

SHRI PAWAN KUMAR BANSAL: We will endeavour...(*Interruptions*). Please see to it the Motion of Thanks on the President's Address is taken up. (*Interruptions*).

MR. CHAIRMAN: You came late.

SHRI PAWAN KUMAR BANSAL: Number one for this Session is the Motion of Thanks on the President's Address; number two is the Budget (Railways); number three is the General Budget. Then this will be in this part of the Session itself, not in the second part of the Session. We will give notice for this part of this session.

MR. CHAIRMAN: Thank you very much. Can we now go back to the Questions Hour? Question 21, please. (*Interruptions*)

श्री पुरुषोत्तम खोडाभाई रूपाला (गुजरात): सर, इस मामले का क्या हुआ?

SHRI TIRUCHI SIVA: Sir..

MR. CHAIRMAN: No. I believe, on your subject a statement is being made by the hon. Minister for External Affairs. आप बैठ जाइए। क्वेश्चन ऑवर चलने दीजिए।

SHRI TIRUCHI SIVA: Sir, I had given a notice for suspension of the Question Hour. (*Interruptions*)

MR. CHAIRMAN: Yes, the Minister would be making a statement somewhere around 12 noon or 12.30 p.m. (*Interruptions*)

SHRI PAWAN KUMAR BANSAL: Sir, he would be making a statement at 12' clock.

MR. CHAIRMAN: At 12 O'clock a statement would be made.

SHRI TIRUCHI SIVA: Thank you, Sir.

MR. CHAIRMAN: Now, Question 21, please. Mr. N.K. Singh. (*Interruptions*) Now, this is over. (*Interruptions*) Question 21, please. (*Interruptions*) बैठ जाइए, let the answer be given.

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## ORAL ANSWERS TO QUESTIONS

\*21. [*The questioner Shri Balwinder Singh Bhunder was absent.*]

### SC decision on police action on Baba Ramdev

\*21. SHRI BALWINDER SINGH BHUNDER: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Supreme Court has pronounced that police action on Baba Ramdev and his followers on the night of 4/5 June, 2011, when they were sleeping at Ramlila Ground, was an assault on the basic democratic values enshrined in the Constitution;

(b) if so, the reaction of Government to this judgement of the Supreme Court; and

(c) what action has been taken by Government on persons responsible for the police action?

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) to (c) A Statement is laid on the Table of the House.

#### *Statement*

(a) to (c) The Supreme Court in its judgement dated the 23rd of February, 2012 regarding the action taken by Police against Baba Ramdev and his followers on the night of 4/5 June, 2011 noted that while some of the police personnel were very cooperative with the members of the assembly and helped them to vacate the Ramlila Maidan, some others were violent and inflicted cane injuries. The Supreme Court has directed disciplinary action against such erring officers/personnel of Delhi Police.

Delhi Police has constituted a fact-finding committee to conduct the preliminary enquiry and identify the erring officers and recommend the nature of departmental action to be taken against each officer in compliance with the order of the court. Besides, as per the directions of the Court, a fresh FIR No. 24/12 u/s 336 IPC has been registered on 09.03.2012 at Police Station Kamla Market.

**श्री प्रकाश जावडेकर:** सभापति महोदय, मंत्री महोदय ने कहा है और सारे देश ने देखा कि 4 जून की रात को रामदेव बाबा के समर्थक जो शांतिपूर्ण तरीके से प्रदर्शन करने के लिए रामलीला मैदान आए हुए थे और वहां रात को सोए हुए थे, वहां provocation का कोई कारण नहीं था और कुछ वैसा नहीं हो रहा था, जब पुलिस ने दस हजार सोए हुए लोगों को, माताओं-बच्चों और बूढ़े लोगों को निर्ममता से पीटने के लिए पांच हजार पुलिसकर्मियों का इस्तेमाल किया। सीमा पर भी इतने जवान नहीं होते हैं, जितनी पुलिस उस रात रामलीला मैदान में लगाई गई थी।

**श्री सभापति:** सवाल पूछिए।

**श्री प्रकाश जावडेकर:** मेरा सवाल यह है कि अब सुप्रीम कोर्ट की जजमेंट के बाद ये कह रहे हैं कि केवल कुछ पुलिसवालों ने लाठी चलाई और उसकी हम जांच करेंगे। वहां हमने देखाए मैंने खुद देखा था कि पुलिस कमिश्नर वहां मौजूद थे। तो मेरा पहला सवाल यह है...

**श्री सभापति:** आपका एक ही सवाल है।

**श्री प्रकाश जावडेकर:** एक ही सवाल है, लेकिन पहला सवाल यह है कि जब पुलिस कमिश्नर खुद मौजूद थे, तो ऐसी परिस्थिति में जिम्मेदारी पुलिस कमिश्नर की बनती है या केवल चंद पुलिसकर्मियों की बनती है? किसकी जिम्मेदारी होती है, जब पुलिस कमिश्नर present होता है?...*(व्यवधान)*...

MR. CHAIRMAN: Please *(Interruptions)* Please, hear the answer.

SHRI P. CHIDAMBARAM: Sir, the question, as you would kindly notice, is on the reaction of the Government to the judgement of the Supreme Court and the action that would be taken by the Government against the persons responsible. We are discussing here, in this question, post-judgement action. Yes, there are

differences of opinion and I respect the other view expressed about the police action taken on that day. But, If you would kindly allow me, the question deals with the post-judgement situation.

Post judgement, we are obliged to implement the judgement. The judgement says, and I quote a portion of it, "The evidence on record also suggested that some of the police personnel were very cooperative with the members of the assembly and helped them to vacate the Ramlila Maidan while others were violent and inflicted cane injuries." Therefore, these two classes of police personnel have to be treated differently. They have asked us to register an FIR. And, as I have said in the answer, an FIR has been registered. The police personnel who acted in excess of authority will be identified and action will be taken.

श्री प्रकाश जावडेकर: सर, मेरे सवाल का जवाब नहीं आया है।

MR. CHAIRMAN: You cannot ask a second supplementary.

श्री प्रकाश जावडेकर: सर, मेरे सवाल का जवाब नहीं आया है। मेरा सवाल एक ही है कि पुलिस कमिश्नर की मौजूदगी में जवाबदेही पुलिस कमिश्नर की बनती है या पुलिस की बनती है? यही मेरा पूछना है और इसका जवाब नहीं आया है।

MR. CHAIRMAN: Please. (*Interruptions*) Shri Kumar Deepak Das. (*Interruptions*)

श्री रुद्रनारायण पाणि: सर, यह पोस्ट जजमेंट का सवाल नहीं है। वहां लाठीचार्ज हुआ था।...*(व्यवधान)*...वहां लाठीचार्ज हुआ था।

श्री प्रकाश जावडेकर: पुलिस कमिश्नर जिम्मेदार बनता है या नहीं, जब वह मौजूद हो?

श्री सभापति: प्लीज, आप बैठ जाइए।...*(व्यवधान)*...

श्री प्रकाश जावडेकर: जब पुलिस कमिश्नर मौजूद हो, तो वही जिम्मेदार होता है।

श्री सभापति: आपका सवाल खत्म हो गया है। Shri Kumar Deepak Das, please. (*Interruptions*) Shri Kumar Deepak Das.

SHRI KUMAR DEEPAK DAS: Sir, thank you. Again, today, I would like to condemn the police action that happened on the Ramleela Maidan. Sir, innocent people facing excesses of and atrocities by the police have become a regular feature in the country. In our State, it is rampant, Sir. I would like to know whether the Government would form a specific policy to deal honourably with such democratic movements or gatherings.

MR. CHAIRMAN: What is the question?

SHRI KUMAR DEEPAK DAS: My specific question is: Would the Government take a specific policy decision to deal honourably with such democratic movements or gatherings?

SHRI P. CHIDAMBARAM: Sir, to the best of my understanding, what the hon. Member wishes to know is whether democratic protests in all parts of the country will be dealt with fairly and honourably. I think, that is the question. I

am sure, all State Governments are committed not only to maintain law and order but also to deal with democratic protests fairly. I think, all State Governments hold that as the objective. But, sometimes, it is possible that there is a feeling that a democratic protest is not being dealt with fairly. Sir, it is for the State Government to answer. But, to the extent, Sir, certain general principles have been laid down in this judgement about promulgation of section 144 and how action should be taken. Sir, the State Governments are also bound by those principles.

SHRI RAVI SHANKAR PRASAD: Sir, I hope, the hon. the distinguished Home Minister will appreciate that such a lathi charge at the sensitive place in Delhi in the dead of night would not have been decided by the local Thana Officer, a junior Police officer, only. It had been done at the higher political level. In that connection, the accountability, Mr. Prakash Javadekar's question, is very important. I would like to have a little more forthright answer from you, Mr. Minister. But, the ancillary point is equally very important. You talked about the implications of the judgement. With profound respect, I would like to say that the judgement, in a very strange way, has initiated the doctrine of contributory negligence of the supporters of Ramdev Baba. We always do protest in a democratic society. It is peaceful. Even Gandhiji did that. In that connection, would it be a kind of the position of contributory negligence of all who indulge into having protests? I am sorry to say that, that is a very disturbing doctrine initiated by the Supreme Court. Will the Minister reply as far as this implication is also concerned, impinging upon the democratic conduct of our country? Democracy is also a basic feature of our Constitution. That is what I understand.

SHRI P. CHIDAMBARAM: Sir, every judgement is open to fair criticism. In fact, the Supreme Court does not object to fair criticism of its own judgement. Many times, judges have said, "Yes, our judgements are open to fair criticism." We have heard, Sir, the criticism of a part of the judgement. But, there are other parts of the judgement which have also been criticized. When some of these general principles are applied by the State Governments – and I can cite, in the last six months, at least half a dozen instances where State Governments have dealt with democratic protests where lives have been lost, people have been killed in police firing, people have been injured – I think, the State Governments also will realise that some of these principles require to be revisited. So, we are studying the judgement. When we examine it more carefully, and if we think that some of the observations in the judgement require to be revisited, we shall consider what steps we can take. But, I do accept the hon. Member's argument that the judgement is open to fair criticism; he has made just now a fair criticism of the judgement.

MR. CHAIRMAN: Question No. 22; the hon'ble Member is not present. Can the answer be given?

\*22. [The questioner Shri Kanwar Deep Singh was absent.]