

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin
Complaint No. C-1768/Lok/2012

In the matter of :-

Dr. Harshvardhan

Complainant

Vs

Smt. Sheila Dikshit & Anr

Respondents

Present:

1. Dr. Harshvardhan, Complainant.
2. Mr. Umesh Sharma, Counsel for Complainant.
3. Mr. Vivek Tandon, Counsel for Govt.
4. Mr. S.K.S. Yadav, GM, DSFDC
5. Mr. S.L. Jaiswal, Mgr. DSFDC

The Complainant questions the printing of Forms for sanction of loan under the "Dilli Swarojgar Yojna" , carrying the photographs of Smt. Sheila Dikshit, Hon'ble Chief Minister on the left corner and Sh. Raj Kumar Chauhan, Hon'ble Minister for SC/ST Welfare and PWD on the right corner. The Complainant submits that there was no occasion whatsoever for the printing of the photographs on the application form, for loan under the scheme. The loans are being sanctioned by a wholly owned Corporation of the Delhi Government titled Delhi SC/ST/OBC/Minority and Handicapped Finance and Development Corporation. The Chief Minister and the Minister have no role to play in the day to day affairs of Corporation or for sanction of a loan. The Corporation's Scheme provides for sanction of loan up to Rs. 5 lacs with eligibility limit of family income being below Rs.2 lacs p.a. Earlier under the Composite Loan Scheme, the eligibility limit used to be Family income below Rs. 55,000 p.a and loan limit was Rs. 1 lac. Under the Composite Loan scheme, the application forms did not carry any photograph earlier.

Upon complaint being filed, notice was issued to the Corporation to produce the record in relation to the decision making process for the printing of photographs on the application form. This was done to ascertain whether the Respondent Public

Functionaries were themselves responsible for the decision or it was a case of the officers of the Corporation taking such a decision to project their loyalty with the Minister and the Chief Minister.

The record has been produced and perused. The record reveals that earlier the officials of the Corporation had proposed printing of application form without any photographs and submitted it for approval. It was Respondent No. 2 Sh. R.K. Chauhan, who as the Minister for PWD, Development, Land and Building and Welfare of SC and ST, desired that before printing of new forms, sample form should be obtained from Food and Supply Department and the application form should be printed on the same pattern. Following this direction, sample of the said forms were obtained, which carried the photograph of the Hon'ble Chief Minister and Minister for Food & Supply Sh. Haroon Yusuf. The said form of Food and Supply Department was with the caption "Kerosene Mukt Delhi", with photographs of Chief Minister and Minister.

The said note was duly signed by the Hon'ble Minister and Hon'ble Chief Minister, pursuant thereto photographs of the Chief Minister and Minister on the loan application form was printed for distribution.

It is the contention of Dr. Harshvardhan, Complainant that in view of the impending elections, it is a projection of their candidature and attempt to woo the voters and segments of this class of population for electoral popularity.

Mr. Vivek Tandon, on behalf of the Respondent/Corporation said that though in compliance with notice, record had been produced, the entire matter would be examined if notice is issued to Respondents who would file their comprehensive response. However, for time being he would submit that there have been instances where photographs of leaders from different political parties have also appeared on various forms and posters without objection.

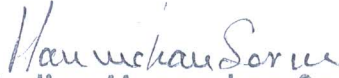
The question to be considered here is the need and desirability of printing of such photographs which according to the Complainant provide the Respondents with an unfair advantage and especially when there was no conceivable reason or ground to print the photographs. These were neither required for the purpose of any information nor for loan. Complainant urges that this was only for betterment of electoral prospects. This was an act in conflict with norms of integrity and the conduct, expected to be followed by the Public Functionaries.

Considering the matter in the background of the averments and submissions made during the arguments for issuance of notice, a prima facie a case for issuance of notice is made out. Issue **notice** to show cause to the Respondents as to why an inquiry be not held under section 7 read with section 2(b) of the Delhi Lokayukta and Upalokayukta Act, 1995 against the Respondents, returnable on **10th December, 2012 at 2.30 PM.**

It may be observed that it is time when appropriate norms and guidelines are formulated and laid down for dealing in such matters so that our cherished ethical values and probity are maintained.

The Complainant at this stage also prays that a restraint order be passed against the Respondent from printing or publishing their photographs in other type of forms. Nothing has been produced before me at this stage showing any such intention of the Respondents.

Be that as it may, it is hoped and expected that as this forum is seized of the matter and notice has been issued to the Respondents, who are to be heard in the matter. Pending such hearing, it is hoped and expected that Respondents would not print out such other forms carrying their photographs.


Justice Manmohan Sarin
Lokayukta

Dated : 26.10.2012
Rk