

SUBSTANCE OF CASE UNDER SUB-SECTION-7 OF  
SECTION-12 OF THE DELHI LOKAYUKTA &  
UPALOKAKYUKTA ACT, 1995, IN THE MATTER OF  
COMPLAINT NO.C.363/LOK/2010 TITLED "SHRI BHAGWAN  
SHARMA V/S SHRI ANIL JHA 'VATS', MLA

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1. Inquiry conducted under the Delhi Lokayukta and Upalokayukta Act, 1995, giving full opportunity to the Respondent, MLA, to file reply, lead evidence and explain his conduct.
2. Serious allegations of corruption and extortion were levelled against Shri Anil Jha 'Vats', MLA. It was alleged that the public functionary indulged 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, Shri Bhagwan Sharma.
3. Complainant, a retiree from ICAR, is Managing Director of Shiv Shakti Thrift & Credit Society Ltd. Complainant is also the President of RWA's Federation having 105 RWA's as its members.
4. In April 2009, Anil Jha 'Vats', 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 and that his demand has to be fulfilled if the Complainant wants to run the Society in his constituency. Ram Dayal Mehto, a close confidant of the Respondent, and a member of the Society, advised the Complainant to fulfil the demand of the Respondent MLA,

otherwise complaints against the Society would be filed. Again, in July, 2009, the Respondent accompanied by three-four persons came to the office of the Society and reiterated demand for Rs. One lac and an air conditioner. On refusal by complainant, Respondent forwarded number of complaints made by Ram Dayal Mehto against the Society to the Registrar of Cooperative Societies and other authorities.

5. Complainant alleged that the Respondent indulged in extortion of money through his associates in the constituency and run a parallel administration. His associates Gopal Singh, Ram Dayal Mehto, Umesh Chand and Ranjit Choudhary were designated as Home Minister, Pension Minister, Ration Minister and Water Minister respectively. A Hand Bill was displayed on the Notice Board in his office and distributed to the constituents, which declared that the public must contact these 'ministers' for any grievance relating to their respective departments.
6. 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 old age and widow pension, Rs. 1,500-2,000/- for issuance of ration card and Rs. 3,00/- for supply of water tanker.
7. Respondent denied the allegations made in the complaint as misconceived and actuated with malafide intention to tarnish his reputation. He claimed that the Complainant was his political rival, being ex-office bearer of Delhi Pradesh Congress Committee and had filed this complaint to damage his political career. 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.

8. Persons in political and public life enjoy and cherish the popularity, accolades and power, which comes with their position and functioning. It is not easy for an ordinary citizen to muster courage and complain against a 'public functionary' in power. 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. 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'.
9. From the complaint of Ram Dayal Mehto, forwarded by Respondent, it appears that Respondent wanted to teach a lesson to the Complainant and his Society. Respondent had said that he had simply forwarded the complaint against the society as it required investigation. However on going through the forwarding letter dated 4<sup>th</sup> July 2009, it was seen that 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.

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10. There is a need for a 'public functionary' to ensure that his associates function for public good and not to subserve their own interests. It is, therefore, essential that associates who are given such responsibilities have impeccable credentials and clean image.
11. Complainant relied on the extracts and printouts taken from the website 'Jeetega Kaun', claimed to be of the Respondent MLA, which show that there are 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. These lend some credence to the Complainant's version of parallel administration being run. Respondent's own propensity to violent behaviour is evident from FIR No. 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.
12. The acts of the Respondent were held to be in violation of norms of integrity and conduct expected of an elected representative. The allegations levelled against him were held to be established.
13. 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 was recommended to His Excellency, the Lt. Governor of Delhi, that:-
- (i) A 'reprimand' be issued to the Respondent 'public functionary' for demanding contribution from the

complainant and is society of Rs. 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.

  
(JUSTICE MANMOHAN SARIN)  
LOKAYUKTA

DELHI

DATE: 4th SEPTEMBER 2013