

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin
Complaint No. C-1372/Lok/2012

LOKAYUKTA ON ITS OWN MOTION

In the matter of :

Sh. Hari Om Gupta **Complainant**

Vs.

Sh. Tarvinder Singh Marwah, MLA **Respondent**

1. Sh. Hari Om Gupta, Complainant in person.
2. Sh. H.S. Phoolka, Ld. Senior Advocate with Mr. Gur Simranjit Singh & Sh. Amit Mahajan, Sh. Manik Dogra, Sh. Varun Mathur Advocates for the Respondent.
3. Sh. Tarvinder Singh Marwah, Respondent in person

REPORT

1. In a democracy, people elect their representatives, who become their voice in Parliament, Legislative Assembly or the Local Body. The electorate reposes its faith and trust on their elected representatives, who have a corresponding duty to respect the said trust by abiding by the norms of integrity and conduct expected of them. Failure or omission to do so is one of the ground among others which is actionable under the Delhi Lokayukta and Upalokayukta Act-1995 (herein after referred as the Act). In addition to violation of norms of integrity and conduct in the instant case, misuse of position and power for personal interest as also

MS

criminal misconduct to the extent of allegations of use of fabricated and forged documents for personal benefit arises.

Complainant Hari Om Gupta alleges that Sh. Tarvinder Singh Marwah, MLA, Respondent herein and former Chief Parliamentary Secretary to the Chief Minister, Smt. Sheila Dikshit acted against the norms of integrity and conduct. It is alleged that the admission of his daughter was secured in Mata Sundri College in B.A (Programme) on a fake Mark Sheet, Migration Certificate purported to be issued by M.P State, Open School, Bhopal. a recommendation letter dated 05.07.2011 to Chairman, Mata Sundri College for Women and Character Certificate both purported to be signed by the Public Functionary on his Letter Head.

2. The Complainant alleges that Sh. Tarvinder Singh Marwah, MLA sent a letter dated 5/7/2011 on his official letter head to the Chairman of Mata Sundri College for Women, recommending admission of Ms. Jasmine Kaur Marwah, his daughter in College. He also issued a Character Certificate on his official letter head. Accompanied with these documents was the Higher Sr. Secondary School Certificate, bearing No. 2001937776, purported to have been issued by the MP State Open School, Bhopal, showing Ms. Jasmine Kaur Marwah having obtained 255 marks out of 500 in her Higher Secondary School Examination. This letter was accompanied by the admission form. The Migration-cum-Transfer Certificate bearing No. 16057 was also sent alongwith the application form of Ms. Jasmine Kaur Marwah. On the basis of these documents, which were fake, Ms. Jasmine Kaur Marwah daughter of Sh. Tarvinder Singh Marwah admitted in BA Course in Mata Sundri College

MS

for Women. The Principal of Mata Sundri College for Women suspected the documents therefore made an enquiry from M.P. State Open School who informed that the said documents were fake. Even the Seal of the Additional Director (Exam) of M.P. State Open School, Bhopal was also forged as per report dated 19/7/2011 of M.P. State Open School. Therefore, complaint dated 3/3/2012, was lodged by the Principal at P.S. I.P. Estate against Sh. Tarvinder Singh Marwah, MLA and Parliamentary Secretary of Chief Minister Smt. Shiela Dikshit, for offences Under Section 467, 468, 471, 472, 473, 120-B and 34 IPC, for securing admission of his daughter Ms. Jasmine Kaur Marwah in Mata Sundri College for Women, University of Delhi, on the basis of forged Higher Senior Secondary School Certificate alleged to be issued in the year 2010 by Madya Pradesh State Open School, Bhopal, MP. The Complainant also claimed that Sh. Tarvinder Singh Marwah was Parliamentary Secretary of the Chief Minister, Delhi, Smt. Shiela Dikshit and they colluded to commit this forgery to secure admission of Ms. Jasmine Kaur Marwah, daughter of Sh. Tarvinder Singh Marwah in Mata Sundri College for Women in BA Course.

3. On perusal of the complaint, prima-facie a case for enquiry U/s 7 read with Section 2 (b) (i) (ii) & (iii) of the Act, was made out. Therefore, a notice was issued to Sh. Tarvinder Singh Marwah for initiating enquiry under the Act. However, the allegations against Smt. Shiela Dikshit, Chief Minister were not found sufficient for issuing a notice and by order dated 20/3/2012 the name of Smt. Shiela Dikshit, Chief Minister was directed to be deleted from the array of Respondent.

MS

Reply of the Respondent

4. The Respondent Sh. Tarvinder Singh Marwah, MLA filed a reply to the notice stating therein that complaint is based on false and frivolous presumption with a motive and therefore, is an abuse of the process of law. It was stated that the Complainant was a political person attached to BJP and intends to seek political mileage. Respondent categorically denied that he ever wrote any letter to the Chairman of Mata Sundri College for Women recommending admission for any student. As regard the documents alleged to be forged, Respondent stated that they are the subject matter of an enquiry by the Police. He denied any knowledge about these documents stating that he came to know about these documents only after the FIR was registered at IP Estate Police Station. He prayed that proceedings before the Hon'ble Lokayukta should not be proceeded till the decision / disposal of the criminal proceedings.

5. Respondent denied any knowledge about documents in question i.e. the Mark-sheet and Migration Certificate being fake and stated that his daughter got admission on the basis of the Mark-Sheet as well as under section 39 of the Person with Disability Act, 1995. He also took the plea that his daughter has been defrauded by one Pratham PT College, which had provided the fake education certificates to her. It is stated that Pratham P.T. College claimed to be the authorized representatives of the Madhya Pradesh State Open School. Respondent and his family were always under the impression and bona fide belief that the certificates / mark sheets handed over by Pratham PT College were genuine.

MS

The Complainant filed rejoinder to the reply and reiterated the allegations in the complaint.

Procedure for Enquiry:-

6. Pleadings were completed. Procedure for enquiry was determined as per Section 10 of the Act, after explaining to the Counsels for both the parties about the nature of proceedings under the Act. Both the parties were given the option to lead evidence by filing their affidavits with right to the opposite party to cross-examine the deponent of the affidavit. It was decided that both the parties would file the list of the witnesses to be examined on their behalf and they could utilize the process of the Court for summoning of any record from any authority. The Forum may insist on formal proof of any document, authenticity of which is considered to be in doubt. After recording evidence, both parties would be given opportunity of addressing oral arguments and if need be to file outline of written submissions.

Evidence:-

7. Complainant filed his affidavit in evidence. Complainant summoned Dr. Kanwarjeet Kaur, officiating Principal of Mata Sundri College for Women, University of Delhi, who had filed complaint against Sh. Tarvinder Singh Marwah, which led to registration of FIR at PS I.P. Estate, New Delhi.

MS