

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.

MS

