

**COMMITTEE ON VIOLATION OF PROTOCOL NORMS AND  
CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT OFFICERS WITH  
MEMBERS OF LOK SABHA**

**(SIXTEENTH LOK SABHA)**

5

**FIFTH REPORT**

ON

**Complaint(s) dated 21 July, 2014 & 04 August, 2014 given by Shri Daddan Mishra, MP against the officials of the District Administration, Balrampur, Uttar Pradesh for alleged misbehaviour with him.**

*[Presented to the Speaker, Lok Sabha on 07.06.2018]*

*[Laid on the Table on 01.08.2018]*



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI**

August, 2018/*Shravana(Saka)1940*

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\* Minutes to be appended later

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**PERSONNEL OF THE COMMITTEE ON VIOLATION OF PROTOCOL  
NORMS AND CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT  
OFFICERS WITH MEMBERS OF LOK SABHA**

**(2017-2018)**

**Shri Rayapati Sambasiva Rao - Chairperson**

**MEMBERS**

2. Shri M. Badruddin Ajmal
3. Shri Gaurav Gogoi
4. Shri Choudhury Mohan Jatua
5. Dr. J. Jayavardhan
6. Maj Gen B.C. Khanduri AVSM (Retd.)
7. Dr. Bhagirath Prasad
8. Dr. Shrikant Eknath Shinde
9. Shri Pashupati Nath Singh
10. Dr. Kirit Somaiya
11. Prof. Azmeera Seetaram Naik
12. Shri Muzaffar Hussain Baig
13. Shri Dushyant Singh
14. Col (Retd.) Sona Ram Choudhary
15. Vacant

**Secretariat**

- |    |                         |   |                     |
|----|-------------------------|---|---------------------|
| 1. | Shri Ravindra Garimella | - | Joint Secretary     |
| 2. | Shri M.K. Madhusudhan   | - | Director            |
| 3. | Dr. Rajiv Mani*         | - | Additional Director |

\* Since resigned from the Secretariat

**FIFTH REPORT OF THE COMMITTEE ON VIOLATION OF  
PROTOCOL NORMS AND CONTEMPTUOUS BEHAVIOUR OF  
GOVERNMENT OFFICERS WITH MEMBERS OF LOK SABHA  
(SIXTEENTH LOK SABHA)**

**I. Introduction**

I, the Chairperson of the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha having been authorised by the Committee to submit the Report on their behalf, present this Report to the Speaker, Lok Sabha on the complaint dated 21 July and 4 August, 2014 given by Shri Daddan Mishra, MP against the officials of the District Administration, Balrampur for alleged misbehaviour with him.

2. The Committee in all held Seven sittings in connection with examination of the subject. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 2 June, 2015, the Committee considered the Memorandum No.1 regarding complaint dated 21 July and 4 August, 2014 given by Shri Daddan Mishra, MP against the officials of the District Administration, Balrampur for alleged misbehaviour with him. The Committee also decided to hear Shri Daddan Mishra, MP at their next sitting.

4. The Committee at their second sitting held on 22 June, 2015 examined Shri Daddan Mishra, MP on oath. The Committee also decided to hear the officials of District Administration, Balrampur, Uttar Pradesh at their next sitting.

5. The Committee at their third sitting held on 14 July, 2015 heard Shri Mukesh Chandra, the then DM (since retired), Smt. Priti Shukla, DM and Shri Bishambhar D. Shukla, SP, District Balrampur, Uttar Pradesh on oath.

6. At their fourth sitting held on 24 August, 2015, the Committee examined Shri Nikhil Chandra Shukla, the then DM, Shri R. Vikram Singh, DM, Shri Shrikant Singh, SP, Shri Salikram Verma, the then SP, Shri Rajneesh Chandra, the then ADM, District Shravasti, UP and Shri Rahul, the then SP, District Balrampur, UP.

7. The Committee at their fifth sitting held on 1 June, 2016 examined Shri S. Javeed Ahmed, DGP, Shri Debasish Panda, Principal Secretary (Home) and Shri Alok Ranjan, Chief Secretary, Government of Uttar Pradesh on oath.

8. The Committee at their sixth sitting held on 11 August, 2016 further deliberated on the matter and decided to give a week's time to the Principal Secretary (Home), Government of UP for conducting a fresh Inquiry into the matter and furnish the Report thereon as assured and directed the Secretariat to prepare a draft report in the matter, after receipt of the same.

9. The Committee at their seventh sitting held on 04 May, 2018 considered the draft report and after some deliberations adopted the same.

## II. Facts of the Case

10. Shri Daddan Mishra, MP gave a notice of question of privilege on 21 July, 2014 against the District Administration of Balrampur for allegedly obstructing his movement in the constituency on 20 July, 2014. Elaborating, the Member stated that on 19 July, 2014 during the Municipal bye-election in Balrampur, the Model Code of Conduct was rampantly breached by the Samajwadi Party workers and the officials of District Administration, Balrampur. Further, his party workers were harassed and fake cases were lodged against them besides they being detained by the Police. On 20 July, 2014 when he was proceeding from Shravasti to Balrampur to lodge a protest with the district authorities in this regard, barricades were placed at the Shravasti-Balrampur border by the local Administration to stop him. As a result, he was compelled to take an alternative route to reach to the District Headquarters. The Member had alleged breach of his parliamentary privileges and requested Hon'ble Speaker for appropriate action in the matter. The Member also raised the matter in the Lok Sabha during the Zero Hour on 21 July, 2014.

11. A factual note about this incident was called for from the State Government through the Ministry of Home Affairs and 15 reminders were issued for furnishing of the same.

12. Meanwhile, the Member *vide* his further notice of privilege dated 04 August, 2014 elucidated that on 20 July, 2014 when he was proceeding to the District Headquarters so as to lodge an official complaint with the District Administration, his movement was sought to be obstructed at Shravasti-Balrampur border by the local administration and he was allegedly misbehaved with. As a result, he was compelled to take an alternative route to reach the District Headquarter (Balrampur). Moreover, when the issue was brought to the notice of the District Administration, the behaviour of the District Magistrate (Shri. Mukesh Chandra), the CO (City) and SDM (Balrampur) left a lot to be desired. The Member alleged that as a result he could not catch the scheduled train to New Delhi to attend the sittings of Lok Sabha, which according to him, amounts to a breach of his privileges.

13. Notwithstanding the fact that, the factual note was previously called for from the State Government in the matter. The Ministry of Home Affairs were again asked to furnish facts on the Member's further notice dated 4 August, 2014 followed by several reminders.

14. The Ministry of Home Affairs on 19 March, 2015 forwarded a factual note dated 11 March, 2015 as received from State Government of Uttar Pradesh, which states as under:

“On 19 July, 2014, the bye-election of Balrampur municipality was conducted. During the election at about 1600 hrs., one independent candidate Shri Krishna Deo Shukla with some of his supporters assaulted Shri Rakesh Yadav, son of Dr. Shiv Pratap Yadav, Hon'ble Minister, Government of Uttar Pradesh and his driver. For this incident, on the report of complainant, Shri Saud Ahmad, a criminal case was registered at local Police Station *vide* case crime no. 895/14 u/s 147/148/149/307/323/504/506/188 I.P.C & 7 CLA Act against (1)- Shri Krishna Deo Shukla S/o Shri Raj Bahadur, (2)- Sarvesh Shukla S/o Shri Munna Pahalwan, (3)- Pramod Shukla S/o Munnal Pahalwan, (4)- Munna Pahalwan S/o Shri Kalika Prasad Shukla, (5)- Lala @ Lalan Dubey S/o Ambika Prasad, (6)- Alok Dubey S/o Vishwambhar and some of his supporters. The investigation of this case was conducted by S.I. Shri Arun Kumar Trigunayak. During the investigation of the case, the role of following accused came to light on the basis of evidence collected by the investigating officer namely: (1)- Jitendra mani Tiwari S/o Indramani Tiwari, (2)- Prashant Dubey S/o Dayashankar Dubey, (3)- Pramod Kumar Mishra S/o Jagdambika Prasad Mishra, (4)- Shyam Tiwari S/o Kamlesh, (5)- Rajkumar Gupta @ Raju S/o Babban, (6)- Pravesh Dubey S/o Dayashankar Dubey, (7)- Dabbu @ Anoop Mishra S/o Aadiya Narayan, (8)- Umashankar S/o Setubandhu Tiwari, (9)- Mahesh Shukla S/o Danbahadur Shukla, (10)- Sudhanshu Dubey S/o Girjesh Dubey, (11)- Mukesh Tiwari S/o Shiv Kumar Tiwari. On the basis of evidence, the investigating officer charge-sheeted all the accused and filed charge sheet no. 90/2014 dated 01 September, 2014 before the concerned Court.

On 20 July, 2014, the Hon'ble Member of Parliament Shri Daddan Mishra came to Balrampur *via* Gonda/Sarawasti without any pre-information and was provided the Protocol Security according to rules. He met the local public at Mohalla Khalwa and the officials of the District Administration, Balrampur. After meeting with local public and senior officers, Hon'ble MP left for District Gonda by road, from where he went to Delhi by train. The local Administration did not stop and hinder the movements of Hon'ble MP at Shravasti-Balrampur border nor was there any

pressure on the local police administration to do so. The allegation by the Member that irregularities were committed during the polling to the Municipal bye-elections has no factual basis.”

**Keeping in view the inordinate delay in furnishing the factual note by the Government of U.P. *i.e.* after a lapse of over seven months and also owing to the fact that the factual note furnished by the State Government not being satisfactory and requiring further clarification in view of rival contention of the Member and the District Administration, the Hon’ble Speaker has referred the matter to the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha on 22 April, 2015 by treating it as complaint of protocol violation.**



### **III. EVIDENCES**

#### **Evidence of Shri Daddan Mishra, MP**

15. Shri Daddan Mishra, MP during his evidence before the Committee on 22 June, 2015 *inter alia* submitted as under:-

“Sir, as I have mentioned in my notice that in the month of July, the bye elections to the Nagar Palika was held in my constituency wherein the ruling party indulged in large scale malpractices and one of our supporters was badly beaten up and harassed by the police administration. False cases were lodged against him. On these issues when my party workers approached me, I decided to take up the matter with the District Administration, Balrampur and in this regard, was proceeding to Balrampur when there was heavy barricading on the road. I had to take the train to reach Delhi the next day to participate in the proceedings of the House, which I could not board because of this. Subsequently, I took a morning flight to reach Delhi. The police misbehaved with me and deliberately tried to stop my movement. In this regard, the then DM, Balrampur Shri Mukesh Chandra, ADM Shri Rajneesh Chandra and Shri B. D. Shukla, SP played an important role. I again reiterate the contents of my written complaints in this regard. I have also enclosed press clippings in this regard.”

16. When the Committee inquired as to what could be the motive of the Administration to stop him from reaching Balrampur, Shri Daddan Mishra, MP stated:-

“As I submitted, large scale rigging had taken place in the by-polls to the Nagar Palika elections, the Administration had misused its powers and indulged in bogus voting. They harassed my supporters and with a view to deter me from highlighting all these issues and reporting it to the media, they wanted to stop me from reaching Balrampur.”

17. When enquired about the timing of this incident, Shri Daddan Mishra stated as under:-

“It happened during the afternoon of the day following the polls. As submitted, on the day of the poll, several malpractices had taken place. My supporters were constantly requesting me to take this matter with the District Administration. As it was already late in the evening, I decided that I will personally talk to all concerned in the matter including the Administration

and the media the next day. The District Administration somehow got became aware of my program and did their best to stop me from reaching the District Headquarter at Balrampur. Heavy deployment of force and barricading was done at the border roads of District Balrampur. My vehicle was not allowed to proceed further. I took a detour of 50-60 kms and through lanes/by-lanes reached Balrampur. The Administration had an apprehension that due to a large scale rigging in the polls, the people were angry and if I reached there, they could come out in protest and law and order may be affected. Wherever I went, there was an attempt to manhandle me. I could not even talk to my supporters.”

18. On being asked as to whether he could meet the DM, Balrampur after this incident on the same day or next day, Shri Daddan Mishra, MP stated:-

“I could meet the DM in the evening at his camp office. I had informed him of my visit. However, he could not provide any solutions to the issues raised by me.”

19. When the Committee wanted to know as to exactly what happened when he reached Balrampur, Shri Daddan Mishra, MP replied:-

“When I was stopped from proceeding towards Balrampur on the main highway at Shravasti-Balrampur Border, then I took another route and through internal roads proceeded towards Balrampur. The District Administration on being aware of my movements deployed heavy *bandobast* alongside my vehicle. I wanted to go to the affected areas where firing had taken place and people had been injured. However, this was not allowed. Wherever, I went in Balrampur, I was followed by the Administrative machinery.”

20. The Committee sought to know the attitude of the DM and SP subsequent to this incident and whether they had expressed any regrets over the inconvenience caused to him. In response, Shri Daddan Mishra, MP stated:-

“No one said anything. They did not take any of my submissions seriously. They were fully under the influence of the government and were acting as per directions received from the top. Not only my privileges had been violated but my rights as a citizen were also breached.”

21. When the Committee sought to understand the nature of misbehaviour which was meted out to him by the District Administration, Shri Daddan Mishra, MP replied:-

“The CO City misbehaved with me. On his instructions, the Police wanted to detain me. The SP was giving instructions that I should be stopped from proceedings towards the District Headquarters. I was not hurt physically. It is just that the Administration wanted to stop me from my proceeding towards Balrampur. The SP was not at the spot but the CO City was stating that he has been directed by the DM and SP that I should not be allowed to proceed to the District Headquarters.”

**Evidence of Shri Mukesh Chandra, the then District Magistrate, Balrampur**  
**(Since retired)**

22. Shri Mukesh Chandra, the then District Magistrate, Balrampur during his evidence before the Committee on 14 July, 2015 *inter alia* submitted as under:-

“Sir, I was the District Magistrate Balrampur when the Municipal bye-elections were held on 19 July, 2014. There was large scale violence during the polls and Mohalla Khalwa was also affected due to law and order problems. We controlled the situation and on next day the Hon'ble Member visited the place. When we came to know that the Hon'ble MP is coming to Balrampur, then as per protocol, we gave him the due security and escorted him to visit Mohalla Khalwa and other places. He also visited the residence of Shri Hanumant Singh former MLL and thereafter, came to my office and apprised me of his concerns and raised objections about the incident which took place on the previous day. Thereafter, he departed for Gonda... It is not correct to say that the District administration Balrampur obstructed his movements... As District Magistrate it is my first duty to uphold the law and order situation along with the safety and security of Hon'ble MPs and MLAs.

23. When asked whether he received any specific instructions from senior officials of Government of Uttar Pradesh or whether he was under some pressure or influence or whether the Election Commission had sought to impose any restrictions upon the movements of Shri Daddan Mishra, MP in the constituency, Shri Mukesh Chandra replied:-

“No sir there was no restriction made in District Balrampur... We only came to know a short while before, that he was coming towards the District and we provided him with the due security.”

24. On being asked whether he gave any instructions to SP Balrampur to barricade the Shravasti - Balrampur border Shri Mukesh Chandra stated:-

“No Sir. No such order was placed by me, neither written nor verbal. If any barricades had been erected in District Shravasti then that is their arrangement for which we are not responsible.”

25. The Committee sought to know whether he and 1 or other Officials of the District administration misbehaved or abused or manhandled the Member as alleged. In response, Shri Mukesh Chandra submitted:-

“Sir there is nothing like that and neither any such incident was brought to my notice... We have a Local Intelligence Unit (LIU) which submit their reports in detail about such things. We sought a report from them also and it is available with the then SP.”

26. When the Committee sought to know whether Shri Daddan Mishra, MP complained to him directly about the hindrance caused in his movement, Shri Mukesh Chandra submitted:-

“Yes Sir, he told me that restrictions had been placed upon his movements but he visited all the places in the city (Balrampur). There was no restriction on his movements in my district.”

27. When the Committee sought to know about the undue delay in submitting a factual note about this incident to the Committee Secretariat, Shri Mukesh Chandra submitted:-

“Sir I cannot tell anything about this because neither any report was sought from me nor I was asked to submit any report. I have been told by the SP that the office of DGP, UP has asked for some comments about this incident in September and SP Balrampur had sent the same to the DGP on 3 October, 2014.”

28. When the Committee enquired as to whether he or the SP or any other official had met Shri Daddan Mishra, MP after this incident and expressed regrets or apology to him, Shri Mukesh Chandra clarified:-

**“Sir there did not arise any occasion to this effect. I would like to state that our intention was very clear. Our priority is law and order situation. Even despite that, if the Hon'ble Member has felt hurt, I unconditionally apologize for that. There is nothing personal. My main concern at that time was law and order and safety and security... I would submit with all humility that I was discharging my duty and if in course that the Member felt hurt, I again unconditionally apologize. My intention was primarily to look after the District because on that day the situation was very explosive. Supporters of two political parties were face to face with each other. There was a lot of arson and loot in the city and many persons were arrested. These were the issues.”**

29. On being asked whether the Member was briefed by the District Magistrate or any other police officer about the law and order situation and other problems when he visited Balrampur on 20 July, Shri Mukesh Chandra replied:-

“Sir he entered District Balrampur through the Gonda - Balrampur route and not through the Shravasti - Balrampur route because a lot of police force was deployed at that place. But as he reached Balrampur, he was escorted by the District officials and he visited all the places, he desired to go. If any obstructions has been caused then only the District administration of Shravasti can throw light about it. As far as I am concerned, there were no orders passed by me in this regard. The place which the Member is referring to in his complaint falls within the jurisdiction of District Shravasti and not under District Balrampur. However, section 144 Cr.PC was imposed in the District of Balrampur.”

30. To a specific inquired query whether he himself misbehaved with Shri Daddan Mishra, MP, Shri Mukesh Chandra submitted:-

“Sir this is totally incorrect. I gave him all respect and will continue to hold him in respect always. If he has felt hurt by any of my actions, I unconditionally tender my apology. The Member was highly agitated over the issues which he faced and he shared them with me.”

**Evidence of Smt. Preeti Shukla, District Magistrate, Balrampur**

31. Smt. Preeti Shukla, District Magistrate, Balrampur, during her evidence before the Committee on 14 July, 2015 *inter alia* submitted as under:-

“Sir, I have to submit that I have been posted as District Magistrate, Balrampur on 30 June, 2015. This incident relates to 19 and 20 July, 2014 about which we have received a communication from the Lok Sabha Secretariat, stating that the movements of the Hon'ble M.P. were obstructed. I have taken charge on 30 January, 2015 and prior thereto Shri Mukesh Chandra was the District Magistrate who superannuated on 31 December, 2014. I have no personal knowledge about this incident as I was not posted at that point of time when it happened. Other than that I have got the records checked in my office to trace any document whereby the fact of the obstruction caused in the movement of Shri Daddan Mishra, MP can be verified. However, no such document is available in our records which throws light about this incident which happened on 20 July, 2014... There are no records of any complaint received from Daddan Mishra, MP in my office and neither have any comments of the District Magistrate sought by any authority in this matter. When I received a communication from the Lok Sabha Secretariat asking for my presence before the Committee for evidence then I have come to know about the complaint of the Member about the obstructions caused in his movement. I have informally consulted the office of the SP and got photocopies of two complaints given by the Member but as per our records these complaints were never received in the office of the District Magistrate and neither any comments were sought in the matter from the District Magistrate... I also had a talk with my predecessor who has since retired he also told me that there was no such order to obstruct the movement of the Member he also told me that the Hon'ble Member had come to Balrampur on that day and met him.”

32. When the Committee sought to know what had prompted the District administration to obstruct the movements of the MP when the Municipal by Elections were already over, Smt. Preeti Shukla replied:-

“Sir as I have mentioned that at that point of time I was not holding the office of District Magistrate and I can say about those things which are on record. As submitted by me earlier, there is nothing in the records which can throw light on any obstruction caused to the movement of the Member. It is

only the officers who were posted at that point of time, who can comment on it. It will not be proper on my part to speak anything about it.”

33. When asked whether her predecessor (previous DM) was subjected to any sort of pressure in this matter by the senior authorities, Smt. Preeti Shukla clarified:-

“Sir I only came to know about this matter on the receipt of a communication to this fact from the Secretariat. There is nothing in my records available in the office about the matter. There is one report from the Local Intelligence Unit (LIU) dated 20 July, 2014 wherein it is mentioned that the Hon'ble Member came to Balrampur on that day and visited Mohalla Khalwa and spoke to the people there. Thereafter, he reached Balrampur city and visited the residence of Shri Hanumant Singh former Minister of the State Government and briefed the press there. Thereafter, he visited the office of the District Magistrate and discussed the situation with the then District Magistrate. This is all I have come to know from the records... The District administration has all regard and respect for the Hon'ble Member.”



**VI. Evidence of Shri Bishambhar D. Shukla, Superintendent of Police, District Balrampur, Uttar Pradesh**

34. Shri Bishambhar D. Shukla, Superintendent of Police, Balrampur, Uttar Pradesh during his evidence before the Committee on 14 July, 2015 *inter alia* submitted as under:-

“Sir, I respectfully submit that I took over the charge of SP, Balrampur on 25 July, 2014. The matter which is being inquired pertains to the incident which took place on 20 July, 2014. On that day, I was holding the charge of Commandant in PAC. When the incident complaint came before me, I got the matter examined and on the basis of evidence on record, I had submitted a report. This is all I have to say... I further submit that I have seen the newspaper reports relating to this incident and I have also discussed the matter with my officers. Shravasti and Balrampur are neighboring districts and as regards the deployment of police force is concerned that took place in District Shravasti. As per records, I can say that the Hon'ble Member had come to Balrampur and along with security persons he visited all the places he wanted to go at Balrampur. He even went to Mohalla Khalwa wherein serious incidents took place a day before. He also visited the residence of Shri Hanumant Singh former Minister. Thereafter, he also met the District Magistrate. We have a copy of the LIU report of that day. It contains the details of the movement of the Member at Balrampur on that day. We have nothing on record nor any evidence that the Member was stopped from moving at any place by the police administration of district Balrampur.”

35. When the Committee sought to know as to why the police of district Shravasti wanted to stop the movements of the Member and his entry in Balrampur, Shri Bishambhar D. Shukla replied:-

"Sir the officials of district Shravasti can only comment upon it. The police force was deployed there by their SP. I cannot say anything further about this. I have joined after this incident. As stated earlier, I have got a report in the matter from the CO (City) and on that basis I have sent a report to my officers also. And I am submitting a copy of the same to you also. These reports had not mentioned anything as has been alleged by the Member. The Member came to Balrampur and visited all the places which he desired to visit in the district."

36. On being asked whether Section 144 Cr.PC was promulgated in the city on 20 July, 2014 and the steps he has taken to inquire into the matter after he has taken charge, Shri Bishambhar D. Shukla submitted:-

“Sir, it was in force prior to the elections and on 20 it was not in force... Sir, I have received the complaint in the matter through the DIG. I got the matter enquired through the CO (City). I had asked the CO whether the Member was misbehaved with or he was stopped. I was told that nothing of this sort ever happened. I also saw the LIU report and went through the department diary of 20 July. It is mentioned in the said diary that the Hon'ble Member had come to Balrampur and he visited many places and also met the District Magistrate and then left thereafter. On the basis of all these evidences, I had submitted a report. This is all, I have to say... Further Sir, I am stating that in the first time of my career, I have been posted at Balrampur and whatever information I have, is based on the files. Further, I swear in the name of God that I have told everything honestly. I have diligently performed my duty I am a recipient of the President gallantry medal for participating in an encounter which resulted in the death of 5 terrorists.”

37. When asked about the inter-district coordination mechanism between Districts Balrampur and Shravasti, Shri Bishambhar D. Shukla submitted:-

“Sir that exists, but there is one thing which I frankly want to mention that whatever be the level of coordination, officers of same rank cannot give orders to the other. In case anything must have happened, then only the concerned DIG and Commissioner can elaborate upon it as to why the police force was deployed at the Shravasti border. They are in a position to better explain the deployment. I again seek your sincere apologies in the matter.”

**Evidence of Shri Nikhil Chandra Shukla, the then District Magistrate,  
Shravasti, Uttar Pradesh**

38. Shri Nikhil Chandra Shukla, the then District Magistrate, Shravasti, Uttar Pradesh during his evidence before the Committee on 24 August, 2015 *inter alia* submitted as under:-

“Sir, on 19 July I was on leave and away from the headquarters. This incident happened on 20 July and I reached Shravasti in the night. When this incident happened, I was on leave officially with the approval of the Commissioner and had been to Lucknow for some personal work. Thus, I personally do not know much about it. However, when I returned I took the feedback. I was told by the SP that in regard to this incident there was a communication from the office of the DIG that law and order situation has to be monitored mainly at the Shravasti Police Chowki which falls on the border of districts Balrampur and Shravasti. To the best of my knowledge the Hon’ble MP was never stopped in district Shravasti... The district and the police administration of Shravasti neither stopped him nor asked him not to proceed to his destination. He moved through District Shravasti only.

39. When the Committee enquired as to whether there was any pressure on him to stop the Member from entering Balrampur, Shri Nikhil Chandra Shukla replied:-

“No Sir, there was no such pressure. Though I was outside the Headquarter and had left for Lucknow at 12. I was travelling and had reached till Ayodhya. Had there been any decision to stop the Member, some message would definitely have come to me, I did not receive any message. The ADM who was acting District Magistrate also did not receive any such message from any quarters. Had there been any decision to stop the Member, then some order would have been passed but neither I nor the ADM had issued any order to stop the movement of the Member... The Hon’ble Member never complained to me against the District Administration of Shravasti for hindering his movements. We give full respect to him. However, as regards District Balrampur is concerned, I am not in a position to say anything.

40. When asked about the rationale for deployment of heavy police force by the District Administration at Shravasti border, when apparently there was no law and order situation in the District as such, Shri Nikhil Chandra Shukla clarified-

“Sir I had spoken to the Hon’ble Member also even day before yesterday. He was telling that some communication/message was received from the Office of DIG directing the administration to remain alert pursuant to the incident which took place at Balrampur. Therefore, the police force was present at Shravasti Police Chowki.”

41. On being asked as to whether there was any request from the District Administration, Balrampur to barricade the borders, Shri Nikhil Chandra Shukla submitted:-

“Sir, there was no written or oral order from Balrampur. As regards District Shravasti, I have checked the records myself and there is no orders available to stop the Member or relating to the deployment of police force at the borders.”

42. When the Committee sought an explanation for the undue delay in furnishing a factual note in the matter by the District Administration, Shri Nikhil Chandra Shukla submitted:-

“Sir, I was transferred from Shravasti and I am posted at Muzaffarnagar and and with full responsibility I state that as District Magistrate I never received any communication from the Lok Sabha Secretariat asking for a factual note about this incident to which we could have replied. It may be possible that some reply may have been sought from police department but I did not receive any communication addressed to the District Magistrate till 2<sup>nd</sup> May, 2016.”

43. Enquired as to when did he came to know of heavy reinforcements of the police force at the borders pursuant to the incidents of violence at Balrampur, Shri Nikhil Chandra Shukla submitted:-

“Sir, I reached Shravasti in the night of 20 July and I found the situation normal. When I met the ADM on 21 July, he informed me that he was asked by the SP to accompany him and, therefore, he went along with him at Shravasti-Balrampur border. Then, I asked the SP as to what had happened. Then he told me that there was some incident at Balrampur for which the DIG had asked him to remain extra vigilant.. I became aware of this incident when I saw the newspaper on the next morning. The incident had been widely reported in the newspaper. When I reached the Collectorate at

1000 hrs. I called the ADM, he repeated that the SP had asked him to accompany him.”

44. When the Committee specifically asked whether incidents relating to law and order in the neighboring districts of Balrampur were of any concern to the district administration of Shravasti, Shri Nikhil Chandra Shukla submitted:-

“Sir, the incidents which happened at Balrampur normally do not affect us. But since the DIG is common for the range, he may have felt something in this regard and that is why he spoke to the SP about it.”

45. When asked about his comments on the attempts to stop the Member from entering Balrampur through Shravasti border, Shri Nikhil Chandra Shukla submitted:-

“I had inquired from the ADM and he told that there was no attempt to stop the Member at the Shravasti border. Further, whenever the Hon’ble Member rang me up, he never mentioned that he was sought to be stopped by any authority at the Shravasti border. He never mentioned anything like this to me. I was also never asked about it at any level as to why the movement of any party persons or its supporters was being stopped. There was no discussion about it and it was being treated as a normal routine thing.”

46. When the Committee sought to know whether any restrictions on the movements of persons have been imposed by the District Administration or whether any control room was established to monitor the situation, Shri Nikhil Chandra Shukla replied:-

“Sir, there was no election at Shravasti and no control room was established and there was no arrangement for deployment of any magistrate... I am submitting with all sincerity that I returned in the night of 20 July at 11 pm from Lucknow. I had asked the Incharge DM (ADM) about this incident and he told me that the SP had conveyed to him a message from DIG that some incident had happened at Balrampur which needs to be monitored. He was present with the requisite force at the border. The Hon’ble Member had left Shravasti on his way to Balrampur and no one had stopped him... The Hon’ble Member had given a complaint to the DIG in this regard which was got inquired by him. He had sought report from the SP also wherein the said official submitted that we were present but we did not stop the Hon’ble Member. However, a copy of this inquiry was not sent to the District

Magistrate and I was not aware about it. Only when I was summoned by the Committee that I have come to know about it. Had the Hon'ble Member or his representative at that point of time demanded any inquiry in the matter, the same would have been got done. There was no intimation from any quarters of the movement of the Hon'ble Member being obstructed. Otherwise, we would have got the matter inquired and taken prompt action thereupon."

**Evidence of Shri R. Vikram Singh, District Magistrate, Shravasti,  
Uttar Pradesh**

47. Shri R. Vikram Singh, District Magistrate, Shravasti, Uttar Pradesh during his evidence before the Committee on 24 August, 2015 *inter alia* submitted as under:-

“Sir, I am the District Magistrate, Shravasti for the last 2 months... When I came to know about this event *i.e.* after getting the summons, I inquired about this incident and asked for a report from my office as to what had happened actually. I got a report, which was submitted on 9 August, 2014 from Shri Sanjay Kumar, Additional Superintendent of Police, Shravasti. The said report is with me. Further, I also inquired from my office whether any preventive orders have been issued at that time. My office reported that no preventive orders for stopping the MP was issued from there. There is no order on record restraining him (Member) from leaving the District or stopping him anywhere. I asked my ADM also who was there then and who is posted out now. He confirmed to me that there was no such order issued to stop or restrain his movement... This report which I have and which has been submitted to the Secretariat through the Police is dated 9 August, 2014 from Shri Sanjay Kumar, Additional SP. This report was submitted on 9 August, 2014. On my part, I have not sent any report and neither did anyone call for it.”

48. On being asked that municipal bye-elections took place at Balrampur, then why did the Shravasti administration sought to barricade the Shravasti-Balrampur border and also if any report had been sent to the State Government by the District Magistrate in the matter, Shri R. Vikram Singh replied:-

“Sir, as far as my inquiry goes, I asked my ADM about it. He said that he was there simply because of the law and order issue... Also as far as the records show, there is no report from the District Magistrate to the Government of UP on this subject.”

**Evidence of Shri Shrikant Singh, Superintendent of Police, District Shravasti,  
Uttar Pradesh on 24.07.2016**

49. Shri Shrikant Singh, Superintendent of Police, District Shravasti, Uttar Pradesh during his evidence before the Committee on 24 July, 2016 *inter alia* submitted as under:-

“Sir, I was transferred to this district on 5 June, 2015. I was not posted there prior to this date. This matter pertains to 2014 when I was not there... I only came to know about this incident after receipt of a communication from the Secretariat. A report in this matter has been sent by the district administration but no report has been sent in the matter at my level about this incident... I have not conducted any inquiry into this matter I only know that on 19 July, 2014 Municipal Elections were held wherein certain disputes had arisen between the parties. On 20 July SP and Addl. SP had undertaken checking at the police post of district Shravasti bordering district Balrampur. This is all I know. No one was stopped from moving towards Balrampur. The checking was only done as a matter of precaution but no person was stopped... All were present at the Shravasti Police Chowki. The checking was done to see that no illegal weapon passes through the border... I have no idea about the number of police personnel deployed at the post and the previous SP can tell about it... I am only aware about this incident through information obtained orally.”

50. When enquired whether the State Government had asked for any report in the matter from the district police administration through the DIG, Shri Shrikant Singh replied:-

"Yes sir I have a copy. The factual report dated 09 August, 2014 was sent to the DIG by the then SP Shri Salikram Verma."

51. Shri Singh also submitted a copy of the aforesaid report to the Committee Secretariat.



**Evidence of Shri Salikram Verma, the then Superintendent of Police, District Shravasti, Uttar Pradesh**

52. Shri Salikram Verma, the then Superintendent of Police, District Shravasti, Uttar Pradesh during his evidence before the Committee on 24 August, 2015 *inter alia* submitted as under:-

“Sir, on 19 July there was some law and order problem in the District Balrampur. In view of the said law and order problem it was decided on the next day that has both the districts Shravasti and Balrampur fall in the Devipatan range the DIG concerned directed that force may be deployed at the borders and checking may be done. It was because of this that the force was deployed by the District Administration at Shravasti-Balrampur border... In addition there were the force of the local thana one and half section of the Provincial Armed Constabulary (PAC) and along with them, I was also present with the Additional SP and ADM. As the District Magistrate was on leave, therefore, the ADM who was the DM In-charge was present. The main aim of deployment of such force was to check the entry of criminals in the District Balrampur.”

53. On being asked as to what were the specific security arrangements that were put in place by the administration at the border, Shri Salikram Verma submitted:-

“Sir, barricadings etc. were not erected. The traffic was moving smoothly along with the movement of the public. No one was stopped from crossing the borders. People were generally searched just to ensure that any criminal or anti-social elements do not enter.”

54. When enquired about the attempts of the District Administration to stop the movement of Shri Daddan Mishra, MP towards Balrampur, Shri Salikram Verma replied:-

“Sir, there was no such intention, neither was it done. He was not stopped at all. He is a respected Member and we all have lot of respect for him. We have met the Hon’ble MP many a times but he has never expressed any sort of grievance or made any complaint. We hold him in very high esteem. Further, we had no instructions or orders to stop his entry. We were simply there at the borders to ensure maintenance of law and order in the District.”

55. When the Committee pointed out his earlier statement that Shri Daddan Mishra, MP had taken some other route and did not pass through the direct route, Shri Salikram Verma clarified:-

“The Hon’ble Member had visited Balrampur. He had many programmes there and even his supporters had organized many programmes. In this regard, I had a talk with the Member also who had discussed his grievances with the District Magistrate, Balrampur and others concerned. As a result of this, maybe he may have got delayed but we have no clue and neither is the District Administration, Shravasti aware about it.”

56. Enquired about the shortest route from Shravasti to Balrampur and whether Shri Daddan Mishra had followed the said route, Shri Salikram Verma replied:-

**“Mainly the people follow the main route wherein the security forces were deployed. We did not stop him. If the MP was to proceed to Gonda Railway Station, it is possible through Balrampur only but he did not take this route for some or the other reason... There was no intention to stop him as there are numerous other routes. If we needed to stop him, we would have deployed forces on other routes also. It is our humble submission that we had no intention to stop the Member. Whatever our conduct was, has been exaggerated by the media in their reports.”**

57. When the Committee sought to understand as to why the media reported incorrect facts and whether so much force was required by the District Administration only for checking the public passing through that route, Shri Salikram Verma stated:-

“Sir, it is hundred percent correct that the incident which had happened at Balrampur was of concern to the DIG Devipatan range under whom both the districts fall. He had given directions on telephone to deploy appropriate force at the disctrict border to check the movements of criminals and anti-social elements in the district. I also was required to be present at spot because the regular DM was on leave. We did not stop any civilian or any other person at the borders. Checking and frisking of persons was done in a very peaceful manner and it was not our intention to breach the privileges of the Hon’ble Member whom we hold in high regard.”

58. When the Committee specifically asked whether he is disputing the facts as stated by the Member in his notice, Shri Salikram Verma replied:-

**“Sir, I am speaking the truth. We have not stopped any person. Further, due to our actions if the Hon’ble Member has felt any hurt, we extend our profound apologies to him.”**

**Evidence of Shri Rahul, the then Superintendent of Police, District  
Balrampur, Uttar Pradesh**

59. Shri Rahul, the then Superintendent of Police, District Balrampur, Uttar Pradesh during his evidence before the Committee on 24 August, 2015 *inter alia* submitted as under:-

“Balrampur Administration did not make any attempt to obstruct the movement of the Hon'ble MP. No attempt was made to stop him on the part of Administration.”

60. When the Committee enquired as to why heavy police force was deployed at Shravasti-Balrampur Border on 20 July, 2014 and was Section 144 Cr.PC imposed in the area, Shri Rahul replied:-

“On 19th, bye-elections were held at Balrampur. Thereafter, the situation became unmanageable. The supporters of both the candidates were fighting with each other. The situation was tense and that is why police force was deployed in the city and the borders.”

61. When asked as to whether he received specific instructions oral or written from the DM, Balrampur or any officer of the Government of UP to deploy heavy police force, Shri Rahul replied:-

“I did not receive any oral or written information or instruction from DM or any other official to stop the movement of the Hon'ble Member. The force was deployed just to check the unwanted and criminal movements which might take place... The Member of Parliament was neither stopped nor searched.”

62. On being asked about the justification for deployment of heavy police force, Shri Rahul submitted:-

“Sir, the situation in Balrampur was beyond control. There was fight between two factions and in this regard heavy deployment was made at the borders. The barricades were put in place and forces were there only and just only to check anti social elements.”

63. When the Committee enquired as to whether he had met the Member after the incident and what was the reaction of the Member thereto, Shri Rahul replied:-

“Sir, to discuss the situation arising out of the incident wherein the two candidates belonging to separate parties had a fight, the DM had called a meeting at his residence. The Hon'ble Member was also there and I was also there... He did not complain to me that he was stopped at the border.”

**Evidence of Shri Rajneesh Chandra, the then Additonal District Magistrate,  
District Shravasti, Uttar Pradesh**

64. Shri Rajneesh Chandra, the then Additonal District Magistrate, District Shravasti, Uttar Pradesh during his evidence before the Committee on 24 August, 2015 *inter alia* submitted as under:-

“Sir, on 19 July, there was bye-election to Nagar Panchayat at Balrampur and during the polling there was a fight between the two factions of the candidates who were contesting and in this regard case was also registered. This information I came to know on the 20th through the newspapers and then the SP of my district directed me that considering the sensitive situation at Balrampur and in the interest of law and order, I should be present at the Shravasti border and routine checking may be done. In this regard, myself and Additional SP, Shravasti were present at the border... I did not receive any instructions for stopping the Hon'ble Member from proceeding towards Balrampur and he was never stopped.”

65. When the Committee enquired whether the large crowd was present at the border which could have disturbed the law and order and why ADM personally had to be present at the spot, Shri Rajneesh Chandra replied:-

“No Sir. There was no gathering of crowd at the border. Since Balrampur is only 15-16 kms from the Shravasti border wherein two factions had a bitter fight a day before I along with the Additional SP were present at the spot considering the sensitive situation in the bordering district... This is the truth.”

### **XIII. Evidence of Shri S. Javeed Ahmed, DGP, Government of Uttar Pradesh**

66. Shri S. Javeed Ahmed, DGP, Uttar Pradesh during his evidence before the Committee on 1 June, 2016 *inter alia* submitted as under:-

“The UP police’s policy is to extend all respect and cooperation to the hon. MPs and other public representatives while they are discharging their constitutional functions. Such officers or subordinate officers who are found to be delinquent on this account are not only dealt with severely but also their career prospects also get affected if it happens repeatedly.

In respect of the instant case, Sir, which was reported by hon. Daddan Mishra Sahib, the facts of the case are that on 20 July, 2014, hon. MP Shri Daddan Mishra was travelling from Shravasti to the bordering district of Balarampur. On 19th, that is one day previous to the visit of the hon. MP, there was a local body election and there had been some violence. In that regard Section 144 Cr.PC orders were in place in Balarampur district. It was in that context that there was nakas put on the exit and entry routes between the two districts. These districts have been sensitive communally also. In the past small incidents have tended to take serious colour and therefore, police *bandobast* was in place.

The hon. MP in his complaint which was addressed to the hon. Speaker, Lok Sabha, dated 21 July, 2014 has said that *"I wanted to visit District Headquarters, Balrampur and the local administration had stopped me. Left no option, I had to take a detour to reach the District Headquarters, Balrampur through village roads."*

Hon. Committee may like to see that subsequently he submitted another complaint to the hon. Speaker, Lok Sabha dated 4th of August, 2014 wherein he has mentioned that the then District Magistrate Mukesh Chandra, who is now retired, has misbehaved with him and that the CO city Shirish Chand and the then SDM, Shrivastava who has also incidentally retired have also tried to mishandle him and abuse him.

In the first complaint, there is mention of the hon. MP having to travel a longer route to reach the District Headquarters of Balrampur but the subsequent complaint letter has more allegations. The then District Magistrate had got an inquiry done in the matter. As far as Mr. Shrivastava, the then SDM is concerned, it was found that he was in a totally different

area of the city and there was no occasion for him to have any interaction with the hon. MP on that particular date.

As far as the District Magistrate is concerned, it is found during the inquiry that the District Magistrate met the hon. MP at his office. The hon. MP had gone there with a few of his supporters and had given a representation about his concerns. At that point any misbehaviour or any disrespect was not highlighted. Now after we got notice from the hon. Committee, we again got the statement of the concerned officers, including the District Magistrate and the SDM who are both retired. They have again said that there was no occasion for such misbehaviour on their part. **But at the same time, at my level and at the level of UP Police, I would like to tender apology to the hon. Committee and the hon. MP for any inconvenience that may have been caused to him.**

The Deputy SP, Shri Shirish Chand, against whom there is mention in the second representation filed by Shri Daddan Mishra, MP, he has subsequently been transferred from Balrampur District to some other district called Kushi Nagar. So he is not in that district now.

We have also now reiterated the point that hon. MPs and hon. MLAs and other legislators and public representatives need to be given all necessary deference and respect and such cooperation and assistance that is required for them to carry out their constitutional duties.”

67. When the Committee apprehended that in this case ostensibly the Police under the directions of the District Administration, Shravasti and Balrampur tried to stop the Member from proceedings towards Balrampur, Shri Javeed Ahmed replied:-

“Sir, the matter will be inquired afresh and a report would be sent to the Committee.”



**Evidence of Shri Debasish Panda, Principal Secretary (Home),  
Government of Uttar Pradesh**

68. Shri Debasish Panda, Principal Secretary (Home), Government of Uttar Pradesh during his evidence before the Committee on 1 June, 2016 *inter alia* submitted as under:-

“...Sir, the incident which is related to Balrampur in which hon. Member of Parliament Shri Daddan Mishra had lodged a complaint with the Parliamentary Committee and we had been asked to submit a Report.

This matter was inquired into and then Reports were submitted both by the District Magistrate of Balrampur as well as the SP of Balrampur. The Report had come from Officers who were not holding office at that point of time. The then District Magistrate has since retired, the SDM has also retired and the Circle Officer has since been transferred out of Balrampur.

As far as the incident is concerned, the hon. Member of Parliament visited a part of his constituency which falls in Balrampur on a day after the local body election took place and Section 144 and the Model Code of Conduct was in force. There was a small incident during the election time and FIRs were lodged against certain people and some people were also arrested. So, keeping that in mind, the District Administration wanted to maintain peace, law and order. Therefore, with their counterparts at Shravasti, which is the adjoining district, they thought it appropriate to ensure that people do not come from the other side to the city which was already a little bit tense and surcharged. There was a picket at the border of Shravasti and Balrampur. The hon. Member of Parliament had not given any notice to the District Administration that he was to tour Balrampur on that particular day. However, through some other entry or some other road, he did reach Balrampur and then he also had to attend a couple of programmes which he did.

Sir, after that, the hon. Member of Parliament visited the Camp Office of the District Magistrate and he was unhappy; he expressed his unhappiness that he was stopped from entering the District. However, he did reach the District, that is a fact which has come on record. But the courtesies and whatever had to be extended, was not extended to him and he had made certain allegations against the officers who were holding office at that point of time.

Based on what the District Magistrate and the statement of the then District Magistrate and two other officers – we have obtained their statement – there they have denied that such an incident has happened. They said that they have extended the courtesy to the hon. MP. However he was annoyed with whatever went through in the sense that why that picket was there and why he could not get a proper passage to the District of Balrampur. But they say that they have not hurled any abuses or any kind of that sort of thing and they extended the courtesy, they even offered him the basic minimum courtesy that should have been extended. So, that is the matter as far as Balrampur is concerned.

**However, Sir, having said that in the meeting, from time to time we have been sending instructions to the District officials and down the line that the courtesies which are expected to be given to the elected public representatives, to MLAs, MLCs and hon. Members of Parliament, should be given. In fact, there is a Compendium of Instructions which the Chief Secretary also will place that before the hon. Committee. During the meetings also, time and again we reiterate these instructions that, including the public, the public representatives should be given the topmost priority and they should be given time whenever they want to meet senior officials in the District, they should be heard and the problems and the requirements which the people raise through the hon. Members of Parliament and the Assembly should be addressed on priority.”**

69. When the Committee sought clarification as to whether his testimony is based on reports or his personal knowledge of the incident, Shri Debasish Panda replied:-

“Sir, I will clarify myself. These are based on Reports and I have no personal knowledge of the incident.”

70. When the Committee expressed its annoyance over the negligent/inept attitude of the State Government officials in replying to the communications sent to the State Government by the Lok Sabha Secretariat through the Ministry of Home Affairs, Shri Debasish Panda replied:-

**“Sir, that is why I wanted to submit before the Hon'ble Committee as to how I am trying to address these basic core issues. Yes Sir, there has been a lapse on the part of department. I do concede... Sir, I will try**

**streamline these processes... We will take action against those who sat over it and will try to find out as to why it was delayed. We will also find out as to why the report did not come on time and what follow up action was taken. That I will definitely do.”**

71. When asked as to why the police bandobast at Shravasti border was not managed through small picket as stated by him but was being managed by the SP, the ADM, SDM and other senior officers, Shri Debasish Panda replied:-

**“No Sir, I did not mean that. I am sorry if I conveyed that. I did not know the names and how many of them were there. I was not aware of it Sir... It was not a normal picket. It was much larger than a normal picket.”**

72. To a pointed query that the deployment was purposely made at the border to stop the Hon'ble MP from proceeding to Balrampur, Shri Debasish Panda submitted:-

**“Sir, the local administration, what the current dispensation told me, they were apprehending that the atmosphere was already surcharged. So they wanted that peace should be maintained, law and order should be maintained. If hon. MP does not visit, it will be good... They would have advised the Hon'ble MP that it was not appropriate to go... It do not think there was an intention of using force... They probably over deployed more persons than what was required.”**

73. When the Committee expressed their apprehension that the official is trying to protect his subordinates who are guilty of several lapses in this matter, Shri Debasish Panda submitted:-

**“Sir, I humbly submit that I am not trying to shield or cover any officer. If any official has committed a wrong act then he has to face the consequences thereof.”**

## **Evidence of Shri Alok Ranjan, Chief Secretary, Government of Uttar Pradesh**

74. Shri Alok Ranjan, Chief Secretary, Government of Uttar Pradesh during his evidence before the Committee on 1 June, 2016 *inter alia* submitted as under:-

“Regarding the case of District Balrampur, hon. Member of Parliament, Daddan Mishra Ji, this is relating to the incident of 19th of July, 2014 in which in Balrampur there was a by-election in the Nagarpalika area and on the border, there was barricading done in the districts in Shravasti and Balrampur. The hon. MP has stated that he is not able to enter into the district because of the barricading, and, therefore, he took another route by which he entered into the district. Thereafter, he went and met with the District Magistrate, Mukesh Chandra, CO (City), Shri Shirish Chandra and SDM, Balrampur, Shri Shrivastava. But there also the behaviour of these officers was discourteous towards him. In this case, the only thing we put forward before the hon. Committee is that the matter was inquired into at the level of the Superintendent of Police, Balrampur and he submitted a report on 11th March, 2015.

**From these events, it appears that because of the by-election that was taking place, section 144 Cr.PC was promulgated in that area and that is why, the police force was there and barricading was done in the border. So, it was implementation and enforcement of Section 144. The intention was not to obstruct the hon. Member of Parliament. In fact, they had no protocol or his programme was available in the district that he was coming that day. But when he reached and as soon as the district administration got to know, he was provided with the requisite security and then when he met with the District Magistrate and others, the inquiry has revealed that it was not as if they discourteously tried to deal with him, and they tried to address whatever his concerns were. Now this is the basic thing.**

Thereafter, the District Magistrate, who was there at that time in Balrampur, has since retired, and the SDM, who was also there, has since retired. So, both the District Magistrate and the SDM have retired. The CO, who was there, has been transferred to another district. So, this is the position regarding this incident that took place in Balrampur regarding hon. Member of Parliament, Shri Daddan Mishra Ji.”

75. When the Committee asked as to why the factual note was not furnished by the Government of UP despite various reminders, Shri Alok Ranjan replied:-

“Sir, this is very unfortunate. I apologize for this that despite several reminders there was delay in furnishing of factual note. This is not correct and it should not have happened... We have full respect for the public representatives. There has been a delay in the matter for which we seek forgiveness... I will get the matter inquired at my own level to identify the loophole that we could not send reply despite several reminders. We will take action against those who are found guilty in this regard... As per report available with me in this matter, the Hon'ble MP was not stopped from proceeding. On the other hand, when he saw the heavy barricading and that section 144 CrPC has been promulgated, he did not proceed further and took another route... When he proceeded to Balrampur, he was given police escort and security. He met the administrative functionaries... Let me make two, three submissions. As you rightly said, so many reminders were sent and the reply has not come. That is definitely something which I will enquire into and find out at which level there has been delay and we ask for reasons. Secondly, I will evolve a system for that at my level as well as at the Secretary (Home) and at the DGP level so that these complaints are responded to in time and then there is a monthly review of these... Just like we handle matters of the hon. court, in a similar way reference from hon. Members of Parliament should be handled... We will certainly evolve a system for that, Sir.

Thirdly, as you rightly said, in both these cases I will institute a separate inquiry, fact-finding inquiry, and we will make sure that the facts come out fully and whoever is guilty in that will have to answer for that.”

76. The Principal Secretary (Home), Government of UP *vide* communication dated 14 September, 2016 has forwarded a copy of the inquiry report conducted afresh on the direction of the Committee into the complaints of the member regarding the reported attempt to detain him at Shravasti-Balrampur border. The fresh inquiry in the matter has been conducted by Shri Om Prakash Verma, Special Secretary (Home), Government of UP. The inquiry officer also took evidence of the Member concerned *i.e.* Shri Daddan Mishra and others. The inquiry officer met Shri Daddan Mishra, MP at Lucknow on 13 August, 2016 wherein he was informed by the Member that during the bye-elections to the Nagar Palika at Balrampur, the District Administration played a partisan role and the Member to

lodge his protest against that decided to go to Balrampur. On the basis of examination of the facts of the complaint and the evidence of the SP and the DM, the following facts emerged:-

“On 19.07.2014, elections to the post of Chairman, Nagar Palika took place wherein an independent candidate namely Shri Krishna Dev Shukla was contesting with the support of the BJP and the son of Dr. Shiv Pratap Yadav, Hon'ble Minister, Government of UP was the other candidate. In this regard, a case No. 895/14 was registered against Shri Krishna Dev Shukla at PS Kotwali Nagar, Balrampur under Sections 147, 148, 149, 307, 323, 504, 506 and Section 7, CLA. There were certain other persons who were also found guilty. As per the present stage of investigation, the charge sheet in the matter had been filed. As a result of the developments on 19th, there was lot of tension and to prevent any untoward incident which may breach public peace and law and order, the higher officers directed that the Shravasti Police Chowki near Balrampur border should be barricaded and checking of men and material passing through that road should be done. There were 13 police officials in all. There was no intention on the part of the police to stop the movement of Hon'ble MP Shri Daddan Mishra and no such attempt was ever made. There was no case of misbehaviour with or manhandling of the Hon'ble MP by the police authorities present. As regards the allegations of the Hon'ble MP that the CO and the SDM, Balrampur misbehaved with him in this regard, the CO *vide* his statements stated that on 19 July, 2014 there was tension between the rival parties contesting the elections. On 20 July, 2014, when I was on a round in the city, a message came that Shri Daddan Mishra, MP has reached the residence of Shri Hanumant Singh, former Minister and thereafter he will proceed to Mohalla Khalwa which had witnessed a large scale violence the previous day. Considering the sensitive situation in the interest of the security, I reached the place of the incident. The Hon'ble Member after visiting Mohalla Khalwa and meeting local people and thereafter the senior district officials, left for Gonda by road. During his visit to the city, neither myself nor any other officer ever attempted to stop or create any obstruction in his movements. Neither myself nor any officer or the police misbehaved with him in any manner. The SDM Shri S. N. Shrivastava in his statement stated that he did not meet the Hon'ble MP on 20 July, 2014 as he did not visit the area, where he was supervising the law and order situation and he never met the Hon'ble MP and thus there was no occasion for him to have misbehaved with the

Member. The then District Magistrate in his statement has stated that the Hon'ble MP after visiting various areas of Balrampur met him at his camp office and expressed his concern and objections relating to the bye-polls held on the previous day. Thereafter, he proceeded to Gonda. During his visit to Balrampur, the police administration never ever stopped him. Whatever security arrangements were made were put in place with an intention to provide security to Hon'ble MP and ensure peace and order in the District. Further, the District Magistrate had submitted that neither he nor in his presence any other officer misbehaved with the Hon'ble MP.”

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

##### **Protocol Guidelines**

77. The Committee at the threshold would like to reiterate the consolidated guidelines/instructions issued by DoPT vide Office Memorandum No. 11013/4/2011-Estt.(A) dated 1 December, 2011 on 'Official dealings between the Administration and Members of Parliament and State Legislatures-Observance of proper procedure', which *inter-alia* provide as follows:

- (i) Government servants should show courtesy and consideration to Members of Parliament and State Legislatures;
- (ii) While the Government servants should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, the Government servant should always act according to his own best judgment and as per the rules;

XX XX XX XX

- (iv) An officer should be meticulously correct and courteous and rise to receive and see off a Member of Parliament/State Legislature visiting him. Arrangements may be made to receive the Members of Parliament when, after taking prior appointment, they visit the officer of the Government of India, State Government or local Government. Arrangements may also be made to permit entry of vehicles of the Members to these Officers subject to security requirements/restrictions;

78. The Committee note that as per the complaint of Shri Daddan Mishra, MP on 20 July, 2014 when he was proceeding to Balrampur to lodge his protest with the District authorities against the alleged malpractices that took place during the polls to the Nagar Palika of his constituency, his movement was sought to be deliberately obstructed by the local police by way of heavy barricading/bandobast



at the Shravasti-Balrampur border, so as to prevent him from entering the Balrampur. As a result the Member was compelled to take a detour through by-lanes and reached Balrampur. The Member also alleged that when he brought the matter to the notice of the District Administration officials, the DM, SDM and CO (City) of Balrampur have misbehaved with him and manhandled him and resultantly he could not catch the scheduled train to New Delhi.

79. The Committee as part of their examination of the instant complaint, took evidence of nine witnesses *viz.* the then District Magistrate Level Officers who had been posted at Districts Shravasti and Balrampur at the point of time when the incident took place as well as the current/incumbent officers. Besides the Committee also heard the Director General of UP Police, the Principal Secretary (Home) and the Chief Secretary, Government of UP. The Committee find that all the Officers denied the charge of misbehaving or/and manhandling of the Member at any stage during his journey from Shravasti to the District Headquarters at Balrampur on 20 July, 2014. They categorically stated that no attempt was ever made to stop or obstruct the Member from proceeding towards Balrampur at the Shravasti-Balrampur border. They further submitted that the barricading and the police bandobast at Shravasti-Balrampur border was deployed to maintain peace and order in the District of Balrampur which on the previous day *i.e.* on 19 July, 2017 had seen lot of violence and fighting among the supporters of two different candidates during the Municipal bye-election. Only routine checking was being

done and as far as Shri Daddan Mishra, MP is concerned, he was neither stopped nor obstructed while he was proceeding towards Balrampur.

80. The Committee note that as regards the allegation that he had misbehaved with the Member, the then District Magistrate Shri Mukesh Chandra (Since Retd.) in his deposition has categorically stated that the allegation is totally incorrect and that he gave all respect to the member and continue to hold him in high respect. He further stated that upon learning that the Member was coming to Balrampur, as per protocol they provided due security to him and also escorted him during his visit to various places in the city. He also tendered his unconditional apology, if the Member had felt hurt due to any of his actions.

81. The then Superintendent of Police, District Shravasti, Shri Salikram Verma has submitted that barricading and bandobast was done by Police at the Shravasti-Balrampur border, at the instance of DIG, Devipatan range in view of the prevailing law and order problem arising out of municipal polls held in that area on the previous day, *i.e.* 19 July, 2017, so as to prevent and check entry of criminal and anti-social elements into the District. He categorically stated that there was no intention at all on their part to stop or cause obstruction to the Member. He also expressed his profound apologies to the Member, if he had felt hurt on account of their actions.

82. The Committee further note that in so far as allegation of the Member that the then SDM, Balrampur, Shri Shrivastava misbehaved/manhandled him, the

DGP, UP Police, in his deposition has categorically stated that it had been found that the SDM was in a totally different place of the city and hence there was no occasion for him to have any interaction with the Member on that day. The DGP also tendered his apologies to the Committee as well as to the Member, if any inconvenience had been caused to the Member at his level or at the level of UP Police.

83. The Committee further note that in his deposition the Chief Secretary, Government of Uttar Pradesh has clarified that since Section 144 of Cr.PC was in promulgation in that area (Balrampur) due to bye-election that was being held, Police force was deployed and barricading was done at the Shravasti-Balrampur Border and that there was no intention to obstruct the Member. He further stated that the programme of Member's arrival to the city was not known/available with the District Administration. As soon as they got to know of the Member's visit, the District Administration provided requisite security to the Member. He has further stated that it was also revealed that when the Member met DM, Balrampur and other officers, no discourtesy was shown to the Member. However, he assured the Committee that a separate inquiry would be instituted so as to find the facts.

84. The Committee note that as per their assurance, the State Government furnished a copy of the Report of the fresh Inquiry conducted into the matter by Shri Om Prakash Verma, Special Secretary (Home), Government of Uttar Pradesh. The Inquiry Report *inter alia* stated that there was no intention on the part of the

State Police to stop the movement of the Member and no such attempt was ever made. Further, there was no misbehavior or manhandling of the Member by the Police authorities present. As regards misbehavior by the District authorities, the then CO, Balrampur (since transferred) have stated that neither he nor any other officer ever attempted to stop or obstruct the Member or misbehaved with him in any manner during the visit of the Balrampur city by the Member. The then SDM (since retired) has categorically stated that he didn't meet the Member on 20.07.2014, as the Member didn't visit the area, where he was present on duty, supervising the law and order situation and that he had never met the Hon'ble MP and thus there was no occasion for him to have misbehaved with the Member. The then DM, District Balrampur (since retired) had also submitted that neither he nor in his presence any other officer misbehaved with the Member.

85. Taking into consideration the totality of facts and evidence on record, and the circumstances of the case, the Committee are inclined to arrive at the view that there appears to be no deliberate attempt on the part of the District Administration, Balrampur and Shravasti to stop or cause obstruction to the movement of member from Shravasti to Balrampur and his entry into the Balrampur at the Shravasti-Balrampur border. Further, no misbehavior or manhandling was meted out/done to the Member by any of the District level officers of Balrampur and that of State police officials.

**86. Nevertheless, the Committee in this regard would like to emphasize that it is imperative for all the public servants and Government officials to discharge their duties by maintaining political neutrality. Public servants are expected to perform their duties in an objective manner and in furtherance of public interest rather than sub-serving the interests of their political masters.**

87. The Committee are deeply perturbed over the callousness with which the State Government had dealt with the requests of the Committee Secretariat for furnishing a factual note in the matter. Despite several reminders, the State Government did not furnish their comments and finally the same was furnished by them on 19 March, 2015, after lapse of more than seven months, which is regrettable. The Chief Secretary, Government of UP who appeared before the Committee tendered his sincere apologies for their lapse and assured of remedial steps and to create a system whereby such delays are not repeated in future. The Committee based on this assurance of the Chief Secretary do not recommend any action in this regard. However, the Committee urge upon the State Government to issue necessary instructions to all the District level top functionaries so as to ensure that they strictly follow the guidelines/instructions with regard to official dealings between Administration and MPs. Notwithstanding this, the Committee would like to reiterate that inordinate delay in furnishing of factual note is an affront to the dignity and majesty of Parliament and its Presiding Officer, for which the

Committee is empowered to take suitable action as per the authority vested in the Houses.

### **XVIII. Recommendations**

**88. The Committee after taking into consideration the totality of the circumstances in the case and facts on record and in view of the profound and unconditional apologizes tendered by the Director General of Police, Government of Uttar Pradesh on his own behalf and on behalf of the other Police officials and the then District Magistrate, Balrampur and the then Superintendent of Police, District Shravasti, are of the view that the dignity of the House would be best served by not proceeding further in the matter.**

**89. The Committee expresses its strong displeasure over the casual manner in which the communications from the Secretariat requesting for furnishing factual note in the matter, were dealt by the State Government of Uttar Pradesh and hope that as assured by the Chief Secretary, Government of Uttar Pradesh, such inordinate delays in furnishing factual note would not be repeated in future.**

**90. The Committee further recommend that the Ministry of Home Affairs and DoPT (Ministry of Personnel, Public Grievances and Pensions) may sensitize all Civil Servants and officials in various Ministries/Departments particularly under them for strict compliance of instructions relating to official dealings between Administration and Members of Parliament.**

**(RAYAPATI SAMBASIVA RAO)**  
**Chairperson,**  
**Committee on Violation of Protocol Norms**  
**and Contemptuous Behaviour of Government**  
**Officers with Members of Lok Sabha**

**New Delhi**  
**May, 2018**