

**COMMITTEE OF PRIVILEGES  
(SIXTEENTH LOK SABHA)**

1

**FIRST REPORT**

- (i) Notices of question of privilege dated 17 and 20 April, 2015 given by Shri Vinod Kumar Sonkar, MP against the District/Police Administration of Allahabad for allegedly misbehaving with him while he wanted to raise a matter of public interest.
- (ii) Notice of question of Privilege dated 27 April, 2015 given by Shri Keshav Prasad Maurya, MP against the District/Police Administration of Allahabad for allegedly issuing a notice to him in connection with setting up of a Magisterial Inquiry *inter alia* on the incident of demonstration/dharna led by him and Shri Vinod Kumar Sonkar, MP at the DM Residence Gate, Allahabad.

*(Presented to the Speaker, Lok Sabha on 11 March, 2016)*

*( Laid on the Table on 15 March, 2016)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

March, 2016/*Phalguna*, 1937 (*Saka*)

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\* *Will be appended later.*

# PERSONNEL OF THE COMMITTEE OF PRIVILEGES

(2015-2016)

**Shri S. S. Ahluwalia - Chairperson**

## MEMBERS

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Anant Kumar Hegde
5. Smt. Meenakashi Lekhi
6. Shri Kesineni (Nani)
7. Shri J.J.T. Natterjee
8. Shri Jagdambika Pal
9. Shri Konda Vishweshwar Reddy
10. Shri Tathagata Satpathy
11. Shri Jyotiraditya M. Scindia
12. Shri Raj Kumar Singh
13. Shri Rakesh Singh
14. Shri Sushil Kumar Singh
15. Dr. Kirit Somaiya

## Secretariat

- |    |                         |   |                            |
|----|-------------------------|---|----------------------------|
| 1. | Shri V.R. Ramesh        | - | Additional Secretary       |
| 2. | Shri Ravindra Garimella | - | Joint Secretary            |
| 3. | Shri M.K. Madhusudhan   | - | Director                   |
| 4. | Dr. Rajiv Mani          | - | Additional Director        |
| 5. | Shri Bala Guru G.       | - | Under Secretary            |
| 6. | Dr. Faiz Ahmad.         | - | Senior Executive Assistant |

# FIRST REPORT OF COMMITTEE OF PRIVILEGES

(SIXTEENTH LOK SABHA)

## I. Introduction

I, the Chairperson of the Committee of Privileges, having been authorized by the Committee to submit the report on their behalf, present this first report to the Speaker, Lok Sabha on the question of privilege given notices of by Shri Vinod Kumar Sonkar, MP against the District/Police Administration of Allahabad for allegedly misbehaving with him while he wanted to raise a matter of public interest; and notice of question of Privilege dated 27 April, 2015 given by Shri Keshav Prasad Maurya, MP against the District/Police Administration of Allahabad for allegedly issuing a notice to him in connection with setting up of a Magisterial Inquiry *inter-alia* on the incident of demonstration/dharna led by him and Shri Vinod Kumar Sonkar, MP at the DM Residence Gate, Allahabad.

2. The Committee held five sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. The Committee at their sitting held on 05 May, 2015 considered the Memorandum on the subject and after deliberations decided to hear Sarvashri Vinod Kumar Sonkar and Keshav Prasad Maurya , MPs in the matter first. The Committee also decided to summon the concerned officials of Government of Uttar Pradesh to tender their evidence before the Committee.

4. At their sitting held on 08 June, 2015, the Committee examined on oath Sarvashri Vinod Kumar Sonkar and Keshav Prasad Maurya, MPs.
5. The Committee at their next sitting held on 26 June, 2015 examined on oath the (then) District Magistrate, Allahabad, Shri Bhavnath Singh, the then SSP, Allahabad, Shri Virendra P. Srivastava, and Addl. SP, (City), Allahabad, Shri Rajesh Kumar Yadav in the matter.
6. The Committee, at their sitting held on 11 September, 2015, further deliberated on the matter and directed the Secretariat to prepare a draft report in the matter for their consideration.
7. At their sitting held on 16.02.2016, the Committee considered the draft report and after some deliberations adopted it. The Committee then authorized the Chairperson to finalize the report accordingly and present the same to the Speaker, Lok Sabha and thereafter, to lay the same in the House.

## **II. Facts of the Case**

8. Shri Vinod Kumar Sonkar, MP in his notices of question of privilege dated 17 and 20 April, 2015, alleged breach of his privilege against the District/Police Administration, Allahabad for allegedly misbehaving with him while he wanted to raise a matter of public interest.

The member stated that on 15 April, 2015 at Allahabad, the students and the activists had conducted a peace march against the Chairperson, Uttar Pradesh Public Service Commission for his alleged involvement in corruption and were demanding the cancellation of the PCS Preliminary Exam, 2015, removal of the Chairperson and investigation of recruitment related matters by the CBI. During the protest march and the relay hunger strike, the agitated students and the activists

were lathi charged by the police. The member further stated that in the evening he, as a public representative, had gone to the hospital for sympathizing with the injured students and activists. However, the police officials of District Administration present at the hospital misbehaved with him and made casteist remarks against him besides forcefully removing him from the hospital complex in violation of his human rights resulting in physical hurt caused to him. The incident could have proved fatal if his security guard had not intervened. The member left with no option, sat on 'Dharna' in front of the residence/ camp office of the District Magistrate to protest against the treatment meted out to him.

9. Shri Vinod Kumar Sonkar, MP also raised the matter in the House on 20 April, 2015 during zero hour. The Minister of State for Parliamentary Affairs (Shri Rajeev Pratap Rudy) observed that the matter would be looked into and appropriate action would be taken. Thirty four other members also associated with the member on the notice.

10. Subsequently, as a sequel to the above issue, Shri Keshav Prasad Maurya, MP *vide* his notice dated 27 April, 2015 alleged breach of his privilege by the District/Police Administration of Allahabad for allegedly issuing a notice to him in connection with setting up of a Magisterial Inquiry *inter alia* on the incident of demonstration/dharna led by him and Shri Vinod Kumar Sonkar, MP at the DM Residence Gate, Allahabad.

11. In view of the allegations made by the members, Hon'ble Speaker, in exercise of powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, referred the notices of Sarvashri Vinod Kumar Sonkar and Keshav Prasad Maurya, MPs to the Committee of Privileges for examination, investigation and report on 20 and 29 April, 2015 respectively.

### **III. Evidence**

#### **Evidence of Vinod Kumar Sonkar, MP**

12. Shri Vinod Kumar Sonkar, MP, during his evidence, before the Committee on 08 June, 2015, *inter alia* stated as follows:-

“Hon’ble Chairperson Sir, on 15 April, 2015 the Police had brutally lathi charged the students who were peacefully agitating and participating in relay hunger strike to protest the corruption and leakage of question paper of UPPCS Examination and demanded a CBI inquiry and removal of UPPCS Chairman. Being a public representative and on humanitarian grounds, prior to my visit to Tej Bahadur Sapru Hospital to see Shri Ved Prakash and other injured students, I called the SP (City) Allahabad but his phone was switched off. Thereafter I called the Senior Superintendent of Police, but I could not connect to him. Also I contacted the D.I.G., but he could not give relevant information in response to my queries. I left my residence with my P.S. and the security and visited the hospital at about 6 o’clock. I saw some police staff sitting in vehicle and officials standing there inside the hospital. When I sought information from the S.O., he dilly-dallied. Then I asked him to connect me to S.P. (City) or S.S.P. He did not do either of it. After that I went to another block in the hospital to see Ved Prakash and two other injured students. When I was returning after spending half an hour with Ved Prakash and other students, I saw there S.P.(city), C.O., Civil Lines, C.O. Karnalganj, Inspector, Civil Lines and other policemen. At the behest of District Magistrate and Senior Superintendent of Police, they misbehaved and manhandled me while making castiest remarks. Under the circumstances, I staged a protest by sitting on the road before the police vehicle and they, in contravention of human rights, assaulted me savagely and pushed me out of the hospital premises. They did not allow me to see the other injured students and the workers. I suffered serious injury on shoulder and head. If my security guard had not protected me, I would have been murdered or have suffered anything like this. Following the incident I alongwith the Hon’ble Member of Parliament Shri Keshav Prasad Maurya and the students staged a protest by sitting on ‘dharna’ at the residence of District Magistrate. We all continued sitting on dharna in open sky the whole night. Next day morning the District Magistrate came at his door and gesticulated with his finger asking me to come if I desired to talk. When I did not agree, he left by saying that there is nothing to be done even if you

continue it for many days. After that my State President visited on 17<sup>th</sup> then, I ended my dharna. This is the incident... Sir, I want to add two points. It is frequently being said whether I registered my complaint. What is the situation of law and order in Uttar Pradesh is well known to the people of the State. Those who were to register my complaint themselves committed such an act against me, so why will they register my complaint? When they were not ready to talk to me for a minute, why will they register my complaint? The next question was whether they knew that I was a Member of Parliament or not. I was accompanied by my gunner who was stating again and again that the S.P. (City) (Shri Rajesh Yadav) present at the spot knew me (my being MP) personally.”

13. When the Committee enquired as to whether the attack on him is also an attack on his standing as a Member, Shri Sonkar replied in the affirmative.

14. On being enquired about the official who uttered the casteist remark against him, Shri Sonkar stated that since it was slightly dark, he could not clearly identify the person, but it was most likely the S.P. (City) (Shri Rajesh Yadav).

15. When the Committee wanted to know as to whether he would have been treated in a similar manner had he been a common citizen, and not a Member of Parliament, Shri Sonkar stated as follows:-

“Sir, this is a subject matter of the Police as to how they behave with whom but I know that they knew well that I am a Member of Parliament. They knew me personally. It was completely in their knowledge. It is not correct to say that they did not know me. They knew that I am a Member of Parliament. My gunner, and P.S. were stating it loudly. ‘I have a personal relation with the officer I am naming.’”

16. When the Committee further sought to know as to whether he registered his complaint about the casteist remark at any other forum i.e. National Commission for Scheduled Caste (NCSC) Shri Sonkar replied in the negative, and further stated that he raised the matter in the House at the earliest opportunity.

## **Evidence of Shri Keshav Prasad Maurya, MP**

17. Shri Keshav Prasad Maurya, MP, during his evidence, before the Committee on 08 June, 2015, *inter alia* submitted as follows:-

“Hon’ble Chairperson Sir, first of all I want to put the reasons behind such incidents taking place there. I have been elected from Phulpur Lok Sabha constituency of Allahabad district. The incident happened in my Lok Sabha constituency. A movement was being held in Allahabad since 2012 by the students in protest against corruption in Public Service Commission. I was also an M.L.A. from there in 2012. At that time Samajwadi Party was in power in Uttar Pradesh. I visited the picketing spot in support of the movement against corruption. In the wake of my visit there in support of the movement, a strife broke out between the police and the students. The police administration attending there alleged that it was all due to provocation of Keshav Prasad and thus they leveled all kind of allegations against me. So, this is the incident related to it, and that is why I want to tell you this. After that a case was lodged against me under so many sections of relevant statutory criminal law. Later bail was granted to me. Having been released on bail I became a party candidate for fighting Lok Sabha elections. I fought the election and got elected to the supreme House of this country winning by more than 3 lakh votes. This incident is related only to me, but I must tell you that most of the Hon’ble Members of the Parliament elected to the House from Uttar Pradesh are being insulted. We have even not submitted to you so many facts in writing which they say. One goes keeping quiet by taking a bitter pill. Such incidents have become very common. There was a movement going on in my Lok Sabha constituency. I had information about it. I could make an instant visit on the spot. If the movement is genuine anywhere, it is my nature that I take stand in support of it. The only reason for not visiting there on that day was an apprehension of again lodging of some case against me by the State Government. That is why I decided to go there late by at least one hour. Shri Sonkar Ji is the Hon’ble Member of Parliament elected from Kaushambi. He is also the resident of my Lok Sabha Constituency. He belongs to our party, too. As soon as he received information (about injured students) he reached the spot prior to my visit there. He had visited hospital to see those injured in the incident. I also had such information. But the police and the administration on the spot misbehaved with him very badly which is in presence of the media persons and those attending there. The only reason for committing such misbehavior

with him was the sole intention of the administration to crush the movement but he went ahead with the movement. I had information that excessive lathicharge and mishandling was committed against him. Since the place of incident falls within my constituency, so we peacefully staged a dharna in protest before the residence of the District Magistrate. We have been in political and social life for so long. We have seen in these days that the normal practice followed by the administration is the effort to stop the controversy, by making excuses if they are at fault by any reason. But the then District Magistrate of Allahabad Shri Bhavnath Singh who has since been removed from that post was trying to misbehave in such a manner that even a common man cannot bear it. Earlier he constituted an inquiry committee to crush the movement and the purpose of constituting such a committee was to find out the reason as to why we staged a dharna. They were preparing to lodge a case against us. Fortunately, the session of the House was going to commence, so we stopped the dharna one day before, which was going on peacefully, and stated that we would take up this matter to the apex House of the country, and immediately thereafter, the DM constituted an inquiry committee. Pursuant to this development, this matter was presented before the House and thus our grievances are put up before you through the Hon'ble Speaker, Lok Sabha. Now there is a scheme namely 'Saansad Adarsh Gram Yojana' which is going on. Meetings are held in respect of this scheme. I have information that the District Magistrate has been nominated ex-officio nodal officer of the scheme. Three meetings were fixed to be held with him; but the District Magistrate did not attend any of these meetings. As per information I received, his intention was to insult me by using humiliating remarks. He used to say he would not attend such a meeting. There were so many things like this and he did not attend any of my meetings. Thus he was involved in constant provocations like this. I have press clippings of the local newspapers in this connection. With your kind permission I will show you what kinds of statements were being made in those newspapers. It was just to challenge the House in a way. Being in public life, we have to be among the people for some reason or the other. It is the endeavour of the administration to trap us in some false cases. They cannot tolerate that any person has mustered courage to complain against them. This is a big challenge for us."

18. When the Committee enquired about political bias, if any, faced by the Member in his State, Shri Keshav Prasad Maurya stated "This is a major reason.

There is an understanding among the officials to crush the student's movement by use of brute force...It was a deliberate act of the administration to humiliate us."

19. When the Committee sought clarification that while privilege notice was given by him on 18 April, 2015, as to whether he sat on 'Dharna' on 15 April and if so, how long he continued to sit on 'Dharna' Shri Maurya stated as follows:-

*'Sir, I sat on Dharna on 15 April, 2015 and since it was indefinite, we continued to sit on the gate throughout the night. It was summer season then. Since it was not proper to sit under the Sun or in front of his residence, so we shifted to a Park which is 25 meters away from DM residence'.*

20. On being asked whether any Government official came to talk to them or asked for their charter of demands or asked for time to fix a meeting with DM/SP, Shri Maurya stated as follows:-

*'Sir, persons from the Local Intelligence Unit had come. We told them that our complaint is against the local DM, SSP and therefore the Commissioner be called here, so that we would talk and place our list of demands. Until the arrival of the Commissioner, we would not like to meet the local DM and SSP'.*

21. When asked whether the persons organizing the Students Movement were affiliated to any political party and whether he gave his support to them, Shri Maurya stated as follows:-

*"No sir, the movement was organized by the student organization who had formed an Anti-Corruption committee and were acting under that banner. I gave my support saying that the BJP is with you for every struggle against corruption. That your demand for CBI enquiry is genuine and I had asked the Government for it."*

22. When the Committee wanted to know whether he responded to the inquiry notice of the Committee constituted by the Administration, which is the subject matter of his privilege notice, Shri Maurya stated as follows:-

*“I did not respond because I was not contacted again by the Administration. Parliament was in session then.”*

**Evidence of Shri Bhav Nath Singh, the then District Magistrate, Allahabad**

23. On 26 June, 2015, Shri Bhav Nath Singh, the then District Magistrate, Allahabad, deposed before the Committee. In his evidence the witness *inter alia* submitted as follows:-

“Sir, it happened at 10.30 PM in the night. I was having dinner. There was sudden noise and shouting of slogans. The peon went out to see. He said that some people are sitting at my gate and the guard has closed the gate. I immediately informed the ADM (City) about the matter. Then I came to know that honorable MP has come. I reached there immediately. There were 40-50 people shouting slogans. Their number might be more than that. A mat was laid (at the entrance gate) and people were sitting. I also reached and sat on the mat. I have brought those photographs. We started talking and it continued for 3-4 minutes. People present there started shouting slogans loudly and then the talks could not continue because of the noise. Thereafter, I told that we will talk about it in the morning. I asked him how would he stay here at night, it does not look good, then he said it is alright. Meanwhile the people were very aggressive. Then, in the morning I called honorable M.P. Shri Keshav Prasad Maurya. I tried his phone continuously from 7.00 AM onwards. I could talk to him only at 8.00 AM. He said that the dharna has been shifted to the nearby park. I went to him with the S.S.P. at 11.00 AM at dharna venue which is hardly 50 meters away from my gate. When we reached there, honorable MP asked the people to cool down and asked us to come. We were standing just 5-10 metres away from the place of dharna. It was not possible to sit there amid slogans and at last I returned from there with S.S.P. That very day my peon passed away suddenly and I went to his home to attend his funeral. The next day I talked to Shri Lakshmi Kant Vajpayee ji and asked him to pacify the protesters there, and end the dharna. He said that he himself is coming and asked me to meet him. I said wherever

you say I will meet you and he asked me to meet him before entering the city. I said I am coming. Then he asked me not to come, he would meet these people first, and he would come with these people and then talk to me. But when I went to meet Vajpayee ji, some of the boys participating in movement against Public Service Commission were arrested and sent to jail. Ten to twelve boys were sent to jail and because of it, protesters were aggressive and they wanted the leaders to get the arrested boys released. This is the incident... Further the height of my gate is such that I cannot call a person standing outside by gestures. I went out from the side gate instead of the main gate so that the crowd may not enter my residence through it. Further flags and banners were put upon my gate.”

24. When the Committee sought to ascertain the sequence of events about the incident involving Shri Vinod Sonkar, MP at the hospital premises Shri Bhavnath Singh replied:-

"Arrested boys participating in the demonstration had been taken to the hospital for a Medical check-up and had been shifted to the Prison Van in custody. However, some persons forcibly tried to free them by opening the gates of the vehicle which was foiled by the police personnel on duty. Thereafter the Hon'ble Member sat before the Prison Van in protest. I was told that he was requested to move therefrom."

25. When clarification was sought by the Committee about the above statement of the official being not part of any record, Shri Bhavnath Singh replied:-

"It must be in General Diary of the SSP. This has been the finding of the inquiry Report...on complaint of the member about his being misbehaved with. I ordered an inquiry by the C.D.O and the interim report has been submitted."

26. On being specifically asked whether he is aware of Shri Vinod Kumar Sonkar being manhandled by the police, Shri Bhavnath Singh replied:-

"I was informed about it by the Hon'ble Member but it was not confirmed by any official sources...I also did not receive any flash message on the wireless about this incident."

27. On being asked about the date when he instituted the Inquiry Committee to probe the instant incident and related complaints and whether it was a back dated attempt, Shri Bhavnath Singh replied:-

"I had constituted the enquiry on 16 April, 2015 itself and it is not a back dated exercise."

28. On being specifically asked about the administrative inaction in non-registering of FIR on the castiest remark made upon the Member by a police official, Shri Bhavnath Singh replied:-

"I had asked the SSP to inquire about the charge as the matter falls within his domain. The charge of the member could not be confirmed in the Inquiry."

29. When the Committee asked him about anything further which as he would like to submit, Shri Bhav Nath Singh stated as follows:-

**" I tender my unconditional apology for whatever happened and assure that we would not allow such situation to recur."**

**Evidence of Shri Virendra P. Srivastava, the then Superintendent of Police, Allahabad**

30. On 26 June, 2015, Shri Virendra P. Srivastava, the then Superintendent of Police, Allahabad, during his evidence before the Committee on 26 June, 2015, *inter alia* submitted as follows:-

“Sir, I would like to submit that this incident happened on 15<sup>th</sup> April. Some students were agitating for removal of the chairman of Public Service Commission and demanded a CBI inquiry in this regard. The agitation of students had turned violent. They sabotaged some buses and set some vehicles on fire. The mob became unruly. They were arrested and taken to Beli Hospital for medical check-up in the evening. The process of medical check-up was going on at the Hospital. At that time some people gathered there and tried to set the arrested students free. Honourable Member of Parliament Shri Vinod Kumar Sankar, who is a Member from Kaushambi

also reached there. He also insisted to set them free. After that two of our officers took them (the arrested students) for medical check-up. This incident happened at 7'o clock in the evening. When more crowd gathered at the spot, the Sub-Inspector requested for extra force through wireless set and the force arrived. Inspector civil lines and Inspector **Karnal** Ganj, Vijay Pratap Singh reached there. Circle officer also reached there. SP City also arrived there later. The matter had by that time cooled down. Honourable Member of Parliament was told that it is not possible to release the students at this moment and they can be released later by following due judicial procedure. Then honourable Member agreed. Neither any FIR was registered against honourable Member of Parliament in any Police Station nor was he misbehaved with."

31. When the Committee sought to know about the injuries suffered by Shri Sonkar, the casteist remark made against him, non-registration of the FIR and the inquiry set up on the matter, Shri Srivastava, SSP stated as follows:-

"Neither have I any information about injuries suffered by the Member nor he told me about it... Sir, the officials present at the spot also denied it. Therefore, there was no need for any further action."

32. When the Committee sought to know as to what further enquiries were made by him and consequential action taken if any, Shri Virendra P. Srivastava stated as follows:-

"When I met the Member, the next day when he was sitting on dharna, he complained about casteist remarks made upon him by Police officials. I thereafter set up an Inquiry to be made on this complaint by Arun Kumar Pandey, SP (Crime). The Report has since been forwarded to the Government".

33. The Committee sought specific clarification about the outcome of the Inquiry Report on the charges of casteist remark made against the Member. In response, Shri Virender P. Srivastava stated:-

"Two inquiries were ordered. One by the DM and other by me. The final Report of the Inquiry set up by the DM is yet to come... The issue of casteist

remarks made against the Member does not fall within the scope of the Inquiry set up by me. Further the version of the complaint was not sought in this regard."

34. When the Committee wanted to know as to whether an FIR was registered on the complaint made by Shri Sonkar, MP at the first instance or Inquiry should be constituted, Shri Virendra P. Srivastava stated as follows:-

*"Sir, no FIR was registered. Shri Sonkar did not request for it. This is a mistake and I tender unconditional apology for this and assure that such an incident would not recur". He also tendered written apology to the Committee."*

**Evidence of Shri Rajesh Kumar Yadav, SP (City)/ Additional Superintendent of Police, Allahabad**

35. Shri Rajesh Kumar Yadav, SP (City)/ Additional SP, Allahabd during his evidence before the Committee on 26 June, 2015 *inter alia* submitted as follows:

"Sir, there was a law and order problem on 15<sup>th</sup> April, 2015 when some protestors committed acts of sabotage and arson to enforce their demand for cancellation of an examination of Public Service Commission and set fire to one public transport vehicle, one government vehicle and one official vehicle in industrial area of Allahabad. 23 people were arrested by the police on the spot. A police team took them for medical check-up. In this regard, when I was on round of the city, information came that some people have gathered in the District Hospital and are trying to set free the arrested boys, who have been taken there for medical check-up. On receiving this information, Police force from nearby police stations reached there. They dispersed the crowd and allowed the Police vehicle carrying the arrested persons to move from there. As I reached the spot, the vehicle was proceeding and honourable Member of Parliament was also present there. After greeting him with due respect, I informed him that these boys have been arrested and are in police custody and the crowd present was attempting to free them. On my request the honourable Member of Parliament allowed the vehicle to proceed towards jail".

36. When the Committee wanted to know about the manhandling of the Member, the casteist remark and assault on Shri Vinod Sonkar, MP, Shri Yadav, Additional SP stated as follows:-

*“Sir, I want to submit with full respect that such an incident did not take place before me. I reached the spot later.”*

37. When the Committee sought to ascertain the procedure to be adopted in registering FIR on charges of casteist remarks Shri Rajesh Yadav, Additional SP stated:-

“Sir, no FIR was registered.

On the day of the incident around 9 pm both the Members sat on dharna at DM residence and I could not interact with them at my level. The efforts made by senior officers to talk to them did not bear fruit... Thus I was not aware of the full facts in this regard. This is a lapse on my part for which I may be pardoned. I tender my unconditional apologies.”

**Shri Rajesh Yadav, Additional SP also tendered his written apology to the Committee.**

#### **IV. Findings and Conclusions**

38. The Committee note that the thrust of Sarvashri Vinod Kumar Sonkar and K. P. Maurya, MPs’ allegations in their notices of question of Privilege are that:-

- (i) The District/Police Administration misbehaved with Shri Vinod Kumar Sonkar and also made casteist remarks and forcefully removed him from the hospital complex, as a result of which he was physically hurt.
- (ii) The District/Police Administration did not register an FIR against the persons who are alleged to have misbehaved with Shri Sonkar, MP.

- (iii) District/Police Administration of Allahabad issued a notice to Shri K. P. Maurya, MP in connection with setting up of a Magisterial Inquiry *inter alia* on the incident of demonstration/dharna led by him and Shri Vinod Kumar Sonkar, MP at the DM Residence Gate, Allahabad.

39. The Committee note that the main pleas taken by the District Administration/Police authorities of Allahabad before the Committee are as follows:-

- (i) Neither any force was used against Shri Vinod Kumar Sonkar, MP nor was he misbehaved with during the said agitation and that the member was not assaulted.
- (ii) No casteist remark was made against Shri Vinod Kumar Sonkar, MP.
- (iii) Inquiries were ordered regarding the said incident which could not confirm the charges of the Member.

40. Having taken note of the allegations made by the members in their notices of question of privilege and the plea taken by the officers alleged to have breached their privilege, the Committee are of the view that the matter primarily involves the following issues:-

- (i) Whether District Administration/Police authorities misbehaved and physically assaulted Shri Vinod Kumar Sonkar, MP at the Hospital premises and made casteist remarks against him?
- (ii) Whether the District Administration/Police authorities of Allahabad were justified in issuing a notice to Shri K. P. Maurya in connection with setting up of a Magisterial Inquiry *inter alia* on the incident of demonstration/dharna led by him and Shri Vinod Kumar Sonkar, MP at the DM Residence Gate, Allahabad?

And

- (iii) Whether the parliamentary privileges of the members had been breached and, if so, in what manner?

## ISSUE NO. 1

***Whether District Administration/Police authorities misbehaved and physically assaulted Shri Vinod Kumar Sonkar, MP at the Hospital premises and made casteist remarks against him?***

41. The Committee note that the main complaint of Shri Vinod Kumar Sonkar is that he had been assaulted by the police officials and casteist remark was made against him and that no FIR was registered regarding the incident despite the police officials knowing well that an MP was insulted in the matter. On the other hand, the Allahabad District/police officials stated that they did not misbehave or physically assault the member during his presence in the hospital complex and that they denied knowledge of any casteist remarks having been made against him. The Committee, however, note that the Member was firm on his stand though he sought to underplay this charge and did not file his complaint under the provisions of the relevant law. The Police authorities could not effectively rebut or clarify their stand and kept on denying the making of the casteist remarks by any of their personnel against the Member.

42. The Committee feel that non registering of the FIR by the police authorities is a serious lapse at their hands. Had an FIR been lodged and an investigation been done by the police, the truth would have come out as to whether the member was misbehaved with or physically assaulted or insulted. The Committee, in the facts and circumstances of the matter, are of the view that the Member was subjected to physical manhandling by the Police personnel present in the hospital complex perhaps in their apprehensions of the gathered crowd's attempt to free the detained students in the Police vehicles. In the process of the lathicharge on the gathered crowd, the chances of Member suffering physical injuries is a foregone conclusion.

43. The Committee take a very serious note of the alleged manner of Shri Vinod Sonkar, MP being subjected to casteist remarks by the Police personnel at the hospital complex. The Committee are of the view that this is a sensitive issue on which it has to tread carefully. The Member in his deposition stated that he clearly heard the remarks being made against him by the Police officials. Shri Rajesh Yadav in his deposition vehemently refuted the charges and the same position was taken by the DM and SSP, Allahabad in their evidence who clearly stated that there is no official corroboration of the charges levelled by the Member in this regard. The inquiries constituted by the DM and SSP in this regard did not confirm this charge in their respective reports.

The Committee are of the considered view that making of casteist remarks against a person of scheduled caste is not only highly objectionable social conduct but also an offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 which has even more serious consequences if made by an officer in uniform who have been given the responsibility to uphold, enforce and investigate the violations of this law.

**The charges levelled by the Member can duly be investigated by invoking the provisions of law and the Criminal Procedure Code (CrPC). The Committee are of the firm view that the Member having been subjected to such alleged behaviour speaks volume about the manner of functioning of the District administration, Allahabad and particularly the Police authorities who have before the Committee been seen simply shying away from speaking the truth and indulging in a game of shifting responsibilities.**

The Committee express their concern over how come this matter was not proceeded with as per stipulated statutory provisions in this regard by the

concerned administrative authority. **The Committee feel highly distressed by the approach of the concerned officials at the spot in dealing with the Member and their deposition before the Committee and put on record their grave displeasure in this regard.**

## ISSUE NO. 2

*Whether District Administration/Police authorities were justified in issuing a notice to K. P. Maurya in connection with setting up of a Magisterial Inquiry inter alia on the incident of demonstration/dharna led by him and Shri Vinod Kumar Sonkar, MP at the DM Residence Gate, Allahabad?*

44. As regards this issue, which is an attempt by the District administration to wash its hands off the crisis, they mishandled, by involving Shri Maurya, the Committee feel that the District Administration/Police authorities should have been more careful, considerate and prudent to avoid such situations.

The Committee also observe that as submitted by Shri Maurya, MP, the inquiry was set up by the District Administration of Allahabad to suppress the students' movement against the ongoing corruption. In fact, the enquiry was set up against him to ascertain as to why the members sat on dharna. When the dharna ended with the Member saying that the matter will be raised in the Parliament during the upcoming session, the sending of the notice to him (the member) in all possibility is an afterthought, in an effort to neutralize the effect of possible consequences of raising the matter in the House.

### ISSUE NO. 3

***Whether the parliamentary privileges of the members had been breached and, if so, in what manner?***

45. *It is well established that “the privilege against assault or molestation is available to a member only when he is obstructed or in any way molested while discharging his duties as Member of Parliament. In cases when members were assaulted while they were not performing any parliamentary duty it was held that no breach of privilege or contempt of the House had been committed.”* (**'Practice and Procedure of Parliament' by Kaul & Shakdher 6th edn. p. 300**). Thus, it would be a breach of privilege and contempt of the House to obstruct or molest a Member while in the execution of his duties as a Member i.e. while attending the House or any sittings of its Committees or when coming to, or going from the House, or any of its Committees. The privilege, however, is not available in a case when a Member is not performing any parliamentary duty. The alleged act of misbehavior on the part of police officials does not as such be termed to cause *any hindrance or obstruction in the functioning of a Member of Parliament so as to attract breach of his Parliamentary privileges. Further the members while making a demonstration near the gate of DM's residence, were not performing any parliamentary duty.*

46. It may also be pertinent to note the well established parliamentary practice and procedure in this regard which is as under:-

*"Occasionally, members have raised as questions of privilege, matters affecting them personally at the hands of the police, ie. for alleged abuses, ill-treatment or obstructions by the police authorities.*

*When the Speaker receives any complaint or notice thereof from a member regarding an assault on or misbehaviour with him by the police*

*authorities, the Speaker might, if he is satisfied, permit the member to make a statement in the House under Rule 377.*

*Successive Speakers have, however, held that an assault on or misbehavior with a member unconnected with his parliamentary work or mere discourtesy by the police or officers of the Government are not matters of privilege, and such complaints should be referred by members to the Ministers directly" (P. 311, Kaul & Shakdher, 6<sup>th</sup> Edn.)*

**47. The Committee note that Members of Parliament have a moral and constitutional obligation towards their electors to address their grievances. It is in this context that Members of Parliament take up issues of public interest, participate in public movements as also have occasion to interact with executive functionaries. Hence the members have right to perform their representational duties unfettered.**

*48. The Committee would like to emphasize that Members of Parliament are entitled to utmost respect and consideration by the public servants. The police or any other authority should not act in a manner which hampers the Members in their functioning as public representatives. The concerned authorities in this case should have acted with great circumspection and shown all courtesies which are legitimately due to the Member(s). The Committee wish to emphatically stress that it is high time administrative/police personnel are sensitized at frequent intervals as to how to deal with the people's representatives in a manner befitting their status.*

49. The Committee are of the strong view that the law-enforcing authorities need to exercise restraint and not display undue haste in situations where people's representatives are involved in raising matters of public interest while in performance of their official duties. The Committee lamentably note that in the instant case the administrative/police authorities were so keen to suppress the

movement/demonstration that they failed to observe basic tenets of decency in dealing with a Member.

50. *The Committee, therefore, are of the opinion that had the police authorities been alive to the consideration to be shown to Members of Parliament, while discharging their duties, as public representatives, this episode would not have taken place.*

### **RECOMMENDATIONS**

51. Keeping in view the unconditional and unqualified apologies tendered orally and in writing by Shri Bhav Nath Singh, the then District Magistrate, Shri Virendra P. Srivastava, the then Superintendent of Police, and Shri Rajesh Kumar Yadav, SP (City)/Additional Superintendent of Police, in the matter for the inadvertent hurt, caused to Sarvashri Vinod Kumar Sonkar and Shri K. P. Maurya, MPs during their demonstration, the Committee therefore, do not wish to make any recommendations against them.

52. The Committee nevertheless express their severe displeasure over their conduct for not filing an FIR and not making further investigation in the matter which was the need of the hour which a diligent officer could foresee.

53. *The Committee also find it necessary to reiterate their earlier observations that the police must exercise restraint while dealing with Members of Parliament and treat them with utmost dignity and circumspection. In the opinion of the Committee, being people's representative, Members of Parliament have a duty to raise matters of public importance through rallies/dharnas. Therefore, it is incumbent upon the law enforcing agencies, particularly the police authorities to keep this fact in mind while dealing with Members of Parliament during*

*rallies/dharnas. In the opinion of the Committee, the incidents of ill treatment/misbehavior with M.Ps by police personnel happen as the Government instructions for dealing with M.Ps. do not percolate down the line amongst the rank and file of the police personnel working on the ground. As a result, there are often complaints against the use of force by the police on the Members while participating in a protest march or a procession. **The Committee, therefore, recommend that the Government should ensure strict compliance of its guidelines in this regard by all the officials, particularly the police officials who have the occasion to interact directly with the Members of Parliament during dharna/protests. The Committee further recommend that the Government should circulate these guidelines in vernacular languages so that the same will reach to and be understood even by the lowest functionary in police in letter and spirit. In the light of these observations, the Committee, while accepting the apology tendered by the DM, SSP, Addl. SP (City), Allahabad also recommend that copies of Report drawing particular attention to paras reflecting apologies tendered and observations/ recommendations made by the Committee in paras 51 to 53, may be forwarded to Shri Vinod Kumar Sonkar and Shri Keshav Prasad Maurya, MPs and to the Chief Secretary, Govt. of Uttar Pradesh after presentation of this report to the House.***

54. In view of the recommendations above, the Committee feel that the matter be treated as closed.

New Delhi  
March, 2016

**S. S. AHLUWALIA**  
Chairperson,  
Committee of Privileges