

BEFORE THE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1050/LOK/2011

Shri Arun Rai & Another Complainants
 Versus
 Smt. Kamlesh, Municipal Councillor Respondent

Representation:-

1. Mr. Abhijat Bal, Advocate, Counsel for the Complainant.
2. Mr. Manish Makhija, Advocate, Counsel for Urban Development Department.
3. Mr. C. Uday Kumar, Addl. Secretary, Department of Urban Development, Govt. of Delhi.

ORDER

1. By this Order, preliminary issue framed on 14th March, 2012, is being decided. The preliminary issue is with regard to the nature of scrutiny required of the applications, if at all, before the grant of Provisional Regularization Certificates (hereinafter referred to as 'PRCs')?
2. This issue was framed in the following terms:-
 "Whether PRCs under the Regulations and guidelines could be granted without verification of the factum of existence of Colonies and scrutiny at the initial stage, considering the purpose of recommendations made by the Government of NCT to the Central Government for amendment of Regulations and the object of issuance of PRCs?"
3. During the proceedings of the complaint, alleging fraud and illegal actions on the part of the Respondent in the matter of issuance of PRCs for Colonies such as Radha Krishan Vihar, Abul Fazal Enclave, Part-II, Jasola Village, and Kotla

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Mahigram Extn, Jasola, the Complainant had claimed that these were non-existent Colonies and did not meet the requirement of built up area of 50%. It was contended that these were cases of non-existent colonies and PRCs being granted in respect of land which stood already acquired, with owners having received compensation.

4. During the course of proceedings, as per the affidavits of Urban Development Department, Govt. of NCT of Delhi and statements made by their Counsel, no scrutiny and verification were done of the applications received with regard to the factum of existence of the colonies, or of the facts stated in the application and supporting documents, i.e. Layout Plan, Architect's Certificates, List of Members etc. all these have been left to be done before the grant of final regularization. When the documents required to be furnished by the Society in terms of Clause-4 were furnished, PRCs were recommended to be issued.
5. Affidavit of Shri C. Uday Kumar, Addl. Secretary, Urban Development Department, dated 11th May, 2012, and affidavit filed by the Pr. Secretary, Urban Development Department, in Writ Petition No. 665/09, together with Writ Petition have been placed on record, as represented in the stand of the Department on the issue.
6. Mr. Manish Makhija and Shri C. Uday Kumar have also been heard in support of the procedure followed by them in the instant case. Shri Uday Kumar, based on his affidavit submitted that PRCs were issued by the Urban Development Department in accordance with the regulations for regularization of unauthorized colonies in Delhi.
7. The position of the UD Department is that following the "Revised Guidelines, 2007 for Regularization of Unauthorized Colonies in Delhi", an advertisement was released by Delhi Government calling for applications to be submitted for

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regularization of unauthorized colonies, a Notification dated 24-03-2008, titled "Regulations for Regularization of Unauthorized Colonies in Delhi", was also issued under Sec. 57 of the Delhi Development Act, 1957. In response to the advertisement, applications for regularization of 1639 Colonies were received during the period November, 2007 to April, 2008.

8. Relevant having a bearing on the issue of PRCs are being re-produced for facility of reference:

3. Criteria for Regularization of Unauthorized Colonies and Habitations.

3.1 Cutoff date for regularization is 31-3-2002.

3.2 Habitations that have come up as extension to village abadi and are outside the Lal Dora of village, would be eligible for regularization on the same lines as those of unauthorized colonies.

3.3 The following types of colonies or parts thereof would not be considered for regularization:

(a) Unauthorized colonies/part of colonies habitation falling in notified or reserved forest areas.

(b) Unauthorized colonies/part of colonies habitations which pose hindrances in the provision of infrastructure facilities or fall in the area of right of way (ROW) of existing/proposed railway lines; Master Plan roads and major/trunk water supply and sewerage lines.

(c) Unauthorized colonies/habitations where more than 50% plots are un-built on the date of formal announcement of regularization scheme. However, plots which have been built up in the above mentioned colonies even after 31-3-2012 and till the date of formal announcement of regularization scheme will be taken into consideration for deciding the eligibility of the colony for regularization.

(d) Unauthorized colonies/part of colonies/habitations which violates the provisions of Ancient Monuments and Archeological Sites and Remains Act, 1958.

3.4 No regularization will be done in respect of residential building used for non-residential purposes except those covered under the mixed

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land use regulations contained in the MPD 2021 as may be amended from time to time. The time limit of 90 days for conducting survey of notification of mixed use streets as prescribed in clause 15.3.4 of the MPD-2021 in respect of these colonies will commence with effect from the date of notification of the colony as deemed regularized colony by the GNCTD or the date with effect from which the colony shall qualify for regularization.

- 3.5 Action against unauthorized construction in unauthorized colonies/parts of colonies/habitations which do not fulfill the conditions for regularization, will be taken by the concerned local body/DDA subject to provisions contained in Master Plan of Delhi including those in Para 16.2.3 (special areas).
- 3.6 These Regulations do not relate to unauthorized colonies/habitations inhabited by affluent sections on public and private land.

4. Procedure for Regularizations.

The following steps are to be followed for regularization:

4.1 Registration of Residents' Society

The residents of each unauthorized colony/habitation shall establish a registered Residents Society (henceforth called as resident Society). This shall be a pre-condition for considering the case for regularization. There would be no objection to several associations in a colony, but they would have to be federated into one recognized Residents Society. The local body shall only recognize and interact with such residents Societies which have at least 75% of residents of that colony as its members.

4.2 The Residents Society shall perform/carry out the following functions:-

4.2.1 Liaise with the concerned agency in various matters pertaining to the regularization process.

4.2.1.2 Prepare through an Architect/Town Planner, the existing layout plan of the colony. The Resident Society may, however, voluntarily also submit proposal for improved layout plan in respect of their colony.

4.2.1.3 The layout plan thus prepared shall be submitted by the Resident Society to the concerned local body/DDA, and simultaneously, a copy of the

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layout plan shall also be submitted to GNCTD by the Resident Society.

4.2.2 Along with the layout plan, the resident society shall be required to submit the complete list of members with details such as plot nos. and area of the colony to the local body shall be duty of the resident society to make available, wherever possible, land to the concerned agency for taking up the works for provision of social infrastructure in such colonies where land cannot be made available by the society for social infrastructure, the colony shall have to manage without the provision of such infrastructure.

4.2.3 There shall be no obligation on the part of the local body/DDA/GNCTD/Union of India to allot alternate sites/flats to residents who may be displaced on account of provision of land for civic amenities/infrastructure which are not regularized as in clause 3.3.

4.2.4 The GNCTD shall determine the development charges/processing fee, if any, to be charged from the Residents Societies/individuals.

4.3 The Residents Society shall be required to submit the layout plan and proposal for improved layout plan, if any. It shall be submitted in such manner and numbers as the GNCTD may deem fit.

4.4 Once sanctioned, printed authenticated copy of the layout plan shall be made available by the Residents society to all its members. Any deviation and modification in the sanctioned layout plan shall be subject to approval by the concerned local body/DDA.

4.5 Requisites for submission of layout plan.

4.5.1 Documents to be submitted.

Application for regularization of unauthorized colonies shall be accompanied by the following documents:

(i) Land details with Khasra No. accompanied by a site plan giving the physical description of the site.

(ii) The certificates duly signed by the authorized signatory of Resident Society/owner and the Architect/Town Planner.

(iii) *The layout plan submitted with the application for regularization shall be drawn to a scale of 1:1000 or larger and shall show details as given in the following paragraphs.*

4.5.2 Information required to be furnished on Existing/Proposed layout plan.

- (i) The boundaries of the site and of contiguous land with ownership status;*
- (ii) The position of the site in relation to neighbourhood area/roads;*
- (iv) The name of the streets in which the plots are proposed/existing;*
- (v) The use and position of the plots on the land including sub division;*
- (vi) The North point;*
- (vii) Any existing physical features, such as wells, drains, trees etc;*
- (viii) The plan shall be authenticated by the authorized signatory of Resident society and Architect/Town Planner.*

4.5.3 Undertakings

The Residents Society shall furnish the following undertaking at the time of submission of the layout plan:

- (i) That they shall abide by the layout plans as may be approved with or without conditions.*
- (ii) That they shall transfer the land available if any for social infrastructure in the name of the DDA or the MCD/NDMC, free of cost, in order to provide such social infrastructure.*

5. Steps/Procedure to be followed by local body/DDA/GNCTD for regularization:

5.1 A separate Cell is to be created in the local bodies/DDA/GNCTD to carry out the work relating to regularization or unauthorized colonies within their jurisdiction. The layout plan prepared by Resident Societies would be submitted to this Cell.

5.2 On receipt of the layout plan submitted by the resident society, the local body or DDA, as the

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case may be, within two months will complete the scrutiny of the layout plan.

- 5.3 Simultaneously, GNCTD will finalize the boundaries of each identified colony within three months from the last date of submission of layout plan using satellite/aerial survey images.
- 5.4 After fixing the boundaries on the scrutinized layout plan by the local body concerned, GNCTD to formally forward the layout plan to local body for approval.
- 5.5 Layout plan to be approved by the competent authority in the local body concerned within one month of the receipt of LOP after fixation of boundaries by GNCTD.
- 5.6 Simultaneously, the local body to refer the case to GNCTD for regularization and DDA for land use change.
- 5.7 Formal orders of regularization to be issued by GNCTD only after completing all formalities including land use change and payment of all requisite charges.
- 5.8 The cost of land shall be collected by local body/DDA on behalf of land owning agency in respect of colonies on public land. Amounts so recovered to be credited to the account of respective land owning agency.
- 5.9 Similarly, penalties to be collected by local body DDA and to be credited into a separate fund.
- 5.10 GNCTD may commence the development works and augmentation of infrastructure facilities in public interest in colonies soon after the receipt of layout plan if it is satisfied that the colonies or part thereof fulfill the general principles contained in the Revised Guidelines 2007.
- 5.11 GNCTD shall take all required steps to ensure that the entire process of regularization except change in land use is completed within six months and formal regularization after effecting change in land use is done within nine months of submission of LPC by resident society. Lt. Governor, Delhi, may relax the time limit in respect of individual colonies on specific request of GNCTD."

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9. In the meanwhile, vide a Notification dated 16-06-2008, the regulations were amended by the Central Government on the recommendation on the basis of an advisory note sent by the

Chief Minister of Delhi to the Minister of Urban Development and another Notification dated 16-06-2008 was issued. The amendment was in Clauses 4.6.1 to 4.6.3 and the same are being reproduced for facility of reference as under:-

“The following sub-clauses shall be added after sub-clause 4.5.3 (Undertakings):-

4.6.1- Soon after the requirements of Clause 4 of the Regulations are fulfilled by the residents of the colony, the GNCTD may issue a provisional regularization certificate to that unauthorized colony. The local body/DDA and GNCTD would complete the prescribed formalities before formal regularization of the unauthorized colony as prescribed under Clause 5 of the Regulations within a period of 12 months from the date of issue of the Provisional Certificate. Lt. Governor, Delhi may relax the time limit in respect of individual colonies as provided in Clause 5.11 of the Regulations.

4.6.2 However, this certificate cannot be issued to unauthorized colony/habitations inhabited by affluent sections.

4.6.3 However, the final boundary of these colonies would be fixed by the GNCTD only after completing all requisite formalities including those in Clause 3 of the Regulations.”

10. The Hon'ble Lt Governor also gave his approval for the issuance of PRCs. The advisory note sent by the Chief Minister of Delhi, vide D.O. No. CMR/08/1888 on 11th May, 2008, to the Minister of Urban Development, gives the justification and the need for issuance of PRCs. The note stated the object of regularization to be, “to regularize the unauthorized colonies at the earliest so that the people living in these colonies are assured that their habitats would not be demolished and that they would enjoy peaceful living. Keeping this objective in view, it would be appropriate to add a proviso to Regulation 5.7”. The note then proceeds to give the suggested proviso of the note, which is not a very long one, is reproduced hereinafter for facility of reference:-

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“Provided the GNCTD may issue a Provisional Certificate to an unauthorized colony, where the requirements of Regulation 4 have been fulfilled by the residents of a colony.

Further provided that the local body/DDA/GNCTD would complete the formalities for regularization provided under the Regulations within a period of six months from the date the Provisional Certificate, if any is issued by the GNCTD. In case formalities are not completed, then the unauthorized colony holding Provisional Certificate would be deemed to have been regularized as a colony under these Regulations”

11. Following the above note, amendment as noted earlier was notified on 16-06-2008 by incorporating Clauses 4.61, 4.62 & 4.63. Based on the above Regulations, the stand of the Urban Development Department has been that as soon as the requirements of Clauses 4.5(1), 4.5(2) & 4.5(3) of Clause-4 of the Regulation above are met, in other words, as soon as these documents are submitted by the resident Society to the Urban Development Department, it is eligible for the grant of PRC.

It is stated that a checklist of these documents together with undertaking was prepared and communicated to the residents to enable them to complete the documentation. Camps were organized from 8th August to 14th August and 18th to 19th August and the resident societies which completed the documentation were issued PRCs. The Department clarified that the above procedure was also followed in the case of Societies, which are the subject matter of the existing complaint.

12. It is the case of the Department that as per Clause 4.6.1, PRCs could be issued once the provisions of Sub-clause 4.1, 4.5(1), 4.5(2) & 4.5(3) of Clause-4 are fulfilled. It is claimed that there was no requirement to do the verification in terms of the conditions of eligibility prescribed under Clause-3. Reliance is also placed on the statement in the PRC that it would be subject to scrutiny of requisite documents with regard to fulfillment of

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conditions of Regulations and only those colonies which fulfill the conditions would be considered for final regularization. Besides, final boundaries were to be fixed after completing of requisite formalities including Clause-3. In other words, if conditions of Clause-3 were not met, the society would get weeded out at later stage. It was also deposed in the affidavit of Shri C. Uday Kumar, that the said process of scrutiny of unauthorized colonies as to their existence etc. under Clause-3 of the Regulation was being presently undertaken i.e. in March, 2012, by verifying the existence of colonies through aerial photographs and fixing the boundary to decide eligibility or otherwise of the unauthorized colonies. It is claimed that as a result of this scrutiny nearly 40 PRCs have already been cancelled. The Department of Urban Development in support of this averment also placed reliance on an affidavit of Shri D.M. Spolia. This affidavit had been filed by Shri D.M. Spolia, the then Pr. Secretary, Department of Urban Development in Writ Petition (C) No. 665/2009 titled "Karan Singh & Ors V/s GNCTD & Ors". The challenge in the writ petition was to the acquisition of land. It was averred that an application from the Residents Welfare Association of unauthorized colony of Tikri Khurd Extn. Abadi, against Regn. No. 19 ELD had been received and that a PRC was issued to the Colony on 17-09-2008 on completion of the requirements of Clause-4 of Regulation for Regularization of Colonies. The deponent also stated that PRCs were issued as soon as the requirements of Clause-4 were fulfilled and thereafter the local body/DDA and GNCTD would complete the prescribed formalities before formal regularization is granted. The period of one year which is to be reckoned for completing all formalities was to be from the date of grant of PRC. It was also averred that there was no pre-requisite for carrying out any kind of physical verification as long as the requirements of Clause-4 were met.

13. Mr. Makhija, during the arguments, suggested that the filing of the above affidavit clearly spelling out the stand of the UD Department, tantamount to acceptance by the Court, be also accepted by this Forum. I am afraid, this is stretching the matter rather far. The Court was not seized with the interpretation of the Regulations or the issue of requirement for verification prior to the grant of PRC. Court was considering the challenge to the land acquisition for which the considerations were different, and the factum of requirement of actual existence of the colony or verification of the built up area was not directly in issue and was not required to be decided. This in my humble view, at best can be taken as a reiteration of the government's position and stand even at that time, but it cannot be said that it has the stamp of approval of the Court.
14. Mr. Makhija, next contended that the plain language of Clause 4.6 was suggestive that the PRC could be issued soon after the requirements of Clause-4 are satisfied and the formalities and requirements of local body and GNCTD could be completed as required under Clause-5 within the next 12 months. The only prohibition given in the Regulation, he urged, was that the Certificate could not be issued to unauthorized colonies inhabited by affluent sections.

The Counsel submitted that since the PRCs were subject to issuance of final certificates upon complete verification, PRCs wrongly issued would be cancelled.

15. Mr. Abhijat Bal, Ld. Counsel for the Complainant, in opposition, reiterated that the affidavit filed in the Writ Petition could not be taken as the High Court's approval of there being no requirement of physical verification prior to issuance of PRCs, regarding the existence of colony. At best, the affidavit could be read as a statement of government's own position and not as judicial acceptance. Mr. Bal attempted to urge that there was contradiction in Para-8 & 9 of Mr. Spolia's affidavit.



However, it was clarified that the reference in Para-9 of his affidavit was to left out portions of regularized colonies pursuant to the 1997 Policy. It did not relate to new colonies.

16. Mr. Bal, next urged that it was idle to contend that the Regulation No. 5.2 and 5.3 prescribed time limits of 2 and 3 months respectively for scrutiny of lay out. These had not been modified by the amendment in Clause 4.6 by DDA and finalization of boundaries by GNCTD. Scrutiny of layout or finalization of boundaries entailed physical inspection, which would have verified the factum of habitats and existence of colony. This period was already over. Hence, before grant of any provisional regularization certificate, it was incumbent on the department to at least satisfy itself as to the existence of a colony, apart from its meeting the other requirements regarding contiguous land or not having more than 50% un-built. Moreover, Clause-3 which sets down the basic eligibility conditions for grant of regularization deserves to be satisfied at the first instance as part of good governance and practices to be adopted, dealt with hereinafter also.
17. I have also had the benefit of going through the enquiry report submitted by the Divisional Commissioner, who, while tracing the background of regularization of unauthorized colonies, has dealt with the eligibility criteria under Clause-3 for regularization of the colonies. Beginning from the definition of "unauthorized colony", which is set up without approval of lay out plan or building plan, has to be read along with habitation, as the habitation existing on 31-03-2002. Clause-3 prescribes, if the colony was not in existence on 31-03-2002, the question of its regularization does not arise. Other exclusions are, falling under notified or forest area, violating ASI, hindrance to infrastructure projects, or coming in the right of way of railways, water supply or sewer projects, where more than 50% are un-built as on formal date of announcement. Hence,

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colonies which did not meet the eligibility conditions under Clause-3 were not liable to be regularized.

18. The Divisional Commissioner observed that the fundamental criteria for regularization of unauthorized colonies was that they had to be in existence as on 31-03-2002 and unauthorized colonies habitations where 50% of the plot was un-built on 8-2-2007 were not eligible for regularization. This had been the government's stand even in the affidavit of the Secretary filed in LPA No. 605/2011 dated 16-09-2011. If a colony was not in existence, it was not eligible for regularization. The Government had the aerial survey of year 2002 available with it as a technological tool to find out whether the colonies were in existence on 31-03-2002 or not. I find considerable merit and am in agreement with the views expressed by the Divisional Commissioner in the enquiry report on this issue.
19. It would be pertinent to examine and re-visit the whole purpose and intent for which the amendment in the regulations enabling issuance of PRCs was sought. The note sent by the Chief Minister of Delhi, recapitulated in Para-10 hereinbefore, clearly brings out the object for which the worthy Chief Minister sought relaxation for issuance of PRCs. It is succinctly stated in four lines in the advisory note which was sent. The object of the regularization is to, "regularize the unauthorized colonies at the earliest so that the people living in these colonies are assured that their habitats would not be demolished and that they would enjoy peaceful living. Keeping this objective in view, it would be appropriate to add a proviso to Regulation 5.7".
20. The above clearly shows that PRCs were meant for unauthorized colonies which had people living in their habitats. In other words, those colonies which were in existence as on 31-03-2002 and had built up portions. That is why their existing habitats required protection.

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21. In these circumstances, when the above was the avowed object for the issuance of PRCs, then it is inexplicable how a decision could be taken to issue it to all applicants, who simply filed documents as per Clause-4, without their eligibility under Clause-3 being required to be determined, before the issuance of PRCs. It would be a fundamental requirement to verify the existence of habitat, which required protection, before issuance of PRCs. The issuance of PRCs simply on completion of documents under Clause-4, without verification, militates against the object for which permission for issuance of PRCs was sought. This has been amply demonstrated in the present case where some of the purported colonies are still plain fields. Further, as a part of good governance and administrative practice, the first step in any selection process is to weed out those who are ineligible. Like in recruitment, those who do not possess the basic qualification and experience are excluded and it is only those who meet the basic eligibility criteria, whose applications are processed further for selection on merits. The course of action adopted by the Government, unfortunately, has been visited with and has created a situation giving rise to malpractices, fabrication and corruption in the absence of verification. Documents of non-existent societies or societies on acquired land, where compensation has also been received by owners, have been submitted. In the method followed by the government when only the factum of receipt of these documents was verified and PRCs were issued resulting in escalation of prices in these colonies which were granted PRCs. Further resulting in mushrooming growth in such colonies, title changing hands at exorbitant prices and many innocent persons being duped when after final scrutiny they find that the colony where they invested money were not eligible for PRCs. Not only there is an aspect of duping innocent purchases on the basis of PRCs, there is also the question of deployment of government fund in creation of infrastructure in the colonies which were granted PRCs. This Forum has received complaints

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regarding laying of cement concrete roads, provision of water facilities etc. on the basis that these are colonies to which PRCs have been granted and are awaiting final approval. It appears, prima facie, that en-masse PRCs were granted without regard to eligibility, for extraneous reasons and considerations to appease a large segment of people and for benefit of certain sections.

A plea was advanced on behalf of the Respondent that the PRCs could be issued without physical verification and inspection of the Colony's layout etc., upon completion of the documents required under Clause-4, since if it was discovered subsequently that the Colony was not entitled to or eligible for regularization, then the provisional certification could be cancelled before final regularization. This plea can hardly be of any solace since the issuance of PRCs could be visited and followed by mal-practices, corruption, speculation in real estate, illegal transfers and ill-fated consequences, enumerated hereinbefore. Only those, who, prima-facie, satisfied the conditions of eligibility could have been provided with the protection as envisaged.

22. In these circumstances, the preliminary issue is answered holding that there was no justification in deferring the physical scrutiny regarding existence of colonies and habitats therein before grant of PRCs and postponing the same to the stage of grant of final regularization. On a proper and harmonious interpretation, keeping the object of the grant of PRCs, the scrutiny regarding meeting of eligibility conditions under Clause-3 as a part of good governance and administrative practices, even if not so specifically mandated by Regulation-4, was required to fulfill the object.
- MS 23. Looking at it from another perspective, i.e. *the meaning of term, "provisional", as per Webster's Dictionary is, "having the nature of a temporary provision", arranged or established for the time being, pending permanent arrangements.* Hence, of

necessity, any “provisional” provision has to be in aid and furtherance of the permanent clauses or provisions and not in derogation thereof.

To illustrate, an import of goods clearance can be on provisional basis, if there is a dispute as to under what item of tariff the goods fall, and are exigible to what rate of duty. Clearance is done on provisional basis subject to adjustment on final assessment and adjudication. Here, eligibility of goods for import is not in doubt. Applying the same analogy, PRCs can be issued to colonies, meeting basic eligibility conditions, pending completion of other requirements. Here, the object of PRCs given was protecting habitats, of poor families in colonies, from demolition and to give them a sense of security. Hence, it were built up habitats of poor, in contra-distinction of rich, in the colonies which were to be protected. Grant of PRCs itself would entail verification of built up habitats in colonies, not belonging to affluent persons. Thus, the factum of physical verification of existence of Colonies and their habitation by non-affluent sections was a *sine qua non* for issuance of PRCs.

24. In these circumstances, by way of decision of the preliminary issue and for purposes of an interim report, this Forum is constrained to hold that the en-masse grant of PRCs by the GNCTD, without verification of meeting basic conditions of eligibility, militated against the very object for which the PRCs were claimed to be required to be issued, namely, to protect the habitats of the poor in these unauthorized colonies and to give them a sense of security.

The issuance of PRCs without verification of existence of Colonies, habitats of non-affluent persons, had the potential to breed mal-practices, corruption, speculation in land transfers, price hike etc. as has come to the fore and set out in Para-21 hereinbefore.

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It is, therefore, by way of submission of this interim report, recommended to His Excellency, the Hon'ble Lt. Governor that an advisory be issued to the Minister of Urban Development, Government of NCT of Delhi and the Department of Urban Development, Government of NCT of Delhi, that en-masse issuance of PRCs without verification of existence of Colonies, scrutiny of layouts and habitats of non-affluent sections, was ill-advised, having the potential to breed corruption, mal-practices and speculation in real estate. Further, it should not have been resorted to without verification of the eligibility conditions under the Regulations. Recommended accordingly.


(Justice Manmohan Sarin)
Lokayukta

Date: 28th August, 2012