

**BEFORE THE HON'BLE LOKAYUKTA DELHI**  
**JUSTICE HARISH CHANDRA MISHRA**  
**COMPLAINT NO. C-2517/LOK/2014**  
**&**  
**COMPLAINT NO. C-2445/LOK/2013**

**IN THE MATTER OF:**

**SHRI OM PRAKASH** ... COMPLAINANT  
**VERSUS**

**SH. JAI KISHAN, M.L.A.** ... RESPONDENT

**PRESENT** : **None**

**CAV on 19.04.2022**

**Pronounced on 26.04.2022**

**ORDER**

Perused the records. Two complaints were received from one Sh. Om Prakash, in which several allegations were levelled against Sh. Jai Kishan, the then M.L.A., from Sultanpur Majra Assembly Constituency. Both the complaints were amalgamated together on 15.02.2017, and the record shows that by order dated 06.10.2017 passed by my predecessor-in-office, these matters stood confined to two allegations, which read as under :-

- a) That M.L.A. Sh. Jai Kishan had been winning elections for the last so many years by getting fake voter identity cards prepared out of whom some are employees of Delhi Jal Board, MCD and these include the votes of persons belong to the in-laws village of the MLA, i.e., Village Nahri, Tajpur Beri, District Sonapat.

b) That the said MLA had deployed some Delhi Jal Board (DJB) employees as his drivers and they also worked in his school and also at his farm house situated in Jaunti Village. Additionally these drivers appeared as the witness of the MLA on fake identity cards in cases under the SC/ST Act and rendered assistance to him for winning elections.

2. Confined to the above two allegations, the proceedings were initiated and investigation was ordered to be made by the Assistant Director (Investigation).

3. Upon notice, the respondent Sh. Jai Kishan, MLA, appeared through Advocate, and also filed a reply denying the allegations. The record shows that after some time, the complainant stopped taking interest in the matter and by order dated 26.07.2018, these complaints were taken to be received through "Other Information" within the meaning of section 7 of the Delhi Lokayukta and Uplokayukta Act, 1995.

4. Earlier a report was submitted by the Assistant Director (Investigation) on 28.09.2018, reporting that nothing concrete was found against Sh. Jai Kishan, Ex M.L.A. However, vide order dated 05.02.2019, the then Lokayukta felt the necessity of further investigation in the matter by recording the statements of some persons and gathering information from other sources, which was accordingly ordered to be done. After making further investigations as directed, another report was submitted by the Assistant Director (Investigation) on 29.04.2019, which shows that the statements of the relevant persons and the information gathered by him from the

Assistant Electoral Registration Officer (AERO), AC-10,  
Sultanpur Majra, New Delhi, revealed the following facts:-

(A). On the residential address of the respondent Sh. Jai Kishan, M.L.A., i.e., House No. 140, Block-A, Raj Park, Sultan Puri, New Delhi, seventeen Voter Identity Cards were issued, out of which 5 Voter Identity Cards were issued in favour of Sh. Jai Kishan and his family members, whereas the rest 12 Voter Identity Cards were issued in name of other persons, viz.,

- a) Sh. Ranbir and his wife – 2 voter cards
- b) Sh. Rajbir and his wife – 2 voter cards
- c) Sh. Dayanand & son – 2 voter cards
- d) Sh. Suresh & his wife – 2 voter cards
- e) Sh. Satish Kumar and wife – 2 voter cards
- f) Smt. Suman – 1 voter card
- g) Sh. Jeet Singh – 1 voter card

(B). Sh. Jai Kishan, MLA and his family members only were found residing in the aforesaid house No.140, Raj Park, Sultan Puri, New Delhi, and no other person except the family members were residing there. No portion of the house was given on tenancy. In other words, the persons named in (a) to (g) above, were not found residing there.

(C). Sh. Jai Kishan, MLA stated before the Assistant Director (Investigation) that the aforesaid persons mentioned in the voter list were his relatives and he will produce them before the Lokayukta.

(D). Sh. Jai Kishan never approached the appropriate authorities to get the names of any of those persons deleted from the voter list.

(E). Sh. Rajbir Singh, Sh. Satish Kumar and Sh. Suresh Chand were serving in Delhi Jal Board and in their statements they stated that they had never resided at House No.140, Raj Park, Sultan Puri, New Delhi, and that they were having their Voter Identity Cards at their village address where they were residing permanently.

(F). Sh. Satish Kumar is a distant relative of Sh. Jai Kishan and he admitted that he along with his wife had resided there about 10 years back and their names were in the voter list, and once he had voted during that period.

(G). The statement of Sh. Karamveer, employed as *Beldar* in Delhi Jal Board was also recorded, who admitted that he was knowing Sh. Jai Kishan MLA since 1992 and he had been driving the vehicle of Sh. Jai Kishan as and when he was asked to do so in absence of his drivers. He also admitted to be witness in two cases lodged by Sh. Jai Kishan.

5. Upon getting the said report, fresh notice was again issued to the respondent for his personal appearance, to which he did not respond. Upon issuance of the Bailable Warrant, the respondent appeared through his advocates, and on 26.11.2019 he was given the liberty to inspect the files and take the certified copies if needed, so that he may take a decision



whether he would like to adduce the evidence in the matter or he would like to argue the matter straightway. The record thereafter shows that his advocates thereafter took only adjournments in the matter on one pretext or the other, and on the ground that they had to take instructions from the respondent whether to lead further evidence or to enter into arguments, but neither any evidence was adduced, nor was any argument ever made.

6. Thereafter, the office of Lokayukta remained vacant for some time and when the undersigned assumed the charge, this matter was taken up on 31.03.2022. On that date, the respondent was represented through Sh. Mahesh Kumar Sharma, Advocate. He again made the request for going through the record before taking a decision whether he would lead evidence in the matter or he would argue the matter straightway. Though such opportunity was already given earlier in the matter, but keeping in view the fact that this was the first date after the undersigned had assumed the charge, one last opportunity was given to him to inspect the records and get the certified copies of the documents if needed, and he was directed to inform the Forum on the next date whether he would like to lead the evidence in the matter or would enter into the arguments straightway. He was asked to furnish the list of witnesses, if any, or the documents, if any, to be taken in evidence. It was made clear to him that this was the last opportunity given to him and no further opportunity would be given even in case the advocate is changed by the respondent. It was further made clear that even if no one appeared on the next date, necessary orders may be passed, and the case was

adjourned to 19.04.2022. This order was served upon the respondent as well as his counsel through speed post again.

7. On 19.04.2022, the respondent again absented himself in spite of the aforesaid order. Even his advocate did not make any appearance in the matter. Noting down all these facts in the order dated 19.04.2022, it was recorded that the necessary order would be passed in the matter after going through the records, which stood reserved for that date. The records show that even the certified copy of any document / report had not been taken by the respondent. It was in these circumstances, that the order was reserved in these matters for going through the records.

8. Section 11 of the Delhi Lokayukta and Uplokayukta Act, 1995, *inter alia* provides that no proceeding before the Lokayukta or Uplokayukta shall be invalidated only on account of want of formal proof if the principles of natural justice are satisfied. In the present case, though formal proof may be lacking, but there are sufficient materials on record to come to a finding. The principles of natural justice are fully complied in the matter, and it is the respondent himself, who is responsible for lack of formal proof.

9. From the perusal of the records, I find that there are materials available therein to support the first allegation that the respondent had been responsible for getting fake Voter Identity Cards prepared on his own residential address, of the persons who were not residing at his residence. This was within the full knowledge of the respondent, as he has admitted that those persons were his relatives, and he would produce

them before the Lokayukta, which he never did, despite all the opportunities given, nor did he adduce any evidence to the contrary. Indeed, he never took any active participation in the proceedings and he only adopted the avoiding tactics in spite of all the opportunities given to him and his advocates. In absence of any evidence to the contrary, this allegation stands established.

10. The other allegation that the respondent had deployed some Delhi Jal Board (DJB) employees as his drivers and they also worked in his school and also at his farm house situated in Jaunti Village, however, is not established beyond all reasonable doubts, in as much as, in his statement Sh. Karamveer, employed as *Beldar* in Delhi Jal Board, has only admitted that he knows Sh. Jai Kishan, MLA since long, and he had been driving his vehicle as and when he was asked to do so in absence of his drivers. There is nothing in his statement to suggest that he used to drive the vehicle of Sh. Jai Kishan during his office hours in Delhi Jal Board. In my considered view, if a person occasionally drives the car of anyone known to him, in case of need, and beyond his duty hours, no wrong can be said to be committed. Accordingly, the respondent Sh. Jai Kishan is given the benefits of doubt for this allegation.

11. In view of the above, and taking into consideration the fact that the respondent is no more a Member of Legislative Assembly, but he was a public functionary at the relevant time, in exercise of the powers conferred under Section 12 of the Delhi Lokayukta and Uplokayukta Act, 1995, the following

actions are recommended to be taken by the Competent Authority, i.e., the Hon'ble Lt. Governor, NCT of Delhi, against Sh. Jai Kishan, Ex M.L.A., from Sultanpur Majra Assembly Constituency.

**RECOMMENDATIONS:-**

i) Warning / caution may be issued to Sh. Jai Kishan, Ex M.L.A., not to indulge in such unfair practices in future, and to be more careful in the event he is re-elected at any point of time in his political career, and to strictly adhere to the norms of integrity and conduct which ought to be followed by the public functionaries of the class to which he belongs.

ii) Censure may be communicated to Sh. Jai Kishan, Ex. M.L.A., for getting false Voter Identity Cards prepared in favour of persons who were not residing in his residence, falsely showing them to be residing at his residence.

iii) Directions may be issued to the Commissioner, Delhi Police to register an FIR against the respondent, Shri Jai Kishan, Ex-M.L.A., under appropriate provisions of Indian Penal Code and / or any other appropriate provisions of law as may be found applicable, for getting false Voter Identity Cards prepared.

12. The Registry shall take steps to send the recommendations to the Hon'ble Lieutenant Governor, NCT of Delhi, accompanied with all the relevant papers.



13. Both these matters stand disposed of. Let the copies of this order be sent to both the parties and all concerned. The records be consigned to the record room.

New Delhi,  
The 26<sup>th</sup> of April, 2022.

  
(JUSTICE HARISH CHANDRA MISHRA)  
LOKAYUKTA, NCT of DELHI.