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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7824/2017**

PRASHANT MANCHANDA

.....Petitioner

Through: Mr. Prashant Manchanda (Petitioner
in person) with Mr. Angad Singh and
Ms. Nancy Shah, Advocates

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms. Bharathi Raju, SPC with
Mr. Venkat Mani Tripathi, Advocates
for UOI
Mr. Mohinder JS Rupal and Mr.
Hardik Rupal, Advocates for
University of Delhi.
Mr. Sanjeev Sabharwal, Standing
Counsel with Ms. Shweta Singh,
Advocates for MCD.
Mr. Pushkar Sood, Ms. Shikha Sood,
Ms. Monika Saini and Mr. Satya
Prakash Singh, Advocates for R-
4/DMRC.

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Date of Decision: 26th September, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 56144/2024 in W.P.(C) 7824/2017

1. Present application has been filed seeking issuance of directions to Respondent nos.1 to 5 to take appropriate action against the prospective candidates of Delhi University Students' Union ("DUSU") elections and



student political outfits who are involved in damaging, defacing, soiling or destroying the public walls and disrupting the classrooms. The Applicant-Petitioner further seeks issuance of directions to National Students' Union of India ('NSUI') and Akhil Bhartiya Vidyarthi Parishad ('ABVP') as well as the erring candidates affiliated to the said parties to remove the defacement and refurbish the areas.

2. The Applicant-Petitioner states that due to the upcoming elections of DUSU for 2024-2025 to be held on 27th September, 2024, public properties across all quarters of Delhi have been defaced, in blatant violation of not only the applicable civil and penal provisions, Mr.J.M. Lyngdoh Committee Guidelines and undertakings given by the aspiring candidates, but also in direct contravention of the orders of this Court in the subject petition.

3. He states that the aspiring candidates under the patronage of political parties have left no place unscathed, be it the buses, bus stops, metro stations, public properties, private properties, etc. He emphasises that even police stations have been defaced by posters, banners, spray paints/inks, massive hoardings etc.

4. He states that areas in and around the college campuses are littered with paper pamphlets which are strewn on the ground creating an unclean, unhygienic environment along with wastage of paper. He states that in addition to the placement of hoardings, the candidates are using luxurious private vehicles to display the names of the candidates, which are stationed permanently outside college campuses leading to congestion of traffic causing unwarranted agony and discomfort to the daily commuters and common public.



5. He states that in pursuance of the directions of this Court and Lyngdoh Committee Guidelines for prevention of the defacement of property during DUSU elections, responsibility was bestowed upon the concerned University, Colleges, SDMC and NDMC (now MCD) and Election Officers of the University, amongst other authorities, to keep a strict vigil to ensure that the aforesaid Guidelines are followed in all the future elections.

6. He states that in the said Lyngdoh Guidelines, it was envisaged that permanent committees for each college and also of the University of Delhi will be constituted, which shall be responsible for sensitizing the students about the provisions of the Delhi Prevention of Defacement of Property Act, 2007 and the Delhi Metro Railway (Operation and Maintenance) Act, 2002, as much as the defacement of public property is a criminal offence as well as for keeping strict vigil to identify and maintain a record of any kind of defacement of property committed during the course of the elections.

7. Today, the Applicant-Petitioner has handed over additional photographs which show campaigning / flinging of pamphlets, posters by the candidates and their respective teams through vehicles which do not even have registration/number plates.

8. Learned counsel for the Petitioner in the fresh writ petition being **W.P.(C) 13538/2024** has drawn this Court's attention to various videos annexed to the petition.

9. Yesterday, learned counsel for the MCD and DMRC had handed over charts along with photographs to show instances of defacement of public property.



10. Learned counsel for the MCD states that between 13th September, 2024 and 25th September, 2024, it had removed 16,000 Boards, 7,000 Hoardings, two lakh posters/pamphlets and 28,500 Banners. He had also stated that four truck loads of material have been removed till date. Today, he has handed over a status report indicating the expenses incurred on removal of illegal hoardings/posters/banners between 13th September, 2024 and 26th September, 2024 in Delhi University area alone. The relevant portion of the said status report reads as under:-

"Sr. No.			Total nos. of days	Charges for per day	Total charges (W.e.f. 13.09.2024 to 26.09.2024 except holidays) 11 days
1	Nos. of trucks	04	11	Rs. 3480 X 4 =Rs. 13920/-	11 X 13920= Rs. 1,53,120/-
2	Nos. of Labour	37	11	Rs. 742 X 37 = Rs. 27,454/-	11 X 27454 = Rs. 3,01,994/-"

11. Learned counsel for the DMRC has handed over a copy of the email dated 24th September, 2024 written by DMRC to the Registrar, Delhi University with regard to graffiti/posters/spray painted on Delhi Metro Properties during DUSU elections by the candidates.

12. Learned counsel for the University of Delhi on instructions of Chief Election Officer, who is personally present in Court, admits that there has been flagrant violation of the Lyngdoh Committee Guidelines, as accepted by the Supreme Court and by this Court, relating to students' union elections. The relevant guidelines of the Lyngdoh Committee Guidelines are reproduced herein below:-

"...

6.6.1 *The maximum permitted expenditure per candidate shall be Rs. 5000/-*

6.6.2 *Each candidate shall, within two weeks of the declaration of the result, submit complete and audited accounts to the college/university authorities.*



The college/university shall publish such audited accounts within 2 days of submission of such accounts, through a suitable medium so that any member of the student body may freely examine the same.

6.6.3 *The election of the candidate will be nullified in the event of any excessive expenditure.*

6.6.4 *With the view to prevent the inflow of funds from political parties into the student election process, the candidates are specially barred from utilizing funds from any other sources than voluntary contributions from the student body.*

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6.7.4 *All candidates shall be prohibited from indulging or abetting, all activities which are considered to be "corrupt practices" and offences, such as bribing of voters, intimidation of voters, impersonation of voters canvassing or the use of propaganda within 100 meters of polling stations, holding public meetings during the period of 24 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.*

6.7.5 *No candidate shall be permitted to make use of printed posters, printed pamphlets, or any other printed material for the purpose of canvassing. Candidates may only utilize hand-made posters for the purpose of canvassing, provided that such hand-made posters are procured within the expenditure limit set out herein above.*

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6.7.8 *No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the university/college campus, for any purpose whatsoever, without the prior written permission of the college/university authorities. All candidates shall be held jointly and severally liable for any destruction/defacing of any university/college property.*

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6.7.15 *Any contravention of any of the above recommendations may make the candidate liable to be stripped of his candidature, or his elected post, as the case may be. The election commission/ college/ university authorities may also take appropriate disciplinary action against such a violator...."*

13. He states that last evening, the Chief Election Officer had convened an emergency meeting in which sixteen of the twenty one candidates had participated. He states that in the said meeting, the candidates were directed to remove the posters/ graffiti/ hoardings/spray paint on public walls and public property. He suggests that as the DUSU election are scheduled to be held tomorrow in the University of Delhi as well as in all the colleges and as



all the necessary arrangements like deployment of EVMs have been made, it would not be appropriate to countermand or postpone the elections at this late stage. He, however, suggests that the counting of votes be postponed till the candidates remove all the posters/ graffiti/ hoardings/spray paint and make good the loss that the Civic Agencies have faced due to the defacement.

14. Having heard learned counsel for the parties and having perused the video and photographs on record, this Court is of the prima facie view that there has been extensive use of money and muscle power in DUSU and college elections contrary to Lyngdoh Committee Guidelines. This Court is of the opinion that elections, which are supposed to be a festival of democracy, have been converted into a festival of money laundering and defacement of public property. In some respects, it reflects the failure of the education system.

15. It also seems to this Court that the senior management of Delhi University and colleges of Delhi University have been remiss in appreciating the true import and significance of Lyngdoh Committee Guidelines accepted by this Court. Further, the officials of Delhi University and colleges have neglected to enforce the Lyngdoh Committee Guidelines and perform their duties.

16. Consequently, this Court directs that though the voting in the DUSU and college elections be held tomorrow, yet the counting of votes for either DUSU elections or the college elections shall not take place till this Court is satisfied that the posters/ graffiti/ hoardings/ spray paint are removed, the vandalized public properties are restored and the losses suffered by civic agencies, Government departments and DMRC due to defacement are made



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good by the erring candidates. The expenses incurred by the Civic Agencies, Government departments and DMRC shall be paid in the first instance by the University of Delhi who will have the right to recover the same from the respective candidates in accordance with Lyngdoh Committee Guidelines

17. Let a fresh status report be filed by the University of Delhi, DMRC, MCD and Delhi Police within a week.

18. Till further orders, the University of Delhi shall ensure that the EVMs and the ballot boxes used in DUSU and college elections are safely secured. For this purpose, necessary directions shall be issued by the University of Delhi to the respective colleges as well as to Delhi Police. List on 21st October, 2024.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 26, 2024

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