

**BEFORE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1788/LOK/2012**

Shri Ashwani Khanna ..Complainant / Informant

Versus

Shri Veer Singh DhinganRespondent

Present:

1. Shri Veer Singh Dhingan, MLA/ Respondent in person.
2. None for the Complainant.

ORDER

1. This matter raises a question whether the dignity of the august Office of the President would be compromised or belittled by him being described as a candidate of the party to whom he belonged. One Shri Ashwani Khanna, the Informant/Complainant, had sent a communication dated 23.08.2012 which was registered as the above complaint.
2. The genesis of the complaint is that the respondent Shri Veer Singh Dhingan, MLA Seemapuri, after the election of Shri Pranab Mukherjee to the office of President of India, put up posters/hoardings carrying, inter alia, the following subject matter:-

“Congress Umeedwar Shri Parnab Mukherjee Ko
Bhari Bahumat Se Rashtrapati Nirvachit Hone Par
Badhai”.

The said board / poster also carried prominently the photographs of Smt. Sonia Gandhi and Dr. Man Mohan Singh and others, thereby showing that Shri

Pranab Mukherjee was close to and was a Congress Party Candidate.

3. He submits that under Article 59 of the Constitution of India, a person who has been elected to the Office of President of India, ceases to be a member of any party or organization from the date of his/her election to the said Office.
4. In this case, Show Cause Notice bearing No.C-1788 /Lok/2012/747 dated 13-05-2013 was issued to the Respondent calling upon the Respondent to show cause as to why an inquiry under Sec. 7 r/w Sec. 2(b)(1) of The Delhi Lokayukta & Upalokayukta Act, 1995, be not held against him.
5. In response, Shri Veer Singh Dhingan, MLA/Respondent personally appeared today in the Court. He submits that he has not seen the photographs of the poster/board said to have been put up in the Seemapuri constituency. He is not responsible for the putting up of said boards. He further urged that he had no knowledge of these posters having been put up. He did not attend any function where these photographs or posters were displayed or used.
6. The statement of Shri Veer Singh Dhingan, Respondent, was recorded on oath. In his statement recorded on oath, while denying the knowledge of such posters/boards, he has stated that he is fully conscious of the need to preserve the dignity of the Office of the President and that upon election, the President ceases to be a member of any party or to hold any office.

MS

7. He has further stated that he would take steps to ensure that his party workers and followers within his constituency are made aware of the need to preserve the dignity of the Office of the President and do not become party to any such posters/boards. Additionally, he would also explain to them the need for abiding by the provisions of the Delhi Prevention of Defacement of Public Properties Act, 2007.
8. That Complainant, Shri Ashwani Khanna, after having filed this Complaint has not come forward to make his deposition and is not present today nor was he present on the last date.
9. The question which needs to be considered is whether the alleged act of the Respondent in putting up such a board or hoarding would amount to violation of norms of integrity and conduct expected of a MLA or "public functionary"? To describe the President of India, post-election, as a Congress Candidate may not be proper. However, here, what needs to be seen is, the factum of support of the political party to a particular candidate, contesting election to the Office of President, was in public domain and well known.
10. We are at present faced with corruption and scams running into crores, degradation of moral values in the society, which has even led to wide range of societal protests for crimes against women and children.
11. Considered in this background, the conduct of the Respondent cannot be described, in my view, especially when he has denied having any knowledge of the same, as violation of norms of integrity and conduct. Such a

MS

conduct at best can be embarrassing to the high Office of the President.

12. In my opinion, therefore, it is not a fit case for initiating an inquiry against the Respondent/MLA for violation of the norms of integrity and conduct. This apart, the Respondent having denied on oath any role in the putting up of such posters and, especially, having further undertaken to ensure that his party workers are also fully made conscious of the need to preserve the dignity of high Office of the President as also to abide by the provisions of the Delhi Prevention of Defacement of Public Properties Act, 2007, a quietus needs to be applied to the matter.
13. The inquiry is, therefore, closed.


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA

DATE: 17th MAY, 2013

HEMANT