

**BEFORE HON'BLE LOKAYUKTA  
JUSTICE MANMOHAN SARIN  
COMPLAINT NO. C-363/LOK/2010**

IN THE MATTER OF:-

SHRI BHAGWAN SHARMA,  
S/O. SHRI RAM KARAN SHARMA,  
PRESIDENT RWA FEDERATION KIRARI,  
877, 70 FT. ROAD, PREM NAGAR,  
KIRARI,  
DELHI-110086

... COMPLAINANT

VERSUS

SHRI ANIL JHA 'VATS' MLA,  
S/O. SHRI ANAND MOHAN JHA,  
FROM KIRARI CONSTITUENCY,  
R/O. B-177, SHANI BAZAR ROAD,  
INDER ENCLAVE-II,  
KIRARI,  
DELHI-110086

... RESPONDENT

AND

IN THE MATTER OF:-

INQUIRY UNDER SECTION-7 READ WITH SEC. 2 (b)  
OF THE DELHI LOKAYUKTA & UPALOKAYUKTA ACT,  
1995, INTO THE ALLEGATIONS MADE BY THE  
COMPLAINANT

Represented by:-

1. Shri Sanjeev Sharma, Advocate, Amicus Curiae.
2. Shri Santosh Pandey & Shri Kumud Ranjan, Advocates,  
for the Respondent.

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## **REPORT**

1. Complainant, Shri Bhagwan Sharma, in his letter dated 11-04-2010, addressed to the Hon'ble Lt. Governor, made serious allegations of corruption and extortion against the Respondent-MLA. The said letter dated 11-04-2010 of the Complainant was forwarded by the Office of the Lt. Governor to the Lokayukta to be looked into. Complainant was thereupon called to authenticate the allegations in his communication and also advised of the procedure regarding conduct of inquiries on the filing of a formal complaint or cognizance being taken on the basis of "other information" received.
2. Complainant thereupon opted to file a formal complaint and paid the requisite court fee.
3. Allegations against the Respondent / public functionary are of indulging in corruption, abuse and misuse of his position to obtain gain or favour to himself and others and to cause loss, undue harm or hardship to the Society run by the Complainant. Respondent being an MLA is a 'public functionary' within the meaning of Sec. 2 (m) of the Delhi Lokayukta & Upalokayukta Act, 1995 (hereinafter referred to as the 'Act'). Allegations against the Respondent MLA are of extortion, corruption, abuse and misuse of position, failing to act in accordance with the norms of integrity and conduct expected of a 'public functionary'. Hence, these are liable to be inquired into under Sec. 7 r/w Sec. 2 (b) of the Act.
4. Notice was accordingly issued to the Respondent-MLA, who filed his response thereto. Pleadings were

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completed. Considering the nature of controversy involved, it was considered expedient and desirable to appoint Amicus Curiae. Shri Sanjeev Sharma, Advocate, was so appointed. Complaint, Reply and Rejoinder are annexed as ANNEXURE- 1 to III respectively.

5. Complainant, Shri Bhagwan Sharma, a retiree from ICAR, is Managing Director of Shiv Shakti Thrift & Credit Society Ltd. (hereinafter referred to as the 'Society'). The Society has a membership of nearly 600 members. Complainant is also the President of RWA's Federation having 105 RWA's as its members.
6. Complainant alleges that the RWA Federation welcomed the Respondent MLA on his election in December 2008, when the Complainant was introduced to the Respondent. In April, 2009, Respondent Anil Jha 'Vats', MLA, visited the Office of the Society and demanded that the Society should contribute Rs. 1.00 Lac and a window Air Conditioner for the MLA. He told the Complainant that a legislator incurs several expenses, which have to be taken care of by Organizations and Societies. Complainant expressed his inability to oblige him and told the Respondent that the Society is of poor people and it does not indulge in any corrupt practice. Respondent told the Complainant that his demand has to be fulfilled if the Complainant wants to run the Society in his constituency. The next day, Ram Dayal Mehto, a close confidant of the Respondent, who was also a member of the Society, met the Complainant and advised him to fulfil the demand of the Respondent MLA, otherwise complaints against the Society would be filed. The Complainant did not pay any heed to the said

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demand. Again, in July, 2009, the Respondent accompanied by three-four persons came to the office of the Society. Complainant was in his Office with some members and visitors. The persons sitting with the Complainant and those who had come with the Respondent moved out, leaving the Complainant and Respondent alone. Respondent reiterated his demand for Rs. One lac and an air conditioner. There were heated arguments between the Complainant and the Respondent. The Respondent then left. Complainant, while coming out, in front of all those persons, said that he would not pay any money or give anything to the Respondent. The Respondent left the office extending threats to the Complainant. Respondent thereupon forwarded number of false complaints against the Society to the Registrar of Cooperative Societies and other authorities. Most of these complaints were made through Ram Dayal Mehto, a close associate of the Respondent.

7. Complainant next alleges that the Respondent is indulging in extortion of money through his associates in the constituency and running a parallel administration. His associates Gopal Singh, Ram Dayal Mehto, Umesh Chand and Ranjit Choudhary are designated as Home Minister, Pension Minister, Ration Minister and Water Minister respectively. They are known as the Council of Ministers. Complainant was given a handbill which was also distributed in the constituency. The Respondent personally verified that the said bill was pasted on the notice board in the office of the Respondent, mentioning the above designations of these persons. It was alleged that these associates charged about Rs. 800-1,000/- for issuance of election card, Rs. 1,000-1,200/- for grant of

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old age and widow pension, Rs. 1,500-2,000/- for issuance of ration card and Rs. 3,00/- for supply of water tanker.

8. RESPONSE OF THE RESPONDENT

Respondent has denied the allegations made in the complaint as misconceived and actuated with malafide intention to tarnish his reputation. Respondent claims that the Complainant was his political rival, being ex-office bearer of Delhi Pradesh Congress Committee. Complainant filed this complaint to damage his political career. The Complainant got the news of the inquiry pending against the Respondent published in the newspapers, even before respondent had filed his reply. Respondent denies visiting the office of the Society, namely, Shiva Thrift and Credit Society in April 2009 and July 2009 and demanding Rs. One Lakh and one Air Conditioner. He also denied extending any threat to the Complainant.

9. Respondent denied making a complaint against the Complainant and his Society. He, however, admitted having forwarded a complaint to the Registrar Cooperative Societies received from Ram Dayal Mehto, a member of the Society. He denied running of a parallel Administration through his associates namely Gopal Singh, Umesh Chand Vishwakarma, Ram Dayal Mehto and Ranjit Singh who have been given the nomenclature of Greh Mantri, Ration Mantri, Water Mantri and Pension Mantri. Respondent categorically denied the allegation about his associates charging money for issuing or getting Election Card, Old Age and Widow Pension, Ration Card and for supply of water tanker etc.

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10. Complainant filed his affidavit in evidence being Ex. CW-1/B. Affidavit of the Complainant is annexed hereto as ANNEXURE-IV. Complainant also recorded his statement in support of the allegations made in the complaint. Besides himself, he examined four other witnesses CW-2, Sant Kumar Shukla, CW-3 Devender Singh Bisht, CW-4 Nand Lal Kushwaha and CW-5 Pheran Singh. Statements of the aforesaid witnesses CW-2, CW-3, CW-4 and CW-5 are annexed hereto as ANNEXURES- V, VI, VII & VIII.
11. Respondent filed his affidavit in evidence Ex. RW-1/1 (Annexure-IX hereto). Respondent also recorded his statement Annexure-X hereto). No other witness was examined by respondent on his behalf.

12. INQUIRY PROCEEDINGS AND RECORDING OF EVIDENCE

Complainant filed documents in support of the complaint Ex. CW-1/3 to CW-1/35 (Colly.) He also placed on record letters written by the respondent forwarding the complaint against the society filed by Ram Dayal Mehto. Copy of the Hand Bill designating the associates of the respondent as Ministers incharge of various portfolios in evidence of running of parallel administration, was filed on record. Complainant claimed that Handbill was given to him by one of the members. He deposed that he also saw the said Handbill displayed on the notice board at the office of the Respondent. Complainant also exhibited two CDs as Ex. CW-1/8 and Ex. CW-1/9 having records of the proceedings of the meetings of various RWAs where the speakers spoke about the corruption and lawlessness in the Constituency, because of associates of

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the Respondent. Complainant also produced responses to RTI queries from the DCP (Outer District), mentioning the receipt of 24 complaints at Police Station, Aman Vihar, against Ram Dayal Mehto and Gopal Singh. Letters written by Aman Chain Kayam Committee dated 8.10.2009 and 26.4.2010 to the DCP regarding Gopal Singh and Ram Dayal Mehto assaulting the Court Baliff and PCR van officials on 12.4.2010 were also produced. Pheran Singh alleged to have also been beaten in the court premises. Gopal Singh and Ram Dayal Mehto are alleged to be enjoying the patronage and protection of the respondent. Complainant also placed reliance on the copies of the print outs taken out from the website "Jeetega Kaun" of the respondent, where the complaints and grievances are expressed to the respondent against his associates. The printouts contain references that are even laudatory.

13. Statements of Sant Kumar Shukla, CW-2, Devender Singh Bisht CW-3, Nand Lal Kushwaha CW-4 and Pheran Singh, CW-5 in support of the allegations made by the Complainant may be briefly noted.
14. Sh. Sant Kumar Shukla is a member of the Society as well as of RWA Federation. He is also President of Kirari Extension Kalyan Samiti, which is a member of Prem Nagar Vikas Samiti. Shukla states that he knows the respondent and he saw him in the office of the Society in July 2009, when he came to meet the Complainant, accompanied by Gopal Singh, Ranjit Chaudhary, Ram Dayal Mehto and Umesh Vishwakarma. He also stated that at that time Phiren Singh Yadav, Nand Lal Kushwaha and Rakesh Gupta amongst others

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were also present in the office of the Society. He deposed that he could hear the Complainant and Respondent talking in loud voice but could not decipher the contents. Respondent ran out shouting that he will see how the society is run. Mr. Bhagwan Sharma said that he will not give anything and Respondent may do whatever he likes.

15. Mr. Shukla further deposed that the Handbill, Ex. CW-1/7, was distributed in April/May 2009 along with the news papers and otherwise. He received the said Hand Bill with his news paper. He, being a memembr, was one of the signatories of the complaints filed by Aman Chain Kayam Committee against Gopal Singh and Ram Dayal Mehto for their illegal acts under the patronage of the respondent. He described the portfolios of the associates of the respondent. He had enquired from the Complainant regarding the heated exchange between him and the respondent. The Complainant told him that the respondent was demanding Rs. One Lac and one Air Conditioner. He also told the Complainant that there was no need to pay.

16. Mr. Shukla further deposed that growing demands by the respondent and his associates were discussed in the meeting of the Presidents of the RWAs. He admitted being a prospective candidate of BJP for the Kirari Assembly but denied that he bore grudge or was annoyed due to the nomination of the respondent. He claimed to have even campaigned for the respondent. He denied having ever carried out the work of construction of roads and buildings.

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17. CW-3, Devender Singh Bisht, Peon of the Society deposed regarding the visit of the respondent in July 2009 to the Society's office. He served tea to the Complainant and the Respondent. It was either 8<sup>th</sup> or 9<sup>th</sup> of July 2009. He witnessed arguments and discussions i.e. "Tu Tu Main Main" going on. He heard Respondent telling Complainant that unless Rs. One Lac was given, Society would not function. Complainant told that he would not pay anything. He denied deposing falsely on account of his employment.
18. CW-4, Nand Lal Kushwaha, another member of the Society also deposed about the incident of July 2009 on similar lines. He and others came out leaving the Complainant and the Respondent to discuss. He deposed that the Complainant came out saying that he would not pay even a paisa, whereupon the respondent said that he would see how the society functions. He denied the suggestion of there not being any heated exchange or that he was deposing falsely being a member of the society.
19. CW-5, Pheran Singh Yadav, a member of the Managing Committee of the Society, deposed that he knows the Respondent MLA, who was felicitated by the society following his election. He visited the office of the Society in the second week of July around 4.30-5.00 PM in the evening. He confirmed the presence of other persons and the associates of the Respondents, who had accompanied him to the office of the Society. He did not know what transpired between the Complainant and the respondent in their discussions of about 10 to 15 minutes. He did not know about any quarrel between

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the Complainant and respondent. However Complainant told that the respondent was demanding Rs. One lakh and one Air Conditioner. He has declined even if the Society faces closure. Respondent mumbled something but he could not follow. Respondent was accompanied by Gopal Singh and Ram Dayal Mehto.

20. The contents of various documents which have been produced would be considered in evaluation, analysis and appreciation of evidence.

21. RESPONSE OF THE RESPONDENT

Respondent's case is that the Complainant being his political rival, wanted to malign him and damage the political career of a young energetic MLA. Complainant denied being an ex-office bearer of DPCC. He stated that he was not even a primary member of any political party.

22. Respondent maintains that the CDs produced by the Complainant were tampered, witnesses of the Complainant were tutored and interested witnesses. He described the allegation of his visits to the Office of Society as a false story. He admitted having forwarded the complaint against the Society, Ex. CW-1/01, even though the exhibit does not bear his signatures. CW-1/01 was prepared in his office. He could say so on the basis of the language and the format used with the seal of his office. He admitted having forwarded 2-3 complaints under his signatures. Complaints could have been sent by his office as he used to be on long tours. Telephone No. 25963679 was admitted as being his office telephone. Ex. CW-1/2 and CW-1/3 were sent from

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his office. Ex. CW-1/4 to CW-1/6 bear his signatures and are on his letter head. Being an elected representative of the area, it was his duty to forward complaints received from the constituents of the area to the appropriate authorities against irregularities and malfunctioning of Societies and other organizations. He claimed that as some complaints were received against the society so he forwarded them to the appropriate authorities to have them investigated.

23. He denied having received any complaint against Ram Dayal Mehto and Gopal Singh. He found both of them to be committed social workers and admitted close relationship with them. He denied the allegation of running of a parallel administration. These allegations were described as an attack by the feudalistic and colonial forces on socialism.
24. Initially, he denied having a website and on being shown the extracts from the site Ex. CW-1/13 to CW-1/35, he claimed that he had not created the site. He claimed that he is not computer savvy and cannot operate the computer and there was no question of his creating the site and maintaining it or interacting with his constituents through the website. However, when the Respondent was recalled for clarification and confronted with print outs of e-mails and messages from the site Jeetega Kaun, he admitted with all humility that he was aware of the website and that it had been set up by his followers and constituents. He denied any knowledge regarding the existence of Aman Chain Kayam Committee. He described as false the allegations of encouraging Gopal Singh and Ram Dayal Mehto in their alleged intimidation.

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extortion and other illegal activities. He said that no enquiry was made by him regarding the allegations against these two associates by Aman Chain Kayam Committee as these were baseless complaints without foundation, being the result of political vendetta. Such allegations are levied in political life and they are ignored. He denied having lodged the complaint against the society since the Complainant declined to give him Rs. 1.00 lakh and an air conditioner as demanded.

25. EVALUATION AND ANALYSIS OF EVIDENCE -  
ALLEGATIONS OF DEMAND OF RS. ONE LAKH AND  
ONE AIR CONDITIONER

Persons in political and public life enjoy and cherish the popularity, accolades and power, which comes with their position and functioning. Politicians may have their detractors from within the party or from the opposition, who do not lose any opportunity to run them down on the slightest pretext and often on hearsay and unfounded allegations. Thus, in the present scenario, being in politics is not a bed of roses. In the above scenario, an onerous responsibility is cast on this Forum to proceed with utmost care and caution when inquiring into the allegations against 'public functionaries', especially by political rivals, to ensure that unfounded or motivated allegations do not tarnish the image and affect the reputation of a 'public functionary'. While doing so, one has also to recognize and come to terms with the hard reality that it is not easy for an ordinary citizen to muster courage and complain against a 'public functionary' in power. Fate of many whistle blowers who ventured on this path often tends to discourage

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prospective crusaders. Conscious of the above factors and limitations, this Forum is examining the allegations and the version in defence and the evidence led, in the backdrop of surrounding circumstances and the natural course of events.

26. As per the Complainant, Respondent, who had been felicitated by the Complainant and his society being elected MLA of the Constituency, came to the office in April, 2009 and told Complainant that a Legislator has to meet several expenses for his functioning, which are met by contributions from organizations such as that of the Complainant. He went on to say that the MLA was sitting in scorching heat, while the society has an Air-conditioned office. He demanded Rs. One Lac and an Air Conditioner. The Complainant declined to pay the same saying that it was the money of the members, who are not affluent. The Society was functioning honestly, without any wrongdoings.
27. The Complainant's case is that thereafter in the month of July 2009, the Respondent again came and demanded Rs. One Lac and an Air Conditioner. Detailed evidence on the above has been led, wherein the Complainant examined himself besides, Devender Singh, Phiren Singh and Sant Kumar Shukla. Though they claimed that they have not heard the respondent demanding the money and an Air Conditioner since he was alone with the Complainant but have confirmed the visit of the respondent and fact that when the Complainant came out, he told them what had transpired inside. The Complainant had deposed that the respondent had told him that if the demand for money and Air Conditioner

were not fulfilled, he will complain against him and the Society and will ensure that the Society cannot function.

28. One of the questions / doubts raised is the delay in lodging of the Complaint. Complaint in this case was made for the first time on 1.4.2010 i.e. nearly after a year of the first demand and about 9 months after the second demand. Normally, delayed lodging of complaint raises doubt on the bonafides of the Complainant and renders the same suspicious.

However, when the complaint is against a powerful public functionary, the Complainant would normally exhaust all options and avenues available to him before lodging of the complaint, which is the last resort. A citizen before lodging a complaint against a public functionary has to muster courage, anticipate the adverse fallout and then proceed. Taking all the above factors into account, the delay in filing this complaint is understandable and certainly not fatal to the complaint.

29. Second point which has been urged by the Counsel for the Respondent and on his behalf is that there are contradictions regarding the timing of alleged visit of the Respondent in July, 2009. The Complainant deposed it was mid July. Pheran Singh also said it was in mid July. But Devender Singh has given the date of 8<sup>th</sup> or 9<sup>th</sup> July. Complaint of the Respondent to the Registrar of Societies against the Complainant and the Society is dated 4.7.2009, which was forwarded on 8<sup>th</sup> July.

A doubt is thus sought to be raised that when the complaint was dated 4<sup>th</sup> July 2009 and was forwarded on 8<sup>th</sup> July 2009, the incident could not have

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taken place on 8<sup>th</sup> or 9<sup>th</sup> July 2009. As per the Complainant's version, the Respondent had made the demand first time in April, 2009, which was repeated in July 2009. It is not beyond the realm of possibility that having faced a refusal in April, 2009, the Respondent and his associates had prepared the complaint, and after its refusal on the 8<sup>th</sup> of July, had it dispatched / forwarded on the 8<sup>th</sup> of July itself.

30. The Complainant is an old man of over 70 years. However, while he deposed in Court, his demeanour and statement were found to be of a person who is speaking the truth.

The Complainant was truthful when he said that he does not remember the names of the persons who were sitting with him when the respondent visited the office of the society, considering his age which was over 70 years. It may not be possible for a person to recall the names etc. in a mathematical precision. Moreover, if someone, who was deposing as a tutored person, then it would have been ensured that he and his witnesses gave the same date of incident. When he was first asked, Complainant did not remember the names of the persons who were sitting with him when the respondent had arrived and were asked to go out. But he remembered the persons with whom the Respondent had come. However, later on, in his deposition he himself recalled the names of the persons, who were sitting with him when the respondent visited the office of the Society. Difficulty in recalling names, dates etc. is a frequent occurrence with persons of such old age. This

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can be a normal variation of a person, in recall, who is over 70 years of age.

31. The fact that the Respondent was angry by the refusal of the Complainant to pay Rs. One Lac and an Air Conditioner and therefore wanted to teach a lesson to the Complainant and his Society becomes apparent from under mentioned:-

When the Respondent was shown the complaint of Ram Dayal Mehto, he said that he had simply forwarded the complaint as it required investigation. However on going through the forwarding letter dated 4<sup>th</sup> July, 2009, Ex. CW-1/1, it is seen that it was not that the Respondent simply forwarded a complaint received by him for investigation. Respondent straightaway demanded action and registration of an F.I.R by further writing that he is elected MLA of the area and should be recognized as one of the most competent complainants. This reflects his bias and pre-determination to somehow settle scores with the Complainant and the Society on account of refusal to fulfil his demand.

32. Witnesses examined by the Complainant have corroborated the Complainant's version of the incident of July, 2009 and have even deposed about the persons who had accompanied the Respondent and what transpired on the date of the incident. Respondent's version has simply been a bald denial. The persons who had been named as accompanying the Respondent and were his associates, were not even examined in support by the Respondent.

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33. Considering the testimonies of the Complainant and the witnesses examined by him and in view of the foregoing analysis and discussion, the Complainant has established the allegation that the Respondent demanded a contribution from the Complainant and the Society for meeting the legislator's expenses. Irked by Complainant's refusal, Respondent straightaway forwarded Mehto's complaint to the Registrar, Cooperative Societies and the DCP (Economic Offences Wing) calling for action against the Complainant and the Society for misuse of funds of its members and registration of FIR against members /governing body of Society along with Registrar of Cooperative Societies. The acts of the Respondent in demanding contribution from the Society to meet the expenses of legislator's functioning and upon the Complainant's refusal to oblige, forwarding and lodging of complaints of his associates against the Society, are in breach of norms of integrity and conduct expected of an elected representative.

34. ALLEGATIONS OF RUNNING A PARALLEL ADMINISTRATION THROUGH PERSONS AND ASSOCIATES WITH CRIMINAL ANTECEDENTS AND INDULGING IN ILLEGAL ACTIVITIES.

Second allegation of the Complainant is that the Respondent 'public functionary' was running a parallel administration through his associates who have criminal antecedents. It is alleged that the respondent designated his associates as Grah Mantri, Ration Mantri, Pension Mantri and Jal Mantri respectively. The Complainant relies on a Handbill Ex.CW-1/7 as an evidence of the parallel administration being run by the Respondent. As per the

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Complainant, one of the constituents had given him the said Handbill. He himself has seen one such Handbill displayed on the Notice Board in the office of the Respondent when he visited it.

It may be worthwhile to reproduce the English translation of the Hand Bill as it appears:-

"Anil Jha 'Vats' Zindabad Anil Jha 'Vats' Zindabad

#### IMPORTANT NOTICE

Dear Residents,

On the directions of the MLA, it is informed to all of you that you may contact the following persons for your personal and problems relating to the constituency:-

1. For resolving Quarrels and Fights, matters relating to properties / land and police - Shri Gopal Singh, Greh Mantri, Resident of Z-Block, Prem Nagar-III.
2. For getting Drinking Water Tanker - Shri Ranjit Choudhary, Jal Mantri, Resident of Inder Enclave-II.
3. For getting Widow and Old Age Pension -Shri Umesh Vishvakarma, Pension Manti, Resident of U-Block, Prem Nagar-II.
4. For getting Ration and Kerosene Oil and for getting Ration Card - Ram Dayal Mehto, Ration Mantri, Resident of Hind Vihar.

NOTE: For any particular information Shri Anil Jha 'Vats' MLA/Shri Manik Chand Jha, Special

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Secretary/Shri Jagdish Chandel, Office Secretary can be contacted.

By: Office Incharge, Kirari Vidhan Sabha

Office of MLA: Contact No. 011-25963679

B-117, Shani Bazar Road, Inder Enclave-II, Kirari, Delhi-86"

35. This allegation against the Respondent is in two parts. Firstly, running of a parallel administration by naming his associates as Home, Election, Pension and Water Ministers and, secondly, by charging money for various works / approval done or obtained by these so called Ministers. It is claimed that the associates of the respondent were charging anything between Rs. 300/- to 2000/- for various types of works. As per the Complainant they used to charge Rs. 800/- to 1000/- for Election Card, Rs. 1000/- to 1200/- for widow and old age pension, Rs. 1500/- to Rs. 2000/- for issue of Ration Card and Rs. 300/- for supply of water tanker.
36. As regards the first part of allegation, it is to be acknowledged that it is the duty of an MLA, who is a 'public functionary', to redress the just grievances of his constituents. It may not be possible for him to personally attend to each of the constituents and their grievances. Therefore, for administrative convenience, he may categorize various areas of problems and grievances and allocate them to his followers for looking into the same, reporting to him and to carry out his instructions. Of necessity, in such situations 'public functionary' would require to closely monitor the actions of his associates since they are representing him and deputizing for him. It is, therefore, essential that associates who are given

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such responsibilities have impeccable credentials and clean image.

In any case, it would be unethical to appoint them and designate them as Ministers, specially, when the said associates and supporters have criminal antecedents with criminal complaints pending against them, apart from the fact that they cannot be designated as 'Minister' as it is a Constitutional appointment.

37. In his response, and during inquiry, Respondent has denied having any knowledge of letters of complaints or pending complaints with the police against his associates, the so-called ministers. However, Complainant deposed about the complaints lodged against the associates of the respondent and has also placed them on record. Letters dated 8.10.2009 and 26.4.2010 exhibit CW-1/11 and CW-1/12, were addressed by the Aman Chain Kayam Committee to the DCP Outer District, Delhi and the ACP Sultanpuri Sub Division respectively. These letters refer to the involvement of Gopal Singh, one of the trusted associates of the respondent being involved in criminal activities. The facts alleged in the said letters are confirmed by the report submitted by the office of the ACP, Sultan Puri, which contains the complaints by Ved Parkash Sharma, who alleged that he had filed a suit for possession and damages in respect of H.No. A-12, Z-Block, Prem Nagar-II, against Gopal Singh, in the Civil Court, which had passed a decree in his favour. On 12.4.2010, when the Court Bailiff came for execution of the decree, Gopal Singh, not only misbehaved, abused the Bailiff and the Judge who had passed the order, but also man-handled the police officials from PCR



who were called. This led to the registration of FIR No. 118/10 u/s 186/332/323/341 IPC and 353/34 IPC at P.S. Aman Vihar. Gopal Singh was arrested in this FIR though released on bail.

38. It is also the Complainant's case that Pheran Singh was assaulted in Court premises by Ram Dayal Mehto and Gopal Singh, where the former had gone in connection with a Civil Suit filed by him against the said associates. Neither the Complainant was cross examined nor any such suggestion was put to Pheran Singh during his deposition. While the Respondent claims that it was his bounden public duty to forward complaints received against Shiv Thrift & Credit Society. Further, that he forwards the complaints when he feels that there are wrong doings. Regarding complaints against Ram Dayal Mehto and Gopal Singh, the Respondent claimed that no one had complained to him against them and, hence, there was no question of forwarding any complaint. When reminded of and confronted with the situation that there were 24 complaints against Ram Dayal Mehto and Gopal Singh in Police Station Aman Vihar, he denied being aware of the said complaints and rather claimed that they were committed social workers. Similar claims were made about Umesh Vishwakarma running a Thrift & Credit Society and Ranjit Choudhary being an activist of the party. Respondent, when confronted with the suggestion of running a parallel administration in the constituency through his associates who had been designated as Ration Minister, Home Minister, Pension Minister and Minister for Water, he simply dubbed it as an attack by feudalistic and colonial forces on socialism. He also denied having any

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knowledge about Aman Chain Committee operating in his constituency.

Respondent even after having received the complaints from Aman Chain Committee, knowledge of whose existence he denies, subsequently stated that he did not make any enquiry in respect of baseless letters without any foundation and these letters were labelled as a result of political vendetta deserving to be ignored. Respondent, without having any investigative mechanism, forwards, on the call of his soul, complaints against the Society, Ex. CW1/01. Respondent during his evidence admits Ex. CW1/01, to have been sent on his letter head from his office. He confirmed that the language and format were the ones normally used. During his cross examination, when asked whether he had lodged any complaint with regard to Ex. CW1/01 being unsigned and regarding theft of letter heads, he stated that he was not aware of the complaint and was now going to do it.

39. The above position is belied by the Respondent's own statement that Ex. CW1/4 to Ex. CW1/6, were written to the authorities under his signatures. These letters are enquiring about status and the progress made in the complaint lodged, vide Ex. CW1/01. It is the same complaint number which is mentioned though the date is mentioned as 4-7-2009.

In these circumstances, it is clear that the complaint Ex. CW1/01 had been sent by the Respondent which is confirmed by the contents also. The Respondent has not been candid and truthful in his deposition in

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this regard when he stated that he would now lodge a complaint with regard to letterheads being missing, in relation to Ex. CW1/01.

40. Complainant relied on the extracts and printouts taken from the website 'Jeetega Kaun', claimed to be of the Respondent MLA. Respondent, initially, had denied having anything to do with the said site. But, later, he admitted that he was aware of the same and it had been set up by his followers. Assuming that the Respondent was not computer-savvy or literate himself, considering the reach of social media, electronic websites have become a powerful source of communication for those in public life. A perusal of the printouts filed by the Complainant, of the website, show that they represent a cross-section of views regarding the Respondent and his constituency. Some, of them are laudatory of the Respondent, complimenting him for his education drive, energy and initiatives taken, while there are large number of e-mails where the constituents are voicing their grievances and complaining of neglect in development. The significant ones out of these are those complaints referring to mal-practices like misuse of water tankers, its monopolization by interested quarters, complaints of non-availability of drinking water, corruption in the issue of ration cards etc. One of the e-mails mentioned that everyone in the network of the MLA was corrupt while the MLA himself had a good nature. One also carried a complaint regarding persons deputed for water and ration cards not doing any work without receiving money from poor public.

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41. A detailed perusal of these various grievances and views lends some credence collaterally to the Complainant's version of some parallel administration being run, where the Respondent has deputed different persons. Respondent's propensity for intimidation and criminal conduct is brought out from the under mentioned incident:-

"The Complainant had deposed that Respondent through his associates had demanded money from a ration shop owner and on latter's refusal, he was beaten, which led to lodging of a police complaint. The Respondent gave his own version of the incident, saying that being Chairman of Ration Committee, he had received complaint of short supply. Therefore, he visited the shop with his supporters. In view of large gathering of crowd, he also called police to avoid law and order problem. He, however, denied the alleged incident of assault.

The record called from SHO, P.S. Aman Vihar, pertaining to this incident, which had resulted in registration of FIR No. 397/08 under Sec. 325/34 I.P.C, as per which Respondent's associate, namely, Gopal Singh, had demanded money from Aashish Pathak, who runs a ration shop. On refusal to pay, Shri Gopal Singh, called the Respondent, who came to the spot within 15 minutes along with 3-4 supporters. Respondent then abused him and hit him with fist blows on his face. Admittedly, this matter was compromised in Lok Adalat as per the police record."

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This shows his violent behaviour and conduct, least expected of a public functionary. It also lends credence to allegation that associates of Respondent demand money from shop keepers with the knowledge and consent of Respondent.

It is seen that the Respondent as a 'public functionary' who is expected to have an open mind when informed of and confronted with the alleged acts of his associates, who are purporting to act on his behalf, brushes aside the said allegations without looking into them, labelling them as political vendetta. This is, despite the fact that concrete evidence in terms of complaints against Ram Dayal Mehto and Gopal Singh and the representations and complaints of Aman Chain Committee being brought to his attention.

42. In view of the foregoing discussion and analysis, the allegation against the Respondent of demanding contribution from the Complainant and his Society of Rs. 1.00 Lac and an air conditioner is held to be established.
43. As regards the second charge of running of parallel administration, Complainant has established on record that persons who are admitted by the Respondent to be his close associates, some of them shown to be having criminal antecedents on account of large number of criminal complaints, reports and FIRs registered against them. Moreover, Complainant has also established that the associates of the Respondent have criminal antecedents and/or criminal propensity. Respondent's own propensity to violent behaviour is evident from FIR No.

12

397/08, where he is stated to have abused and hit the ration shop owner on the face. The Respondent despite having been informed of the same and even during the inquiry was brazen about the same. The Complainant had succeeded in proving the handbill which the Complainant claims he personally saw displayed on the notice board at the Office of the Respondent and has also shown on record that the associates of the Respondent were allegedly functioning for him purporting to redress public grievances.

44. As discussed, it was wrong on the part of the Respondent to have designated them as Ration Minister, Home Minister, Pension Minister and Minister for Water. Besides, there is need for a 'public functionary' to ensure that his associates function as per his instructions for public good and not to sub-serve their own interests.
45. Considering the material that has come on record regarding mal-administration and the activities of the Respondent MLA and his associates, involvement in intimidation and assault, it is recommended to His Excellency, the Lt. Governor of Delhi, that:-

- (i) A 'reprimand' be issued to the Respondent 'public functionary' for his aforesaid act, of demanding contribution from the Complainant and his Society of Rs. 1.00 Lac (Rupees One Lac) and an Air Conditioner, which is in violation of the norms of integrity and conduct expected of a 'public functionary'.
- (ii) It would be appropriate if an advisory is issued to the Respondent 'public functionary' to shun the



propensity for violent behaviour and to be careful and circumspect in assigning works to his associates and to further ensure by close supervision that the said associates act only in public interest and not to serve their private interests.

- (iii) The Respondent 'public functionary' be also advised to ensure that any of the associates who are to be assigned any duties or works to be done in the constituency on behalf of the MLA are done by persons who are having good credentials and certainly not having any criminal antecedents or propensity.

46. Registry shall forward a copy of the Report along with Annexures to the Hon'ble Lt. Governor Delhi, in terms of Sec. 12(1) of the Act.

  
(JUSTICE MANMOHAN SARIN)  
LOKAYUKTA

DATE: 3rd SEPTEMBER, 2013

18/9/13