had confirmed that she did not skip her meal and she was not in fasting until death. She confirmed that she told her sister MAA MATHI to inform the petitioner that she would go fasting only to restrain him from making false statement in public about them and the path of monkhood in the institution.
26. Further the said MAA MAAYU and MAA MATHI have stated that they are meeting their parents often and the relationship between them went fine. Even the said two daughters met their parents on 07.06.2024 on the occasion of their anniversary. In these circumstances, on 14.06.2024 their father Dr. Kamaraj accompanied the persons who tried to get inside Isha Yoga Centre as a result of which Cr.No.94 of 2024 was registered against the members of Petitioner Foundation. Aggrieved by the attitude of their father, the very next day, i.e., on 15.06.2024, the said MAA MATHI called his father and told him that he shall give up the legal protest against Isha Yoga Centre and until then MAA MAAYU decided to go on fast until death. After that their relationship went sore which resulted in filing of H.C.P. No. 2487 of 2024 before the High Court of Judicature at Madras by the 1st respondent. The CCTV footage printouts showing the meeting of their parents on 20.09.2022, 07.06.2024 and 08.07.2024 are herewith enclosed as Annexure-XI for the perusal of this Honourable Court.
27. I further submit that the said MAA MATHI and MAA

MAAYU had raised concerns about the activities of the petitioner which resulted in humiliation and mental agony to them. The said MAA MAAYU is in good health condition and she even participated in 10 km marathon and the photographs taken in the event are produced herewith for the perusal of this Honourable Court. The said MAA MAAYU did not skip her meals which was confirmed by her fellow inmates and the residents who were dining with her on the alleged date of 15.06.2024.

28. I further submit that in para 14 of his affidavit filed in H.C.P. No. 2487 of 2024, the 1st respondent stated about a case in Cr.No.94 of 2024 registered in Alandurai police station. The circumstances under which the said F.I.R. was registered were that a group of persons who allegedly called themselves as truth finding group went to the premises of the 4th respondent, i.e., Isha Yoga Centre. They were resisted by the members of the 4th respondent and quarrel arose between the two parties. Based on the complaint lodged by Ramakrishnan, the F.I.R. in Cr.No.94/2024, u/s 341, 506(i) IPC & section 3 of TNPPDL Act was registered. Further based on the complaint lodged on behalf of Isha Yoga Centre, C.S.R. No. 188/2024 has been registered.
29. I further submit that out of total 217 Brahmacharis/monks, 30 brahmacharis were enquired and all those 30 monks are well educated and they are in good health physically and mentally. Further the said MAA MATHI and MAA MAAYU also gave their hand-written submissions. In their statements, they have mentioned that they chose the path on their own Will and they are not being compelled to stay in the premises of Petitioner Foundation.
30. Further I submit that the Brahmacharis have stated that they are free to go anywhere when they please and they meet their friends and relatives at anytime they please and there is no obstruction from the Petitioner Foundation for their individual liberties."

7 Both the individuals have attained the age of majority. They were majors even when they joined the Ashram. They have expressed their clear inclination to continue at Isha Foundation at Coimbatore. In this view, the purpose of the Habeas Corpus Petition is duly fulfilled. No further directions were necessary by the High Court.

8 Having said this, it is necessary to record that in pursuance of the direction of

the High Court, a status report has been filed by the Superintendent of Police, as noted above. The status report was directed to be filed before this Court. The status report is based on the enquiry which was conducted by a team of officers of the Coimbatore Police till then.

- 9 The jurisdiction of the Court under Article 226 of the Constitution, while dealing with a habeas corpus petition, is well-defined. It would be unnecessary for this Court to expand the ambit of these proceedings which arose from the habeas corpus petition filed before the High Court of Judicature at Madras. We clarify that the only aspect of the matter which has been dealt with in these proceedings pertains to the habeas corpus petition and that aspect of the matter shall stand closed. Habeas Corpus Petition No 2487 of 2024, which has been directed to be transferred to this Court, shall stand disposed of.
- 10 The closure of these proceedings, it is clarified, will not affect any other regulatory compliances which are required to be achieved by Isha Foundation. Mr Mukul Rohatgi, senior counsel appearing on behalf of Isha Foundation, with Mr V Giri, senior counsel, states that any such requirements would be duly complied with in accordance with law.
- 11 The Special Leave Petition shall accordingly stand disposed of.
- 12 Applications for intervention/impleadment are dismissed.
- 13 Other pending applications stand disposed of.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR