

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

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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 Madhya 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.

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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.

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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.

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8. The Complainant tendered his affidavit as CW-1 /1, in evidence. He also placed on record letter dated 5/7/2011, written on the official letter head of Sh. Tarvinder Singh Marwah, MLA addressed to the Chairman of Mata Sundri College for Women, purported to be signed by Sh. Tarvinder Singh Marwah, MLA (Exhibit CW-2/6). Complainant also filed copy of the Mark-Sheet purported to be issued by the MP State Open School, Bhopal, (Exhibit CW-2/1) and copy of the complaint by the Officiating Principal of Mata Sundri College for Women, to the SHO at IP Estate Police Station, exhibited as CW-2/4. Another document of significance filed by the Complainant on record is the letter Ex. CW-2/3 of MP State Open School, Bhopal, in response to the query of Mata Sundri College for Women, which established that the Mark Sheet (Exhibit CW-2/1) was not issued by the MP State Open School, Bhopal and it is a fake document.

9. Complainant deposed that he had verified the facts and made enquiries before filing the complaint. He also visited Bhopal and met the officials of the MP State Open School, Bhopal. After making due enquiries and verification, he had filed the complaint.

10. Complainant also examined Dr. Kanwarjeet Kaur the then officiating Principal of Mata Sundri College for Women. As per her statement, Ms. Jasmine Kaur Marwah daughter of Sh. Tarvinder Singh Marwah, MLA was admitted in the College on 12/7/2011. Admission was given on the basis of the Mark-Sheet for Higher Secondary School Certificate Examination, MP State Open School, Bhopal, bearing No. 867918 issued in August, 2010 with Roll No. 2001937776. As per the

mark sheet Ms. Jasmine Kaur Marwah had secured 255 marks out of 500 and had got Second Division. This document was placed on record as Exhibit CW-2/1. The witness said that apart from the Mark Sheet, the Migration Certificate (exhibit CW-2/2) was also submitted by Ms. Jasmine Kaur Marwah. The witness deposed that she had received a telephone call cautioning her to check the certificate of Ms. Jasmine Kaur Marwah. She being the officiating Principal of the College, informed the Governing Body and after due approval, got the documents verified from the MP State Open School Board, Bhopal. The College received letter (exhibit CW-2/3), which confirmed that the Mark-Sheet (Ex. CW-2/1) sent for verification did not tally with the record because the student mentioned therein did not appear for exam for any of the subjects. The witness further stated that she did not find Ms. Jasmine Kaur Marwah to be very sound and when she received the information about the certificate being doubtful, she contacted the mother of the student, who promised to come to clarify and explain but she never came. Therefore, she lodged a complaint (exhibit CW-2/4) with PS I.P. Estate. Witness further deposed that the hand written Character Certificate (exhibit CW-2/5) was brought by the Student stating that it was signed by her father. This Character Certificate is again on the letter head of Sh. Tarvinder Singh Marwah purported to be signed by him. The witness also stated that the letter (exhibit CW-2/6), which was addressed to the Chairman of the Mata Sundri College for Women was also received in their office which was written by the respondent. The witness had specifically stated that the admission of Ms. Jasmine Kaur Marwah was approved on the basis of the Admission Form (exhibit CW-2/9) and on the recommendation of the Chairman namely Sardar Tejwant Singh.

11. The Complainant had also examined Sh. Manjeet Tomar, Inspector, Inter State Cell / Crime Branch, who had submitted the status report (exhibit CW-3/1) of investigation in FIR No. 38/12, I.P. Estate and informed the Forum that the admitted and disputed signature of Sh. Tarvinder Singh Marwah, MLA on the disputed documents were sent to the Forensic Science Laboratory for examination.

12. The Respondent, Sh. Tarvinder Singh Marwaha, MLA from the beginning had taken the defence that he neither sent letter to the Chairman of the Mata Sundri College for Women (exhibit CW-2/6) nor he issued the Character Certificate (exhibit CW-2/5). Both these documents were on the letter head of Sh. Tarvinder Singh Marwah, MLA. In support of his contention that these letters were not issued by him from his office, he had examined Sh. Krishan Chand as RW-1, who was working as his Personal Assistant at his office situated at I-2, Jungpura, New Delhi – 14. This witness stated in the affidavit RW-1/1 that he is working with Mr. Marwah for the last 15 years. He takes care of the day to day appointments of Mr. Marwah and also handles other office work. He stated that the office stationary including stamps, letter heads are always in his custody. He is in-charge of the office and said that letters, communication / replies, issued from the Office of Sh. Tarvinder Singh Marwah are properly numbered and are entered in the record. He stated that the letter dated 5/7/2011 (exhibit CW-2/6) was not issued from their office. It is also not shown in the dispatch register. However, he stated that normally they do not put seal on letter written on the letter head of Sh. Tarvinder Singh Marwah. It would be important to

note that this witness categorically stated that no letter head or seal / stamp were stolen from their office.

13. Respondent also appeared in the witness box and filed his affidavit, he denied writing any letter to the Chairman of the Mata Sundri College for Women. When he got knowledge of the letter dated 5/7/2011 (exhibit CW-2/6) immediately he lodged a complaint with regard to the forgery of his signature and his letter- head. The matter is still being investigated by the Police. He stated that this letter in question has been forged to implicate him in litigation. When the witness was subjected to the cross examination, he denied any knowledge about the admission of his daughter in the Mata Sundri College for Woman. The elusiveness of the witness is to the extent that he denied most of the questions put to him concerning the admission of his daughter in the college claiming that he has no knowledge and his wife handled everything.

14. The Respondent stated that the letters / correspondence were issued from the residential office of the Respondent as well as from his office in the Secretariat. Sh. Naresh Kumar, OSD to the Respondent at the relevant time, when he was the Parliamentary Secretary to the Chief Minister, was examined to stress the point that the exhibit CW-2/6 was neither signed nor sent through him from the Office of Respondent in the Secretariat.

Submission of the Respective Parties:-

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15. After the evidence was complete, arguments were heard from the Complainant as well as from the Ld. Counsel of the Respondent. The main issue in the present enquiry is to enquire into the conduct of the "Public functionary" / Respondent. The allegation is categorical that Ms. Jasmine Kaur Marwah daughter of Respondent was admitted in Mata Sundri College for Women on the basis of fake documents. To secure the admission in the BA Course, an admission form was submitted on 12/7/2011 (exhibit CW-2/9) alongwith certificate issued by Director, Madhya Pradesh State Open School, Bhopal (exhibit CW-2/1) certifying Ms. Jasmine Kaur Marwah daughter of Sh. Tarvinder Singh Marwah had passed the Higher Secondary School by securing 255 marks out of 500 in the following subjects i.e. English, Maths, Economics, Commerce and Accountancy. A Migration Certificate dated 12/12/2010 (exhibit CW-2/2) was also tendered, which records that Ms. Jasmine Kaur Marwah has passed Higher Secondary Certificate Examination. Ms. Jasmine Kaur Marwah while seeking admission had also submitted Character Certificate (exhibit CW-2/5) purported to be issued by Sh. Tarvinder Singh Marwah on his letter-head. Another letter dated 5/7/2011 exhibit Ex CW-2/6 was also issued by Sh. Tarvinder Singh Marwah on his letter head addressed to Sardar Tejwant Singh, Chairman of the College recommending admission of two students in the College one of them was Ms. Jasmine Kaur Marwah, his daughter and the other Ms. Rishika Anand.

16. The Complainant submitted that Sh. Tarvinder Singh Marwah is MLA and therefore, "Public functionary" in terms of Section 2(m) of the Act. He had secured the admission of his daughter in the College on the

basis of forged documents i.e. mark-Sheet (exhibit CW-2/1) and Migration Certificate (exhibit CW-2/2). He also issued Character Certificate (exhibit CW-2/5) and letter (exhibit CW-2/6) to the Chairman of the College, seeking the admission for his daughter. Thus, he has acted against the norms and integrity of Conduct expected from a "Public functionary". He has misused his position and was actuated with improper motive and personal interest.

17. The Counsel for the Respondent, on the contrary, submitted that the Respondent being actively involved in politics does not have much time to devote to his family. Therefore, he was not aware about the admission of his daughter in the College. The documents on the basis of which admission has been sought were provided by Pratham PT College and the Respondent was not aware about the genuineness or otherwise of these documents.

18. The Ld. Senior Counsel for Respondent Sh. H.S. Phoolka also put much emphasis on the fact that the CFSL report has confirmed that the documents exhibit CW-2/6 and CW-2/5 do not bear signature of Sh. Tarvinder Singh Marwah. He therefore, argued that Letter Exhibit CW-2/6 namely letter purported to have been written by the Respondent on his letter head recommending the case of one Rishika Anand and his daughter for admission can not be used against Respondent. Similar is the position with regard to the Character Certificate Ex CW-2/5 stated to have been issued by Respondent. Both theses documents having found not to be written /signed by the Respondent, as per CFSL report. Therefore, this scientific evidence absolves the Respondent of the

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allegation of forgery and submission of fake documents. It was urged that the witnesses namely Sh. Kishan Chand and Sh. Naresh Kumar, who were working in the office of the Respondent, have categorically stated that these letters i.e. exhibit CW-2/6 and exhibit CW-2/5 have not been issued from the office of Respondent. It was further submitted that it was the wife of Respondent who used to look after this matter. He does not know anything about the admission of his daughter. The Respondent is neither the signatory of the disputed documents i.e. letter dated 5/7/2010 (exhibit CW-2/6) and the Character Certificate (exhibit CW-2/5) nor there is any material to suggest that respondent had fabricated the document (exhibit CW-2/1, 2/2). He submitted further that merely because of the word "Chairman" written on Admission Form, it can not be inferred that admission was given out of Chairman's quota, on the basis of recommendation letter addressed to Chairman by Respondent Exhibit – CW-2/6. Nor can the statement of the Principal of College can be conclusive to hold that admission was given out of Chairman's quota.

Findings :-

19. It needs to be reiterated that an enquiry before this Forum is neither a Civil Lis nor a Criminal Trial. It is only a fact finding enquiry conducted in an in-formal manner, without being bound by the strict provisions of the Civil Procedure Code or the Criminal Procedure Code or the rigours of Evidence Act except the Principles of Natural Justice. The principle of proof "beyond reasonable doubt" is not followed rather the principle of "preponderance of probabilities" is the guiding factor. So far as the argument of the Ld. Counsel for the Respondent with regard

to CFSL Report is concerned, the settled position of law may be stated that opinion of hand writing expert is relevant but not conclusive proof. It is required to be corroborated by other evidence. Therefore, the surrounding circumstances need to be given due appreciation while taking into account the expert opinion. The circumstances may sometime negate the expert opinion.

20. The Respondent deposed that he neither signed the Character certificate Exhibit CW-2/5 nor the letter dated 05.07.2011 Exhibit CW-2/6, the CFSL report also says so. Even if it is assumed to be correct still he fail to explain how these letter could be sent on his letter head. The Respondent claims to have filed a complaint with the Police regarding missing/theft of his letter heads. Initially the said letter was not produced by Respondent on the ground that its copy was given by him to his Counsel. Subsequently, a photo copy of the letter dated 15.05.2012 addressed to the SHO, Nizamuddin Police Station, wherein he refers to the registration of the FIR No. 38/12 dated 06.03.2012, was produced on 05.08.2013. It may be noted that the said complaint was filed nearly after 2 months of the registration of the FIR on the complaint of the Principal of the College. Complainant claims that his letter heads were stolen, but his Personal Assistant Sh. Krishan Chand deposed affirming that there was no theft of letter heads or stamps from the office.

While considering the matter, this plea of theft of letter heads does not inspire any confidence especially when the complaint for theft of letter heads has been made after two months and apparently to counter the letter purported to be signed by the Respondent recommending the admission for his daughter and one Ms. Rishika Anand. One also can not

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lose sight of fact that the letter heads have not been used for any other purpose but to serve a purpose beneficial to Respondent i.e to seek admission for his daughter in college. Even otherwise considering Respondent's submission that the letter heads were stolen and misused with a signatures being forged as part of conspiracy, no details regarding the conspiracy or the conspirators or any material evidence in that regard have been led. It is a vague plea bereft of any substance. On one hand, the conspirators alleged to have conspired to damage his political career while his daughter is the immediate beneficiary of the actions, which he is attributing to the said conspirators.

21. The response of the Respondent disclaiming any knowledge about his daughter's education and admission raise a doubt on his credibility. He is father of Ms. Jasmine Kaur Marwah for whose beneficial interest the documents i.e exhibit CW-2/5 and 2/6 have been used and forged and fabricated documents Exhibit CW- 2/1 and Exhibit CW- 2/2 have been procured. Even if Respondent is a busy politician, spending most of his time in his Constituency, it cannot be expected that he would not be aware about his children to the extent that he would not know how his daughter is studying, from where she is qualifying her school and where she is getting admission in College. The Respondent in his statement has shown total ignorance regarding the admission of his daughter in Mata Sundri College. It is interesting to note that the Admission Form (exhibit CW-2/9) indicates that the admission was given on the recommendation of the Chairman. The letter (exhibit CW-2/6) dated 5/7/2010 is addressed to Sardar Tejwant Singh, Chairman of Mata Sundri College for Women. The acting Principal of the College Dr. Kanwarjeet Kaur in her

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statement said that the admission of Ms. Jasmine Kaur Marwah was approved on the basis of the admission form (exhibit CW-2/9). She further stated that it had been issued on the recommendation of the Chairman namely Sardar Tejwant Singh. This statement of Dr. Kanwarjeet Kaur is not challenged. Thus, it is established that Ms. Jasmine Kaur Marwah got admission on the recommendation of the Chairman. How the chairman would come to know about Ms. Jasmine Kaur Marwah? The answer is simple, the letter addressed to him (exhibit CW-2/6) for seeking his indulgence for securing the admission for Ms. Jasmine Kaur Marwah in the College. The Respondent claimed that this letter was not issued by him. But the question is whether the detractors of respondent would have any interest in forging these documents, to secure admission of his daughter in College? The answer to this would certainly be in the negative.

22. The Respondent being the father of Ms. Jasmine Kaur Marwah is expected in all normal and natural circumstances to know about the activity of his daughter. The Respondent must have been very well aware of the admission for his daughter being secured on the basis of the fake documents. This is because of the fact that the Mark Sheet (exhibit CW-2/1) issued by M.P. State Open School, Bhopal shows that Ms. Jasmine Kaur Marwah has passed her Higher Secondary School Certificate Exam obtaining 255 marks out of 500. But the letter received from M.P. State Open School, Bhopal in response to the correspondence by Mata Sundri College for Women (exhibit CW-2/3) proves that the student did not appear in the examination for any of the subjects. This fact is further established by the documents which were placed on record

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by CW-3 Inspector Manjeet Tomar who is the Investigating Officer in FIR No. 38/12, P.S. I.P. State, Police Station, registered against the Respondent on the complaint by Dr. Kanwarjeet Kaur officiating Principal of Mata Sundri College for Women. CW-3 had submitted documents (exhibit CW-3/1A & 36 to 40). These are the check list bearing the Roll No. of the candidates, who appeared for the examination and those who did not appear whose roll numbers have been put in circle. These check list for the subject i.e. English, Maths, Commerce, Economics and Accountancy clearly show that the candidate with the Roll No. 2001937776 did not appear in any of the examination. The candidate with Roll No. 2001937776 is none other than Ms. Jasmine Kaur Marwah daughter of the Respondent. This roll number is mentioned in the Mark Sheet submitted by Ms. Jasmine Kaur Marwah and also in the response of M.P. State Open School, Bhopal to the Mata Sundri College for women.

23. It is unbelievable that Respondent would not be aware that his daughter had not appeared for any of the examination. Despite this a Mark Sheet was obtained and used to show that she has qualified the Higher Secondary School Examination having passed in all the subjects. The only inference could be that the Respondent was well aware about the fake Mark Sheet prepared to seek admission for his daughter in the College, when she had not taken any examination.

24. In his reply to the Complaint, the Respondent had stated that his daughter had been defrauded and she was provided with the fake educational certificate by Pratham PT College, which claimed itself to be

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the authorized representative of M.P. State Open School. He further stated that he and his family were always under the impression and bona-fide belief that the Certificate and Mark Sheet handed over by Pratham PT College are genuine. This has only to be stated to be rejected, since a sine qua non for such a belief was to take the examination which Ms. Jasmine Kaur, had not taken. This would be a fact in the personal knowledge of Respondent and his family. Further, the above submission of the Respondent clearly shows that before the admission of Ms. Jasmine Kaur Marwah in the College, he was aware of these certificates and mark sheet, though he believed them to be genuine. This submission belies his statement in the Court that he was not aware about the admission of his daughter in the College, since his wife was dealing with it. Secondly, his submission that he and his family were under the impression that the Certificate and Mark Sheet handed over by Pratham PT College are genuine also stand falsified because in fact Ms. Jasmine Kaur Marwah never appeared for any examination and respondent must have been aware about it. Therefore, there was no question of any genuine certificate of Mark Sheet being issued by the M.P. State Open School. The respondent, throughout his examination claimed that he was not aware about admission of his daughter since his wife was dealing with it. The Officiating Principal of Mata Sundri College had deposed that she had contacted Ms. Surinder Kaur Marwah W/o the Respondent Sh. Tarvinder Singh Marwah to come and clarify the documents submitted for her daughter's admission, which were found to be fake. Respondent's wife neither visited the college nor did she appear before this forum. While noting deposition and cross examination of the Respondent that the admission of his daughter was handled by his wife

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alone who was post graduate and he was not involved in it, the attention of the Respondent was specially drawn to the fact that onus lies on him to clarify various aspects regarding admission of his daughter in Mata Sundri College and submission of documents and follow up in the matter. It was made clear that it was up to the Respondent to have position clarified by his wife who dealt with the matter, otherwise the inference as warranted in accordance with law would be drawn. An opportunity was given to the Respondent to examine his wife on 06.08.2013 if he so desired. On 06.08.2013, Counsel for the Respondent stated that the Respondent's wife was not to be examined but he wished to examine the Official Secretary to the Respondent to prove beyond doubt that the recommendation letter in question was not signed by the Respondent and had not been dispatched from his office or his residence. Pursuant thereto evidence of Sh. Naresh Kumar was recorded on 16.09.2013. As the Respondent himself and two other witnesses had been examined on this aspect, permission to summon another witness was declined. The Respondent failed to produce his wife in the witness box to testify nor she visited college to clarify about documents though admittedly, as claimed by Respondent, she was handling the matter.

25. Inevitable conclusion is that the Respondent was well aware that his daughter did not appear for any examination to qualify Higher Sr. Secondary School Exam from M.P. State Open School, Bhopal; that the document submitted to the College i.e. Mark Sheet (exhibit CW-2/1) and Migration Certificate (exhibit CW-2/2) were fake and forged; that the Character Certificate and recommendation letter have been submitted by wife and daughter of Respondent along with admission form though it

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may not be signed by him for obvious reasons. Thus, the Forum has no hesitation to hold and conclude that the Respondent had full knowledge that his daughter did not take or appear in the Secondary Board examination. Therefore, any document showing her having passed the examination would be forged. Use of the said documents for admission of his daughter in the college, would not be an act expected from a person who has to set higher standard of norms and integrity of Conduct in the Society.

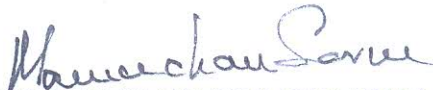
Ld. Senior Counsel for Respondent Mr. Phoolka pleaded that a compassionate and lenient view be taken in the matter, urging that the daughter of the Respondent was suffering from epileptic fits and was a slow child. The Respondent himself has suffered because of the registration of FIR. He lost his assignment as Parliamentary Secretary to the Chief Minister Sheila Dikshit. Despite CFSL report, the FIR has still not been closed and the investigation was on.

26. Respondent is a respected Member of Legislative Assembly. He represents thousands of people of his Constituency who look upto him for a conduct which they can emulate. If the representative of the people indulge in such malpractices and illegal activities, it would send a wrong signal / message to the Society which would be detrimental to the growth of orderly Civic Society. Respondent, Sh. Tarvinder Singh Marwah has acted against the norms of integrity and conduct expected of a "Public functionary" to the extent that to secure admission of his daughter in the College, forged and fabricated documents were utilized. His act is not only against the norms of integrity and conduct expected of a "Public Functionary" but also an illegal act which needs to be condemned.

Therefore, this Forum recommends to His Excellency the Lt. Governor of Delhi to issue a "censure" to the Respondent Sh. Tarvinder Singh Marwah, Member of Legislative Assembly.

27. Let the report in terms of Section 12(1) alongwith relevant documents and evidence on the record, be sent to the Competent Authority, His Excellency the Lt. Governor of Delhi.

Thereafter, the file be consigned to record.


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA, DELHI

Dated : 11.10..Oct., 2013.

Rekha