

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin
Complaint No. C-1356/Lok/2012/

In the matter of:-

Sh. Rajesh Garg,

Complainant.

Vs.

Sh. Vijender Gupta, Ex. Councillor

Respondent

Present:

1. Sh. Rajesh Garg, Complainant, in person.
2. Sh. Vijender Gupta, Respondent and President, Bhartiya Janta Party (Delhi).
3. Sh. Ajay Digpaul, Counsel for Respondent.
4. Sh. P.K. Sharma, Advocate Amicus Curiae.
5. Sh. Vijay Kumar Aggarwal, Counsel for NDMC
6. Sh. G.K. Kaushik, Advocate for Sh. J.P. Aggarwal, President, Delhi Pradesh Congress Committee.
7. Bharam Singh, President, Delhi Bahujan Samaj Party.
8. Sh. Neeraj Bharti, Addl. Chief Electoral Officer, Delhi
9. Sh. S.K. gupta, AE(M-IV), RZ, NDMC.
10. Sh. Rakesh , Asstt. Commissioner, KBX.
11. Sh. Sushil Kumar Gautam, UDC, Narela Zone, NDMC..
12. Sh. G.S. Negi, AO, RZ, NDMC.

1. Sh. Vijender Gupta , President of Delhi State BJP and Respondent in the case is present. The concerns have been brought to his knowledge with regard the defacement of public streets, footpaths, lamp posts, central verges of Roads by hoardings, posters which are put up for and on behalf and by leaders of various political parties.

2. The idea mooted was whether in the interest of making our metropolis a world class city which cause leaders of political parties espouse with great fervour, they would be willing to take corrective steps by self regulation and arriving at a consensus, by which selected sites are earmarked and made available to the parties or candidates for such purposes. This could be on payment at the rates to be fixed by the Corporation, which could also be a source of augmenting revenue. Barring these, the parties should themselves refrain from putting hoardings, posters, greetings at other public places or sites.

3. Mr. Vijender Gupta submits that he would join in this endeavour and states that the Bhartiya Janta Party would take a lead in the matter, subject to consensus being arrived at between parties or a decision being taken by the Government on recommendation of this forum, to abide by the same.

4. Sh. G.K. Kaushik, Advocate for Sh. J.P. Aggarwal, President Delhi Pradesh Congress Committee submits that he has heard the views of Sh. Vijender Gupta as also perused the orders passed by this forum. He states that he on similar lines has mooted a proposal to the President of Delhi Pradesh Congress Committee, who would then forward it to the AICC. He seeks two weeks' for pursuing the same and reverting.

5. Sh. Neeraj Bharti, Additional Chief Electoral Officer is present on behalf of Chief Electoral Officer, Delhi. He seeks leave to file a reply duly signed by him. The essence of the reply, Mr. Bharti submits is that during the model code restrictions against defacement by posters, labels, hoardings are strictly enforced by the Election Commission. All the parties need only to agree with what is done during the period of model code. However, he submits that Election Commission only supervises the removal through enforcement agencies. Mr. Bharti further states that whenever the Election Commission directs the removal of these hoardings, posters which are viewed to be in violation of model code, then the estimates expenses for the same are noted against the election expenses for the said candidate. He submits the Prevention of Defacement of Property Act is strictly implemented during the elections model code of conduct. Apart from the above, there are provisions under the Delhi Municipal Corporation Act, which could be utilized. Reply as filed is taken on record for consideration. Copy of the same has been provided to the

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Amicus Curiae , Counsel representing Bhartiya Janta Party, Delhi Unit and Delhi Pradesh Congress Comittee.

6. Sh. R.S. Bidhuri, Chairman Campaign Committee, Delhi Unit of Nationalist Congress Party submits that they would gladly join any effort on which the major Parties like Congress and BJP are agreeable for cleaning of city of Delhi from the menace of posters, hoardings etc.

7. Complainant Sh. Rajesh Garg submits that there are already existing statutes e.g. Prevention of Damage to Public Properties Act, Delhi Prevention of Defacement of Public Property Act. Apart from these, provisions of Delhi Municipal Corporation Act could be invoked. He submits that this forum could proceed on the basis of these statutory provisions irrespective of consensus being arrived at or not. It was his submission that he has filed his complaint against Sh. Vijender Gupta, Ex. Councillor. The individual political leaders or parties are interested in advancing their own interest and are indifferent to the woes of the common citizens and defacement of city. He further submits that there are several selected and approved sites existing.

8. Mr. Bhram Singh, President of the Delhi Bahujan Samajwadi Party, points out that it should read as Bahujan Samaj Party, Delhi Pradesh. He states that he has heard the views of different parties. He feels Law should be implemented and allowed to take its due course. However, as regards the Party's position on willingly joining to have a consensus in the matter, he says he would have to seek instructions from the National President of Bahujan Samaj Party, Behen Mayawati in this regard. However, he clarifies that he happened to be present in another case, and he had no knowledge of the present case. It is brought to his attention that their Party had been duly served.

9. None is present on behalf of Lok Janshakti Paty. They may file their response in terms of the last order.

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10. Amicus Curiae also in the meanwhile to study the various proposals and views expressed and give suggestion on what he believes should be the consensus document.

11. Chief Electoral Officer may also consider giving further inputs in the light of views expressed by the Heads of the parties present.

12. It is hoped and expected that in the next 15 days respective Heads of the Delhi Units of all the concerned political parties would obtain clearances for the views expressed today in the forum and formally apprise this forum of their stand.

13. The Action Taken Report has been filed by Asstt. Commissioner, Karol Bagh Zone, dealing assistant, Rohini Zone and Asstt Commissioner, Narela Zone, which is taken on record.

Re-notify on **31st January, 2013 at 2.30 PM** for further consideration.


Justice Manmohan Sarin
Lokayukta

Dated : 10.01.2013

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