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# FROM NEGLIGENCE TO ACCOUNTABILITY: LEGAL, CONSTITUTIONAL, AND JUDICIAL OVERSIGHT IN THE KARUR STAMPEDE AND THE SUPREME COURT'S CBI DIRECTIVE

- Shiva Prasad<sup>1</sup>

## ABSTRACT

The September 2025 Karur stampede, which took place at a political rally addressed by actor, politician TVK Vijay, was a mass casualty incident pointing to glaring holes in crowd control, event planning, and administrative control. This article discusses the event within the prism of criminal law, constitutional law, and law of procedure, while factoring in the Supreme Court's recent ruling stipulating a CBI inquiry under an umbrella headed by a former top court judge. The research examines criminal liability in the context of *Bharatiya Nyaya Sanhita* / *Indian Penal Code* provisions dealing with culpable homicide not amounting to murder (Sections 304, 336, 337-338), endangerment, and negligence. It critically assesses the event organisers, police officials, and the State's roles and responsibilities against the doctrinal principles in contrast with the Karur incident's factual context. *Constitutionally*, the article examines the conflict between the right to assemble (Article 19(1)(b)) and the right to life (Article 21), as well as the rule of equality before the law (Article 14). The Supreme Court's remarks - condemning High Court excess, unwarranted adverse comments, and jurisdictional conflict disputes - are a case study in judicial supervision, procedural decorum, and safeguarding citizens' rights to a fair, unbiased inquiry. Lastly, the research analyzes policy and governance lacunae in mass gathering laws, crowd control, and administrative coordination, learning comparative lessons from overseas catastrophes. The essay ends on legislative reform proposals, codified safety protocols, and judicial guidelines for politically charged public events, highlighting the need for integration of State responsibility, organiser accountability, and judicial checks and balances to avoid recurrence and ensure the rule of law.

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<sup>1</sup> B.A. LL.B. (Hons.), 4th Year student at Tamil Nadu National Law University.

## INTRODUCTION

The September 2025 Karur stampede that took place at a public meeting organized by actor, politician Vijay's Tamizhaga Vetri Kazhagam (TVK) was one of the blackest civic blots in recent memory in Tamil Nadu. The tragedy, which took several lives, exposed glaring setbacks in crowd management, safety measures, and administrative attention. Following widespread indignation, India's Supreme Court stepped in to hand over the inquiry to the Central Bureau of Investigation (CBI) with a retired judge overseeing it, highlighting the need for objectivity and institutional faith in politically charged cases.

Aside from its immediate human cost, the tragedy sheds light on deeper constitutional and ethical issues of governance in mass-event situations. The frequent trend of stampedes in India—temple settings, as well as political rallies—indicates a persistent lack of regard for the duty of care by organisers and the State alike. Public safety is not just an operational issue but a constitutional guarantee that arises from Article 21's promise of life and dignity<sup>2</sup>. Such a study therefore places the Karur stampede within the larger context of arguing how negligence gets metamorphosed as a structural failure of justice, and how judicial supervision appropriates that balance between responsibility and empathy.

## CRIMINAL AND ADMINISTRATIVE LIABILITY

In the midst of the Karur incident is the issue of criminal negligence. Under the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections paralleling Sections 304, 336, 337, and 338 of the previous Indian Penal Code criminalise acts threatening human life. The organisers' neglect in ensuring proper means of exit, crowd control, and liaison with police fall squarely within the ambit of negligent omission. The doctrine of foreseeability - that a reasonable person would foresee harm arising from dangerous conditions - operates squarely here. In *Uphaar Cinema v. Union of India*, the Supreme Court acknowledged that organisers and public authorities have a "duty of care" to avoid foreseeable harm during events drawing large crowds.<sup>3</sup> The Karur stampede also indicates a failure of both legal and administrative obligations. The Disaster Management Act, 2005 also puts

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<sup>2</sup> See *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399 – affirming that the State's duty under Article 21 extends to preventive measures ensuring public safety and human dignity.

<sup>3</sup> *Uphaar Cinema v. Union of India*, (2003) 6 SCC 230.

responsibility on State authorities under Sections 6 and 10 to provide preventive and responsive measures in case of public gatherings. Failure in instituting safety measures under this scheme reflects administrative negligence akin to criminal fault. Combining these failures turns the tragedy into a matter of state responsibility as a legal issue, rather than mere bad luck.

## CONSTITUTIONAL DIMENSIONS

The constitutional framework converts the Karur tragedy into a question of rights rather than an administrative oversight. Article 21 provides for the right to life and personal liberty, which includes the State's positive obligation to safeguard citizens against foreseeable risk. In *Nilabati Behera v. State of Orissa*, the Supreme Court ruled that the right to life under Article 21 entails the right to compensation and remedial protection where death is caused by State negligence.<sup>4</sup> This logic carries over directly to the case of Karur - the failure of planning, lack of crowd management, and delayed response of emergency services a violation of the State's core duty.

At the same time, Article 19(1)(b) also entitles citizens to peaceful assembly, subject to Article 19(3) which enables reasonable restrictions in the public interest. The inability of the authorities to impose or enforce such restrictions, notwithstanding the reasonably foreseeable risk of congestion, amounts to not restraint but default. Further, Article 14 enforces equality before the law, insisting on equal investigation and relief irrespective of the political nature of the event. The Supreme Court's move to direct a CBI inquiry is a constitutional attempt at re-establishing trust in unbiased justice - a reaffirmation that fair process is part of the right to life.

## JUDICIAL SUPERVISION AND PROCEDURAL PROTECTIONS

The intervention of the Supreme Court in the Karur case is an act of judicial conscience. By reassigning the investigation to the CBI and having a retired judge oversee, the Court emphasized the need for procedural propriety in ensuring fundamental rights. The move was also a corrective to the previous instances of judicial encroachment by the Madurai Bench of the Madras High Court, which had prematurely made comments without listening to all concerned parties. This

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<sup>4</sup> *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746

exercise of restraint reaffirms a core legal principle - *Audi Alteram Partem* - that nobody shall be condemned unheard. Seen in this perspective, the Supreme Court's order fortifies the procedural limb of Article 21 and connects due process to the right to life directly. Judicial supervision in these matters serves double purposes: ensuring personal responsibility through investigation and institutional accountability through oversight. By delineating limits for the executive as well as the lower judiciary, the Court's decision restores faith in the judicial system, especially where politically influential personnel are concerned.

## **POLICY AND COMPARATIVE PERSPECTIVE**

Internationally, crowd disasters have initiated systemic reform. In the United Kingdom, the Hillsborough Disaster (1989) prompted the Taylor Inquiry and the creation of comprehensive crowd management legislation and a requirement for safety audits. In India, there is no such codified system. Public assemblies fall under the patchwork of municipal, police, and disaster management guidelines that differ from state to state, tending to dilute uniform implementation.

The Karur incident exposes this legal vacuum. Despite recurring tragedies—from the Allahabad Kumbh Mela to Chennai's MGR Memorial stampede - there remains no statutory requirement for risk assessment, structural verification, or mandatory medical preparedness before granting event permissions. A Crowd Safety Code, legislated either as a part of the Disaster Management Act or as a stand-alone statute, could bridge this gap. Such a framework should mandate:

- Pre-event safety audits by independent committees.
- Shared responsibility between organisers and local authorities.
- Judicial or quasi-judicial review of permits for high-risk events.

By including legal liability within the planning process, India may be able to avoid future tragedies instead of just investigating them.

## **CONCLUSION**

The Karur stampede is a reminder that negligence, when institutional, is institutional violence. Criminologically, it is a violation of duty in terms of the BNS; constitutionally, it is a negation of

Article 21's guarantee of dignity and safety; institutionally, it reinforces the judiciary as the ultimate sentinel of public trust. The decision of the Supreme Court to shift the investigation to the CBI goes beyond procedural propriety - it rewrites accountability for a democratic State. The judgment demonstrates how the vigilance of the judiciary can turn tragedy into reform, securing the right of life not only after death but safeguarding it before catastrophe. As India strives to balance the pageantry of democracy with the dignity of life, the Karur experience could well prove to be a turning point - a summoning of law, governance, and morality to converge where it is needed most: in the protection of common citizens.