

**Substance of Special Report under Sub-section 7 of Section 12 of the Delhi Lokayukta and Upalokayukta Act, 1995, in complaint titled “Dr. Harsh Vardhan vs. Smt. Sheila Dikshit and Sh. Raj Kumar Chauhan”**

1. Dr. Harsh Vardhan, MLA, had complained against printing of application forms for sanction of loan under the “Dilli Swarojgar Yojna” carrying photographs of Smt. Sheila Dikshit, Chief Minister and Sh. Raj Kumar Chauhan, Minister, on the top of left and right hand corner of the form. It was alleged that by getting their photographs printed on the application form, the Ministers had abused their position and power and thus failed to act as per norms of integrity and conduct expected of a public functionary. The loan application form, which was earlier free, was now priced at Rs.100/-
2. On completion of the inquiry, a report was submitted by Lokayukta making the following recommendations.
  - (i) Issue an ‘advisory’ to the Chief Minister of Delhi and the concerned Minister, Respondent No.1 & 2, to desist from printing their photographs on the Loan Application Forms under the Dilli Swarojgar Yojna.
  - (ii) Efface or block the photographs, if any, printed on the existing forms prior to their use.
  - (iii) Direct the Government of NCT of Delhi to frame appropriate guidelines that would govern the issuance of advertisements, hoardings etc. containing photographs and images of public functionaries, even during the period when model code is not applicable, so as to conform to the norms of conduct and integrity expected of ‘public functionaries’.
3. The Hon’ble President of India, vide decision dated 29<sup>th</sup> August, 2013, accepted most of the recommendations of Lokayukta and held that the Department for Welfare of SC/ST/OBC/Minority and the Delhi SC/ST/OBC/Minority Finance and Development Corporation, Govt. of NCT of Delhi, need not print photographs of the Chief Minister and the Minister in Charge on its loan application forms as the practice does not benefit the prospective loanee in any manner. Further the Department of Welfare SC/ST/OBC/Minority and the concerned Corporation were advised to be more careful in future and formulate policy guidelines on

publicity. However, the Ministers concerned were not issued an advisory, as recommended.

4. This Special Report was submitted because officials of the Department have been cautioned for no fault of theirs, especially when the decision to print photographs had been taken personally by Sh. Raj Kumar Chauhan, with the approval of the Smt. Sheila Dikshit. In fact, the officers of the corporation had prepared a draft of the loan application form without photographs but the Minister desired and instructed that the application form be printed with photographs.
5. When the proposal for printing of revised application form under the new scheme was put up before the Minister, he desired that forms should carry Chief Minister's and his photograph on the same pattern as the form for 'application for Replacement of Kerosene Oil with LPG Gas Connection', where photographs of Sheila Dikshit on the left hand corner and Shri Haroon Yusuf, Minister for F&S, on the right hand corner, were printed. Thus the decision to print the photographs was taken by Sh. Raj Kumar Chauhan, with the approval of Smt. Sheila Dikshit, and not by any official of the Corporation or the Department.
6. It would not be fair and just, to issue an advisory and caution to Jr. Officials of the Department and Ministry for no fault of theirs. It appears that the above aspect has not been brought to the attention of the Hon'ble President of India which resulted in the advisory being issued to the Corporation and the Department instead of the persons who had been arraigned as Respondents and whose role was duly established during the proceedings before Lokayukta.
7. Vide Special Report dated 10<sup>th</sup> October 2013, Lokayukta submitted that the decision dated 29<sup>th</sup> August 2013, be modified to the extent that "advisory and caution" be administered to the public functionaries, namely Respondent Nos. 1 and 2 i.e. Smt. Sheila Dikshit and Sh. Raj Kumar Chauhan. In case the Hon'ble President of India is not in agreement with the view expressed, then the Hon'ble Lt. Governor of Delhi to table the report in the Legislative Assembly in terms of sub Section 6 of Section 12 of the Act.

  
(JUSTICE MANMOHAN SARIN)

LOKAYUKTA

DATE: 11-10-2013