

**BEFORE TH HON'BLE LOKAYUKTA  
JUSTICE MANMOHAN SARIN  
COMPLAINT NO. C-1892/LOK/2012**

Re- Shri Siddharth Rao, aged 49 years, S/o. Shri Gajendra  
Singh, R/o. 91- Millennium Apartments, Sector-18, Rohini,  
Delhi 110085

---Complainant/Informant

-Versus-

Shri Yoganand Shastri, MLA & Speaker, Delhi Legislative  
Assembly

---Respondent

**ORDER**

1. This complaint has taken a rather circuitous route. It started with Complainant/Informant Shri Siddharth Rao, addressing a confidential communication dated 22-05-2012 to the Prime Minister of India, wherein he made allegations of corruption, misuse of public funds and amenities alleged to be over several crores of rupees by the Respondent. Serious allegations of forgery, and forgery for purpose of cheating by repairing sofas at private residence, by forging of bills raised on Bureau of Legislative Studies, purporting to be for purchase of sports trophies, which were otherwise obtained as complimentary. The said communication which is annexed herewith as **Annexure-A** was forwarded by Director (Political) in the Prime Minister's Office to

the Secretary, Department of Personnel & Training, vide Memo dated 5-6-2012. Copy of letter dated 5-6-2012 of the Director (Political), PMO, is annexed herewith as **Annexure-B**. The Under Secretary, Ministry of Public Grievances and Pension, DoPT, in turn forwarded the same to the Secretary to the Lt. Governor, Government of Delhi, vide Memo No. 353/9/2012-AVD-II bearing No. 1453-IT dated 10<sup>th</sup> July 2012. Copy of letter of the Under Secretary, DoPT, dated 10<sup>th</sup> July, 2012 is annexed herewith as **Annexure-C**. From the Office of the Secretary to the Lt. Governor, as some notings indicate, it had reached the Chief Secretary, Govt. of NCT of Delhi, and on 12-12-12 was forwarded by the Addl. Secretary (Vigilance) Shri VKS Chauhan to the OSD to Lokayukta, for taking necessary action in the matter as deemed fit. Copy of Letter of Addl. Secretary (Vigilance), Govt. of NCT of Delhi is annexed herewith as **Annexure-D**.

2. The OSD to Lokayukta, addressed a communication dated 26-12-2012 to the Complainant seeking clarification. Complainant, pursuant thereto, visited the Office of Lokayuka, when the Complainant reiterated his resolve to stand by the allegations made in the memorandum to the Prime Minister. The Complainant / Informant was advised to file a further affidavit giving better particulars regarding the five luxury cars allegedly being used for private purposes and the computation of expenses expended on them. Further details regarding diversion of money from Bureau of Legislative Studies were also sought. Similarly, with regard to forging of bills and claiming amounts in respect of

sports trophies and other items which were actually said to be received as complimentary and by way of courtesy, specific details were sought to be given item-wise. The Complainant was also asked to furnish supporting evidence of the details which were mentioned in his communication to the Hon'ble Prime Minister. He was asked to indicate whether the cause of action for some of the allegations had arisen during the Respondent's tenure as MLA, i.e. prior to assuming the Office of Speaker of Legislative Assembly.

3. Pursuant to the above, the Informant/Complainant has addressed a communication dated 5-2-2013 which has been registered as Complaint No.C-1892/Lok/2012. Complainant also sent along with his complaints, extracts from the Gazette Notification, quotation regarding rates for hiring cars, computation of calculation at Annexure-4 and Annexure- 5 & 6 together with his communications to the Speaker dated 1-6-2012 and 4-6-2012. Copy of Complaint, along with its annexures, as filed by the Complainant is annexed herewith as **Annexure-E (Colly.)**.
4. To sum up, it would be seen that the original complaint of the Complainant addressed to the Prime Minister's Office was referred to the DoPT from where it got referred to the Secretary to the Lt. Governor for necessary action and thereafter it reached the Office of the Chief Secretary and then it was forwarded by the Addl. Secretary (Vigilance) to the Lokayukta for necessary action at our end.

5. The first question to be considered is whether the Lokayukta has jurisdiction over the subject matter of the complaint. Under Sec. 2(m) (iii) of the Delhi Lokayukta & Upalokayukta Act, 1995, a 'public functionary' includes a person of the rank of Minister but does not include the Speaker and Deputy Speaker of the Legislative Assembly. Accordingly, there is a specific exclusion of the Speaker from the jurisdiction of the Lokayukta to inquire into allegations made against the said functionary.
6. The jurisdictional bar would, therefore, be attracted to the complaint insofar as the complaint has been sent to the Lokayukta for being processed under the Act. This is not a case where the Constitutional Head in exercise of his constitutional or residuary powers has requested a statutory authority to look into a matter or give his advice, in which case, the delegatee would be acting on the basis of specific authorization for a particular purpose, by the Constitutional Head. In the instant case, the complaint has been sent to the Office of Lokayukta by the Addl. Secretary (Vigilance) and, hence, has to be dealt with by the Lokayukta under the provisions of The Delhi Lokayukta & Upalokayukta Act, 1995. The allegations made relate to and are in respect of the tenure of the Respondent as Speaker. The jurisdictional bar, therefore, operates.
7. Before parting with the case and without having gone into the merits of the allegations, it may be observed that the Complainant, who last served as Secretary of the Legislative Assembly, is privy to



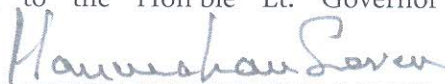
the functioning of the Assembly and the Bureau of Legislative Studies, has made allegations of a serious nature against the Presiding Officer.

Some of the allegations constitute offences under the Indian Penal Code, such as forgery for the purpose of cheating and, in fact, cheating the government, apart from abuse of power and position, financial and other irregularities.

The concerned Complainant swears to the truth of the allegations being made. It is, therefore, desirable that when such serious allegations are made and the concerned official vouchsafes for their veracity, then it is necessary that the truth and factual position about the allegations is ascertained, to maintain the dignity and honour of the constitutional position involved.

In case, the allegations are found to be untrue on inquiry, then the concerned official must be proceeded with for misconduct and in accordance with law, while if there is substance in the allegations, then law must take its own course.

8. Considering that the allegations, for the first time, surfaced as far back as on 22-05-2012, the matter deserves to be brought to the attention of His Excellency, the Lt. Governor, for action as deemed fit.
9. The complaint is being dismissed for want of jurisdiction. A copy of this Order be endorsed to the Hon'ble Lt. Governor accordingly.

  
(JUSTICE MANMOHAN SARIN)  
LOKAYUKTA

Date: 11th March, 2013/Hemant