

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.24843 of 2014 (O&M)

Date of decision: **May 14, 2015**

Court on its own motion

----Petitioner

Versus

State of Haryana and others

----Respondents

**Coram: Hon'ble Mr. Justice Satish Kumar Mittal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr.Lokesh Sinhal, Addl. AG, Haryana.

Mr.Gaurav Garg Dhuriwala, DAG, Punjab.

Mr.Sanjeev Sharma, Sr.Standing Counsel with
Mr.Vikram Vir Sharda, Addl. Standing Counsel for
Union Territory, Chandigarh.

Mr.S.K.Garg Narwana, Sr.Advocate with
Mr.Teever Sharma, Advocate for
Dera Sacha Sauda, Sirsa.

HARINDER SINGH SIDHU, J.

In its order dated 28.11.2014 passed in CROCP No.12 of 2014 titled as "Court on its own motion vs. Rampal and others", a Division Bench of this Court took notice of an internal communication sent by Lieutenant Colonel (Intelligence), which communication was also published in 'The Tribune' dated 9.7.2011 to the effect that some ex-servicemen were engaging themselves in imparting weapons training to the activists of Dera Sacha Sauda at their headquarters at Sirsa. The Court also took note of the fact that while executing the warrants of arrest against contemner Rampal, the police faced thousands of able-bodied private commandos on the

roof top of the Ashram with rifles, pistols, lathies, petrol bombs, acid pouches and brick-stones. Large quantity of arms including rifles, pistols, air-guns and ammunition was found in the Ashram. Taking note of this, the Court observed as under:-

“18. The religious places are meant only to impart religious discourses and not for giving training to private commandos to protect the Head of Dera/Ashram. At any rate, it cannot be used as a dumping ground of arms and ammunition. We are of the considered view that the training of private commandos and arming them with illegal weapons to protect some individuals would definitely pose a challenge not only to the Judiciary, but also to the State at large. Search of Dera to unearth illegal arms and ammunitions and monitoring the activities of Dera on periodical basis is the absolute need of the hour to avoid future bloody confrontation and also to safeguard the interest of public at large and the State. Unless illegal activities are monitored by top level bureaucrats and police force, the situation would slip out of hand. Casualty will be more in dimension compared to the one we had faced while executing warrant of arrest as against contemner Rampal.

19. In view of the above facts and circumstances, the above observations made by us in connection with the Dera Sacha Sauda headed by Gurmit Ram Rahim be

taken as a Public Interest Litigation.”

Thereafter, this case was registered as a Public Interest Litigation (PIL) and notice issued to Dera Sacha Sauda Sirsa and also to the States of Punjab, Haryana and Union Territory Chandigarh.

In response, the respondents – States and UT Chandigarh have filed status reports.

In the reply dated 9.2.2015 filed on behalf of State of Haryana, it has been stated that an enquiry was got conducted through an Enquiry Committee constituted by the Deputy Commissioner, Sirsa consisting of SDM Sirsa, City Magistrate Sirsa and Deputy Superintendent of Police, Sirsa. This Enquiry Committee inspected the outer area of the Dera Sacha Sauda and its surrounding territory on various dates from 25.12.2014 to 5.1.2015. During the inspection/ search operation conducted by the Committee, no illegal arms and ammunitions or weapon training centre was found in the territory of any part of Dera Sacha Sauda and its surrounding area. No evidence of imparting weapon training to the activists of Dera Sacha Sauda by the Para Military Force/Police, Ex-servicemen or any Private Commando etc. was found. It has further been stated that the activities of Dera Sacha Sauda are being monitored closely and search/inspection of the main Dera premises as well as other branches shall be carried out on periodical basis by the Enquiry Committee. In the later affidavit dated 11.3.2015 filed by the Special Secretary to Government of Haryana, Department of Home, it has

been that the State has issued instructions dated 19.2.2015 to all concerned officers that necessary steps be taken immediately to identify the Deras situated in the State/ Districts and search/inspections be carried out on periodical basis in all such Deras by an Enquiry Committee of the Senior Officers, duly constituted in this behalf.

In the Affidavit dated 4.3.2015 filed by IGP (Law and Order), Punjab on behalf of the State of Punjab, it was stated that vide order dated 5.2.2015 of IGP (Law and Order), Punjab, all Commissioners of Police and Senior Superintendent of Police of the State were directed to collect the following information:-

“a. The names of all the Deras/Ashrams or its branches in their respective jurisdiction.

b. The names, addresses & telephone numbers of the office bearers/ managers/ care-takers of such Deras/Ashrams

3. That in addition to the above, the office bearers/ managers/ care takers have been asked to furnish information about their Deras/Ashrams in 'Self Declaration Proforma' given below:-

- Name of the Dera/Ashram, location, Police Station, Sub Division and District*
- Total area.*
- Total built up area.*
- Whether Dera/Ashram is a registered body, if yes, registered under which Act/Rules?*
- Site Plan of the Deras/Ashrams or its branches, including basements, bunkers, secret rooms, etc.*

- *Name of the individual/Trust/Society etc. in whose name the above land/property is registered.*
- *Name & addresses of the persons employed for the security of the Dera/Ashram or its Head/office-bearers.*
- *List of names & addresses of the licensed weapon holders and the arms held by them, who are working for the Dera/Ashram, and/or residing within the Dera premises.*
- *Number, name and addresses of the persons staying in the Dera/Ashram or its branches on a permanent basis.*
- *List of names & addresses of ex-servicemen working for the Dera/Ashram.*
- *List of names & addresses of ex-policemen working for the Dera/Ashram.*
- *List of names & addresses of private bodyguards, if any employed by Dera/Ashram.”*

In compliance therewith, the Commissioners of Police and the Senior Superintendent of Police of the Districts of the State have sent information duly verified by the Inspecting Officers of the concerned Police Stations, in whose jurisdiction, the concerned Dera/Ashram falls, after being duly endorsed by the office of Commissioner of Police and Senior Superintendent of Police of the concerned District. As per this information, no arms training/weapon training is being imparted to any activists of the Dera/Ashram in their respective headquarters by Ex-servicemen in the State of Punjab. Another affidavit dated 13.5.2015 of IGP (Law and

Order), Punjab has been filed, wherein, it has been stated that reports have been received from the District Police Chiefs, which reveal that there are total 674 Deras in the State and that no arms training/ weapon training is being imparted to anyone in any of the Deras/ Ashram by ex-servicemen or any other person in the State of Punjab.

In the affidavit dated 7.3.2015 filed by Senior Superintendent of Police, Union Territory, Chandigarh, it has been stated that no similar type of Dera / Ashram like Dera Sacha Sauda, Sirsa exists in the Union Territory of Chandigarh. It has been stated that UT Chandigarh is divided into three sub-divisions and there are total 11 Police Stations in these sub-divisions. Vide Memo dated 14.1.2015, all three Sub- Divisional Police Officers were directed to submit details of any Deras/Ashrams existing in their respective Sub-divisions. As per reports received, there is one Ashram, namely 'Prajapati Brahma Kumari Ishwariya Vishaw Vidyalaya' in Sector-33, Chandigarh and another Ashram in the name of 'Geeta Bhawan' located in Sector-52, Chandigarh and there is nothing adverse against both these Ashrams. Two Deras; one by the name of 'Radha Swami Satsang Bhawan' is situated near Maloya Colony and another namely 'Sant Nirankari Bhawan' is located near Booth Market, Maloya, Chandigarh. There is no adverse report against them as well. As per information, supplied by the Assistant Estate Officer, Chandigarh, there are five Ashrams located in different parts of Chandigarh. In the affidavit, it has been stated that all these five

Ashrams have been checked by concerned Police Stations and reports submitted in this regard, which indicate nothing adverse against them. It has been further stated that all the Deras/Ashrams located in the territory of Union Territory Chandigarh are under the continuous supervision of the Chandigarh Police and the Chandigarh Police is keeping regular check on the activities taking place in these Deras/Ashrams. It is also stated that the Chandigarh Police shall take all the necessary steps to ensure safety of the residents of the City and to maintain peace in the City and any anti-social element shall be dealt with strictness in accordance with law.

Learned counsel appearing for the States of Punjab, Haryana and Union Territory of Chandigarh assure that regular periodic monitoring of the Deras/Ashrams within their respective jurisdictions would be carried out to ensure that no illegal and undesirable activity takes place at such places.

In view of the replies filed on behalf of the respondents and the assurance by their respective Counsel, this petition is disposed of with a direction that the States of Punjab, Haryana and Union Territory of Chandigarh would periodically inspect and monitor the activities in the Deras/Ashrams within their respective jurisdictions to ensure that no illegal activities are carried out therein.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

May 14, 2015

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I attest to the accuracy and
integrity of this document