

BEFORE THE HON'BLE LOKAYUKTA  
JUSTICE REVA KHETRAPAL  
COMPLAINT NO.C-1975/LOK/2013

IN THE MATTER OF:

SHRI AJAY KUMAR SHARMA -- COMPLAINANT

VERSUS

SHRI SANJAY JAIN, MUNICIPAL COUNCILLOR -- RESPONDENT

PRESENT: NONE

ORDER

1. The present complaint has been filed on 23-04-2013 by one Shri Ajay Kumar Sharma alleging that Shri Sanjay Jain, Municipal Councillor, Ward No. 252, has misused the Councillor's Fund by spending around Rs. 20.00 Lacs in putting up sign boards in his name during his tenure from the year 2007 to 2012. The complainant claims that he obtained the aforesaid information by exercising his right under the Right to Information Act, 2005.
2. Notice of the complaint was issued to the East Delhi Municipal Corporation by this Forum, calling for a report as to how much money had been spent for installation of signboards in Ward No.252, which either contained the name of the respondent or propagated the works done by him.

3. In compliance with the aforesaid notice issued to the East Delhi Municipal Corporation, the Executive Engineer-M-IV-Shahdara (North) Zone submitted a Report/Reply regarding the complaint filed against the respondent, wherein it was submitted that the works which have been shown in the list of development works in Ward No.252 were the works pertaining to the providing and fixing of street name boards in different lanes of Ward No.252 and not for writing the name of the Municipal Councillor only. However, it is stated, the name of the Councillor was written in the lower most line of the board after mentioning the details of house numbers and street of the colony just to facilitate the residents/commuters to know as to who was the Councillor of the area. It was further submitted that the area of Shahdara North Zone consists of a number of unauthorized regularized colonies, which have been developed in a haphazard manner and not as planned colonies, due to which there was confusion amongst the residents and commuters who wanted to know the name of the Councillor of a particular lane/area, as the boundaries of the Ward were also haphazard. Accordingly, street name boards were fixed by mentioning the name of the area Councillor after details of lanes and house numbers of the area. The photographs of such

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boards fixed in different lanes were enclosed along with the Reply.

4. On receipt of the aforesaid Reply, the Chief Engineer, Shahdara North Zone, was directed to file his affidavit specifying whether there were any guidelines or policy directives regarding incurring of expenses out of the Councillor's Fund on items such as signboards where the name of the Councillor appears and the ceiling, if any, on the number of boards that can be fixed and the total number of such boards which have been fixed in the constituency of the Councillor. It was further directed that in his affidavit the Chief Engineer would also state whether it was standard practice throughout the Corporation to fix the signboards giving the house number and name of street in the manner as has been done in this case with the name of the Councillor being mentioned therein.
5. In compliance with the aforesaid directions, on 22-08-2013 an affidavit was filed by Shri Anshuj Dhingra, Standing Counsel, EDMC, of the Chief Engineer, East Delhi Municipal Corporation, wherein it was stated that the Councillor's Fund was being utilized for development and improvement work of infrastructure facilities like roads, drains, parks, community halls, sanitary units, schools, including works of providing and fixing street name boards. It was further stated that there

were no guidelines nor was there any policy for utilization of the said funds, but as a practice, the said funds were utilized for public works undertaken at the behest of the concerned Councillor. There was, however, no ceiling fixed for the amount to be spent for any particular work being executed under Councillor's Fund or on items such as signboards, etc. There was also no ceiling on the number of boards that could be fixed out of the Councillor's Fund. It was further stated that as a practice street signage boards were fixed at various locations for the guidance of the public about the area, name of the street, house numbers etc. which were situated in that particular street/lane throughout the constituency. Sometimes the names of the concerned Councillor, and sometimes the name of the MLA/MP concerned, were also written on the board for the public to know about their elected representatives. Sometimes the name of the Councillor was specifically mentioned on the sign boards to indicate his place of residence within the locality. For the information of this Forum some of the photographs of such signboards were enclosed with the affidavit.

6. On the same date, i.e. 22-08-2013, the statement of the complainant Shri Ajay Kumar Sharma was recorded wherein he stated that the boards in the constituency had been re-painted



subsequent to the last date of hearing, i.e. 18-07-2013, with the information regarding house numbers of the gali, the name of the work, etc. He stated that earlier these boards only carried the inscription that the development of the street was on account of the untiring efforts of the Councillor. It was only after the proceedings in this Forum that an attempt had been made to turn the said boards, which were for the benefit of the Councillor alone, to sign boards. In the course of his cross examination, the complainant, however, admitted that he had not placed on record the photographs of the changed boards but stated that he could do so by the next date.

7. Subsequently, on 13-09-2013, the complainant tendered an affidavit stating therein that before 18-07-2013, the name of the Councillor was written in big and bold letters in the middle of the signboards, but the signboards were repainted on the night of 18-07-2013, and the Councillor's name in the said boards was now written at the bottom. Six photographs of street signboards were enclosed with the affidavit of the complainant.
8. Notice to show cause was issued to the respondent with a view to obtain his version and in particular to address the allegation of putting up signboards which primarily focused on

the Councillor's name and address, while other particulars like name of the street, etc. were relegated to a secondary position.

9. In the reply filed by the respondent, the respondent categorically stated that the fixing/providing of boards in the area was to facilitate the residents and commuters in the area to know about the street etc. and not for writing the respondent's name only. It was further submitted that the area of Shahdara North Zone was heavily congested and mainly consisted of unauthorized regularized colonies, which had not been developed in a planned manner, and as the boundaries of the municipal wards were also demarcated in a haphazard manner, it was very difficult to know from where the area of a particular ward started and where it ended. Thus, it was quite necessary to mention the name of the area Councillor on different street name boards to enable the residents and commuters to identify the land/area under a Municipal Councillor, so that he could be easily approached without any confusion. Insofar as the matter of the boards having the name of the respondent was concerned, it was submitted that due to the unplanned development of the colony falling within Ward No.252, it was not possible to reach



the office or the residence of the respondent directly until proper boards were fixed in the area.

10. On 25-04-2016, on perusal of the records, it was felt by this Forum that lack of guidelines / policy directives, as stated in the affidavit filed on 22-08-2013 of the Chief Engineer, Shahdara North Zone, East DMC, for utilization of Councillor's fund defeats the very purpose of creation of such funds and was counterproductive to the proper utilization of the same. Accordingly, notice was directed to be issued to the Chief Engineer, Shahdara North Zone, East DMC to appear in person with all records in relation to creation of Councillor's funds, guidelines, circulars and directives pertaining to the said funds, including the resolution(s) passed in the House in respect thereof.
11. On 25-05-2016, the Chief Engineer, Shahdara North Zone, EDMC appeared in person with all records in respect of creation of Councillor's fund, guidelines, circulars, etc. pertaining to the said fund, including the resolutions passed in this regard by the House. On the basis of records produced by him, the Chief Engineer confirmed that there are no guidelines, notifications, circulars or directives pertaining to the utilization of Councillor's fund, but stated that as a practice, the fund was utilized for public works undertaken at

