

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin

Complaint No. C-1356/Lok/2012

Sh. Rajesh Garg,

Complainant

Vs.

Sh. Vijender Gupta

Respondent

Present :-

1. Sh. Anil Soni, Sh. Ajay Diggpaul & Sh. Neeraj, Advocates for Respondent.
2. Sh. Satender Kumar & Sh. Bhrham Singh, Advocates for B.S.P.
3. Sh. Vijay Kumar, Election Officer
4. Sh. V.K. Aggarwal, Advocate for MCD North
5. Sh. G.K. Kaushik, Advocate for Pradesh Congress Committee
6. Sh. M.K. Khatter, NDMC, Rohini Zone
7. Sh. Ashok Vats, NDMC, Narela Zone.

A response has been filed on behalf of the Delhi Pradesh Congress Committee. The response is a disappointing one. In brief, it is averred that the existing statutes including Penal Laws cover the issues of putting up of Hoardings, Banners, Posters, Advertisements in public places, roads, pavements etc. The laws provide for permission and prosecution for the contravention.

There is no gain saying that the existing laws provide for contraventions and violations. The ground realities however, are that there are large scale violations with Hoardings, Banners, Posters, Advertisements etc. being put up on roads, pavements, central verges, lamp posts etc. Some of the hoardings are embedded on frames and are an obstruction to pedestrians or free flow of traffic. The extent of this menace can be estimated from Rohini Zone alone in one year, the authorities claimed that they had removed 45366 posters, 23829 banners and 10397 hoardings in the year 2011-12.

MS

It is almost a regular feature to remove these after the event. It may also be noted that most of these are put up without obtaining the requisite permission or even payment of fee wherever applicable.

Based on the inputs received so far by this forum in this matter, which has its origin in the Complainant filing the complaint aggrieved by signboards and hoardings put up by the Respondent, the then Councillor and present President of Delhi State BJP Sh. Vijender Gupta, in the Rohini area. These were claimed to be in violation of the Prevention of Damage to the Public Property Act, 1984 & Delhi Prevention of Defacement of Property Act, 2007 and were also claimed to be obstruction to pedestrians and threat to safety. The inputs received so far in the matter from North, MCD Zone, have shown that this menace is confined not only to the posters of the Respondent or BJP but is all pervasive in respect of the Councillors, MLAs and leaders of various political parties functioning in the Metropolis of Delhi.

The Municipal authorities have responded that they remove these on regular basis. However, there is hardly any prosecution. The reason for this is not far to seek. The enforcement agencies namely the concerned municipal authorities and others are weary of proceeding against the Councillors, MLAs and other powerful leaders of political parties.

Considering that leaders of all political parties espouse with great fervour their commitment and interest in making the metropolis a world class city. This forum in the order passed on 10.01.2013 had sought views of the political parties if they would be willing to take corrective action 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. It could be on the basis of rates fixed by the Corporation. Barring the designated places by self regulations, leaders of political parties should themselves restrain from putting up hoardings, posters, greetings at all other public places or sites.

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It is in this background that the reply received from Delhi Pradesh Congress Committee, stating that the Outdoor Advertisement policy of Municipal Corporation having been notified and the legal framework in the form of statutes namely Prevention of Damage to Public Properties Act, Delhi Prevention of Defacement of Property Act etc. being in place, there was no requirement for any suggestion, is found to be disappointing. While it is true that it is open to the Authorities under the statute to take action in accordance with law to prevent or check violations, given the extent of this menace. There is non-existence of any effective enforcement or precaution. The reason for this is not far to seek. The offenders are either the Public Functionaries themselves or their associates and followers who wield considerable influence and the prosecuting agencies are weary of touching them. The comfortable option of acting after the event to remove hoardings, banners etc. is even resorted to. It in the above circumstances, that building up of a consensus by consultative process where the forum could act as a catalyst, was considered worth trying.

Hoardings, posters, banners etc. are being put up by Public Functionaries, Councillor, MLAs and their supporters for reasons as varied as congratulations on birthdays, launching of project or achievements of the leader. The Chief Election Officer explained that it is only during the period of operation of the Model code, that the Election Commission strictly monitors and ensures the removal of all unauthorized hoardings and advertisement. Moreover, the expenses of these are added to the total expenses statement of the candidate allowable for election. In that circumstances even though the major national Party as of now has not come forward to join in self regulation for cleaning up of the city, the response from others be awaited.

ML

Sh. Anil Soni based on the statement made by the President of BJP on the last date states that they would be happy to assist the Hon'ble Lokayukta in evolving a regulatory regime of a self imposed restrictions for the parties irrespective of the stand of others. He seeks 10 days time to give any suggestions in the matter.

Renotify the matter on 20th February, 2013 at 2.30 P.M.


(Justice Manmohan Sarin)
Lokayukta

Dated : 31.01.13

r.a.