

Report of the Committee to inquire into the incident of assault on ShriDevendra Prasad Yadav on 9 December

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### I Introduction and Procedure

I, the Chairman of the Committee to inquire into the incident of assault on Shri Devendra Prasad Yadav, MP on 9 December, 2002 in New Delhi having been authorised by the Committee to submit the Report on their behalf, present this Report to the House regarding their findings on the incident of assault on Shri Devendra Prasad Yadav while he was leading a demonstration of farmers organised to demand permanent solution to the perennial flood and drought problems in Bihar.

2. The Committee held 6 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 11 December, 2002, the Committee considered the matter. The Committee decided to follow the procedure followed by the Committee of Privileges for examination, investigation and report on questions of privilege. The Committee decided to hear Shri Devendra Prasad Yadav, MP, if necessary and thereafter the concerned police officers. The Committee, decided that the video tape of the incident furnished by Shri Devendra Prasad Yadav,MP be got authenticated by the member, before it could be viewed by the members of the Committee.

The Committee also decided to peruse the factual note in the matter which was called for from the Ministry of Home Affairs before taking any further step in the matter.

The Committee decided to meet again on 12 December at 10.00 hours to further deliberate upon the matter.

4. At their second sitting held on 12 December, 2002, the Committee considered the following documents:-

(i) Extracts from the Lok Sabha debates dated 10 and 11 December, 2002 when the matter was raised by Shri Devendra Prasad Yadav and other members;

(ii) The statement made by the Honble Deputy Prime Minister and Home Minister in the House on 10 December, 2002 on the matter; and

(iii) Factual note furnished by the Ministry of Home Affairs on the matter.

5. After perusing all the above documents, the Committee felt that there is a *prima facie* case for holding a detailed inquiry into the matter which will require examination of relevant material connected with the case, viewing of video cassettes and perusing other information available. The Committee also felt that evidence of Shri Devendra Prasad Yadav,MP and concerned police officer who was on duty at the time of the incident and other witnesses, if any, would also have to be recorded.

6. Since there was a demand from members in the House on 11 December, 2002, the Speaker directed the Committee to give a Preliminary Report in the matter to the House. Accordingly, the Committee decided to give a Preliminary Report on the matter.

The Committee in their Preliminary Report, recommended that in order to ensure transparent and impartial inquiry into the matter, it will be in the fitness of things that Shri Manoj Kumar Lall, Police Officer-in-charge be placed under suspension till the inquiry by the Committee is completed. The Committee, however, emphasized that the above recommendation of the Committee should not be construed to mean that the concerned police officer has been found guilty by them.

As there was no time for making copies available to members and there was persistent demand in the House for early presentation of the Preliminary Report of the Committee, the Chairman read the above report of the Committee in the House \*.

7. A copy of the relevant extracts from Lok Sabha debates dated 12 December, 2002 was forwarded to the Secretary, Ministry of Home Affairs for further necessary action.

8. The Committee at their third sitting held on 16 December, 2002 decided that the information/documents furnished by the Ministry of Home Affairs be circulated to the members of the Committee.

The Committee also noted that the Ministry of Home Affairs *vide* their communication no 14033/6/2002/-UTS-I dated 16 December, 2002 informed that Shri Manoj Kumar Lall, IPS, DCP has been placed under suspension w.e.f. 13 December, 2002.

The Committee then viewed the following video cassettes

- (i) the video cassette furnished by Shri Devendra Prasad Yadav, MP; and
- (ii) video cassette/ VCD furnished by the concerned police authorities to the Chairman.

9. The Committee at their fourth sitting held on 17 December, 2002 took the evidence of Shri Devendra Prasad Yadav, MP and Shri Manoj Kumar Lall, IPS, Deputy Commissioner of Police, New Delhi.

The Committee decided that copies of documents and photographs handed over by Shri Devendra Prasad Yadav, MP and documents handed over by Shri Manoj Kumar Lall, IPS, DCP, during their evidence be circulated to all the members of the Committee.

The Committee directed Shri Manoj Kumar Lall, IPS, DCP to furnish copies of the following documents which were furnished by him on 17 December, 2002 itself.

- (i) Medical Report with regard to the PSO of Shri Devendra Prasad Yadav, MP;
- (ii) Details of police personnel injured and copies of their medical reports.
- (iii) List of vehicles damaged on 9.12.2002.

10. The Committee at their fifth sitting held on 18 December, 2002 further deliberated upon the matter and viewed /considered the following:-

- (i) VCD furnished by the police;
- (ii) Video cassette recorded by the press (ANI) and furnished by police; and
- (iii) The statement made by the P.S.O. to Shri Devendra Prasad Yadav, MP.

11. The Committee at their sixth sitting held on 19 December, 2002 considered their draft Report and adopted it.

## **II Facts of the case**

12. On 10 December, 2002 Shri Devendra Prasad Yadav, MP raised the matter regarding assault on him and his supporters while leading a procession of farmers towards Parliament to demand permanent solution to the perennial flood and drought problems of Bihar on 9 December, 2002 in New Delhi. There was a demand by several members that immediate action be taken against the erring police officer/officials. Speaker informed the House that the Deputy Prime Minister and the Minister of Home Affairs would be making a statement on the matter later that day.

13. On 10 December, 2002 at 18.14 hours, the Deputy Prime Minister and the Minister of Home Affairs made a statement in this regard in the House.

14. Thereafter, the Speaker made an announcement regarding constitution of the Committee to inquire into the matter and to report to the House before the end of the current session.

The matter was again raised by Shri Devendra Prasad Yadav and other members on 11 December, 2002. While raising the matter Shri Devendra Prasad Yadav, MP stated that Shri Manoj Kumar Lall, IPS, DCP was present at the scene of incident.

15. In view of the persistent demand by members that some action may immediately be taken in the matter, the Speaker observed that the Committee constituted to inquire into the matter would shortly give a Preliminary report.

## **III Evidence**

16. During his evidence before the Committee on 17 December, 2002 Shri Devendra Prasad Yadav, MP reiterated submissions made by him in the House on 10 December, 2002. Member, however, added that statement of his P.S.O. might also be considered.

17. During his evidence before the Committee on 17 December, 2002, Shri Manoj Kumar Lall, IPS, DCP read out a written statement.

18. Shri Manoj Kumar Lall, IPS, DCP stated in his evidence that there was no lathicharge. However, when the demonstrators breached the second barricade, water cannons were used and when the demonstrators became unruly, some rounds of tear gas shells were fired. The thrust of his evidence was that the police used minimum inducive force.

## **Part IV**

### **Findings/Conclusions**

19. After seeing the photographs submitted by Shri Devendra Prasad Yadav, MP and viewing the cassettes/VCDs, the Committee could gauge the gravity of the situation. The Committee also noted that as per the information furnished by Shri Manoj Kumar Lall, IPS, DCP, as many as 20 vehicles were damaged, 17 demonstrators and 18 policemen were injured during the demonstration.

20. The Committee note that the police had allowed the demonstrators to go up to the first barricade on the presumption that they would disperse from that point after presenting the memorandum.

The demonstrators after reaching the first barricade climbed on the same. Even at this point of time the police did not use any force assuming that they would recede back. However, when it was perceived that the demonstrators were moving forward with an intention to breach the third and final barricade, the police had to use water cannons.

21. The Committee are, therefore, of the opinion that the police did not use excessive force.

## **V Recommendations**

22. **The Committee, therefore, recommend that the order placing Shri Manoj Kumar Lall, IPS, DCP, New Delhi under suspension issued by the Government in pursuance of the recommendations made by the Committee in their Preliminary Report be revoked.**

23. **The Committee also recommend that no adverse action be taken against Shri Manoj Kumar Lall, IPS, DCP on account of his present suspension.**

24. **The Committee recommend that during public demonstrations, the organisers, police and Government should be careful.**

**VIJAY KUMAR MALHOTRA**

***CHAIRMAN, COMMITTEE TO INQUIRE INTO THE INCIDENT OF ASSAULT ON SHRI DEVENDRA PRASAD YADAV, MP***

**NEW DELHI;**

**DATED: 19 December, 2002**

\* Lok Sabha Debates dated 12.12.2002 cc..