



सत्यमेव जयते

**न्यायालय मुख्य आयुक्त विकलांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES**  
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No.1091/1141/2014

Dated:- 31.01.2017

In the matter of:

Suo-motu

**Versus**

Commissioner of Police : Delhi, 739  
Police Headquarters,  
MSO Building, I.P. Estate,  
New Delhi-110002

Respondent No. 1

Ministry of Home Affairs,  
Through Secretary, 740  
Department of Home,  
North Block, Central Secretariat,  
New Delhi-110001.

Respondent No. 2

**Date of hearing : 25.06.2014 & 11.11.2016**

**Present :**

25.06.2014

Shri Anand Prakash, ACP/DP on behalf of Respondent No. 1 & 2

11.11.2016

S/ Shri Alok Kumar, ACP, Daleep Kumar, SHO and Shri Ranjeet Singh, S.I., on behalf of Respondent No. 1 & 2.

**ORDER**

Taking suo-motu cognizance on the basis of two Press Releases issued by National Platform for the Rights of the Disabled, New Delhi and All India Disability Alliance, New Delhi dated 27.02.2014 and a posting by Shri Ramdas Shivhare on Access India and E-Group respectively, the Chief Commissioner for Persons with Disabilities, Government of India has directed to call for a detailed report on the alleged incidents of lathi-charge on persons with disabilities on 27.02.2014. One of the two incidents is alleged to have happened outside the AICC office at 24, Akbar Road, New Delhi and the other in front of Shri Rahul Gandhi's residence on Tughlaq Lane.

2. One Shri Pankaj Sinha, who is an Advocate and who also happens to be a blind person complained to the Chief Commissioner over the telephone that the Delhi Police is meeting out inhuman treatment to some 300-400 disabled demonstrators at Bhinder Point, Race Course Road near the Prime Minister's residence where they are peacefully protesting to urge upon the Government not to promulgate the Rights of Persons with Disabilities Bill, 2014 through ordinance route as the Bill is replete with umpteen flaws and as it is already pending with a House Committee after being introduced in Rajya Sabha. Shri Sinha further alleged that the Delhi Police has detained the disabled

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E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in  
(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)  
(Please quote the above file/case number in future correspondence)

demonstrators by putting barricades on three sides and pucca wall exist on the fourth side and that there exists no toilet, water or sanitation facility there resulting in untold hardship to them. When he was asked to file a detailed complaint in writing, he stated that there was no way he could write then and there which is why he has no choice but to call and talk to the Chief Commissioner over the telephone.

3. The matter was taken up with the respondents vide this Court's letter dated 28.02.2014. In response to this Court's letter dated 28.02.2014, Deputy Commissioner of Police, New Delhi vide letter dated 04.04.2014 has a detailed reply. It has inter-alia been submitted that the Press Releases are not a correct depiction of the events of lathi-charge and have failed to highlight the highly professional, restrained and sensitive approach of the police in handling the protests. The police assisted the protesters by facilitating their communication with the highest authorities of the concerned departments/ministries which include the secretaries, cabinet ministers, parliamentarian and other political leaders etc. In spite of repeated assault by the protesters, the police facilitated a meeting between their leaders and the PS to Shri Rahul Gandhi, Vice-President, AICC at 12, Tughlaq Lane. At no point of time did the police resort to lathi-charge against the protesters. The police responded to the violent protests by the persons with disabilities and their able-bodied supporters in a professional, sensitive and restrained manner. The allegations levelled against the police in the Press releases are false and baseless and the same are categorically refuted and denied.

4. Upon considering the replies dated 04.04.2014 of the Respondent No.1 and dated 05.05.2014 of the Respondent No.2, a hearing was scheduled on 25.06.2014.

5. During the hearing on 25.06.2014, Shri Anand Prakash, Assistant Commissioner of Police, Delhi Police of respondent No.1 submitted that the detailed written submissions have already been filed in respect of the matter.

6. It is observed from the file that Shri Muralidharan, Secretary, National Platform for the Rights of the Disabled, 4, Ashoka Road, New Delhi, Shri Vikas Gupta, All India Disability Alliance, New Delhi and Shri S.K. Rungta, Coordinator, All India Disability Alliance, New Delhi vide their e-mails/letters dated 27.02.2014 had also filed complaints about the alleged incident. As the issue involved in this case and in the said complaints are identical and S/Shri Muralidharan, Vikas Gupta and S.K. Rungta respectively have not been apprised of the action taken in the matter by this Court and the response received from Commissioner of Police, Delhi, Respondent No.1, it will be appropriate to adjourn the hearing today and ask the respondent No. 1 to submit the status in respect of the matter and call the other complainants on the next date of hearing. Copies of the complaints have been made available to the representative of respondent No.1 during the course of hearing. Accordingly, the case is adjourned. The respondent No.1 is directed to submit the status of the case and S/Shri Muralidharan, Secretary, National Platform for the Rights of the Disabled, 4, Ashoka Road, New Delhi, Shri Vikas Gupta, All India Disability Alliance, New Delhi and Shri S. K. Rungta, Coordinator, All India Disability

Alliance, New Delhi may submit their comments, if any, on the response dated 04.04.2014 submitted by respondent No.1 within 15 days from the date of receipt of these Record of Proceedings. They will be kept informed of the developments/outcome in the case. As Ministry of Social Justice & Empowerment is not an essential party, it is removed from the list of respondents.

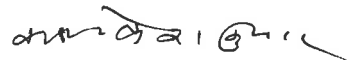
7. The respondent vide letter No. 802/Complt/NDD dated 20.03.2015 submitted that during the course of investigation of case FIR No.147/149/186/353/332 IPC dated 27.02.2014, notices u/s 91 Cr.P.C. have been served upon to media channel, Video coverage of the incidents and MLC result have been obtained. Sincere efforts are being made to trace out the culprits and investigation of the case is going on. However, a copy of reply already sent to your office vide this office letter No.939/Complt./NDD dated 04.04.2014 which is self explanatory.

8. Upon considering the reply dated 20.03.2015 of respondent No.1, a hearing was scheduled on 11.11.2016.

9. During the hearing on 11.11.2016, the representatives on behalf of Respondent No. 1 and Respondent No.2 reiterated the report already filed in this Court and submitted that there has been no lathi-charge by the Police on the persons with disabilities. The protesters were restrained by forming a human chain of un-armed police personnel who were rushed to the spot as reinforcement. The senior Police Officials persuaded them to maintain peace and disperse peacefully. Several policemen suffered injuries due to physical assault by the protesters. Some of the protesters also suffered injuries during their violent efforts to pull and dislodge the barricades. The MLC Report of the Doctor shows the injuries of simple nature which can be caused due to push and shove (dhakka-mukki) in between them while protesting.

10. After hearing the representatives of the respondents and perusing the record available on the file, the Court advises the Respondent No.1 to deal with such cases with a highly professional and sensitive manner and ensure that the protests are peaceful and that the democratic rights of the persons with disabilities are not infringed in future.

11. The case is disposed off accordingly.



(Dr. Kamlesh Kumar Pandey )  
Chief Commissioner  
for Persons with Disabilities