

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

**C.M No. \_\_\_\_\_ of 2024**

**IN**

**WRIT PETITION (CIVIL) 7824 OF 2017**

**IN THE MATTER OF:**

Prashant Manchanda

...PETITIONER

**VERSUS**

Union of India and ors.

..RESPONDENTS

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Filed by:

PETITIONER IN PERSON

Through:

*Prashant*

PRASHANT MANCHANDA (ADVOCATE)  
123, RG COMPLEX-II,  
PRASHANT VIHAR, NEW DELHI-110085  
Prashant.manchanda05@gmail.com  
9971879203

Delhi

Date: 19/09/2024

IN THE HIGH COURT OF DELHI AT NEW DELHI

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**NOTICE OF MOTION**

Take Notice that the accompanying Civil Miscellaneous application is likely to be listed before the Hon'ble Court on 20.09.24 or any date thereafter as may be convenient to the Court. Please take notice accordingly.

Through

PETITIONER IN PERSON

*Prashant*

PRASHANT MANCHANDA (ADVOCATE)

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COURT FEES

| <b>GOVERNMENT OF NCT OF DELHI</b>  |                               |  |
|--|-------------------------------|---|
| <b>e-Court Fee</b>   |                               |   |
| <b>DATE &amp; TIME :</b>   | 19-SEP-2024 10:25:19          |   |
| <b>NAMES OF THE ACC/ REGISTERED USER :</b>   | SHCIL                         |   |
| <b>LOCATION :</b>  | DELHI HIGH COURT              |   |
| <b>e-COURT RECEIPT NO :</b>  | DLCT1913I2425K747             |   |
| <b>e-COURT FEE AMOUNT :</b>  | ₹ 30<br>( Rupees Thirty Only) |   |
| <br>DLCT1913I2425K747  |                               |   |
| <small>Statutory Alert : The authenticity of this e-Court fee receipt should be verified at <a href="http://www.shcilestamp.com">www.shcilestamp.com</a> . Any discrepancy in the details on this receipt and as available on the website renders it invalid. In case of any discrepancy please inform the Competent Authority. This receipt is valid only after verification &amp; locking by the Court Official.</small> |                               |   |

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**URGENT APPLICATION**

To

The Deputy Registrar,  
High Court of Delhi  
New Delhi

Sir,

Kindly treat the present application as an urgent one in accordance with the Delhi High Court Rules and order for the following reasons:

The grounds for urgency are that the Delhi University Students' Union Elections are scheduled to be held on 27.09.2024 and the erring aspiring candidates have defaced and continue to deface the public properties in an escalating manner. In case the same is not restricted at the earliest, the same will lead to an irreparable harm to the entire NCT of Delhi.

List the matter as urgent and oblige.

Through



PETITIONER IN PERSON

PRASHANT MANCHANDA(ADVOCATE)

123, RG COMPLEX-II,

PRASHANT VIHAR, NEW DELHI-110085

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**MEMO OF PARTIES**

1. PRASHANT MANCHANDA  
S/O LATE DAVINDER MANCHANDA  
R/O C-23F, VIJETA VIHAR, SEC 13,  
ROHINI, DELHI-110085  
**...PETITIONER**

**VERSUS**

1. UNION OF INDIA, THROUGH  
MINISTRY OF HOME AFFAIRS, THROUGH ITS  
JOINT SECRETARY,  
NORTH BLOCK CENTRAL SECRETARIAT,  
NEW DELHI-110001  
**...RESPONDENT NO. 1**

2. VICE CHANCELLOR,  
PATRON OF DUSU,  
UNIVERSITY OF DELHI, DELHI -110007  
**...RESPONDENT NO. 2**

3. MUNICIPAL CORPORATION OF DELHI  
DR. S.P.M. CIVIC CENTRE, MINTO ROAD,  
NEW DELHI – 100002  
**...RESPONDENT NO. 3**

4. DELHI METRO RAIL CORPORATION,  
THROUGH ITS DIRECTOR

METRO BHAWAN, FIRE BRIGADE LANE,  
BARAKHAMBA ROAD,  
NEW DELHI – 110001

...RESPONDENT NO. 4

5. Prof. Satyapal Singh,  
CHIEF ELECTION OFFICER  
ROOM NO. 5, CONFERENCE CENTRE  
OPP. BOTANY DEPARTMENT (GATE NO. 4),  
UNIVERSITY OF DELHI, DELHI-110007

....RESPONDENT NO. 5

6. PRESIDENT,  
NATIONAL STUDENTS' UNION OF INDIA  
5A, RAISINA ROAD, WINDSOR PLACE,  
NEW DELHI, DELHI 110001

....RESPONDENT NO. 6

7. PRESIDENT,  
AKHIL BHARTIYA VIDYARTHI PARISHAD  
VIVEKANANDA BHAWAN, B - 50,  
CHRISTIAN COLONY, NEAR PATEL CHEST,  
UNIVERSITY CAMPUS, DELHI-110 007

....RESPONDENT NO. 7

*Prashant*

PETITIONER IN PERSON

PRASHANT MANCHANDA(ADVOCATE)  
123, RG COMPLEX-II,  
PRASHANT VIHAR, NEW DELHI-110085  
Prashant.manchanda05@gmail.com  
9971879203

Delhi

Date: 19/09/24

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IN THE MATTER OF:

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...PETITIONER

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**APPLICATION UNDER SECTION 151 OF CIVIL PROCEDURE CODE' 1908 SEEKING DIRECTIONS AGAINST THE RESPONDENTS TO ENSURE THE COMPLIANCE OF GUIDELINES FOR PREVENTION OF DEFAACEMENT OF PROPERTY DURING DUSU ELECTIONS 2024-2025 SEEKING DIRECTIONS TO TAKE STRICT ACTION AGAINST THE CONCERNED VIOLATORS WHO ARE INVOLVED IN DAMAGING, DEFACING, SOILING OR DESTROYING THE BEAUTY OF PUBLIC WALLS & DAMAGING AND DISRUPTION OF CLASSROOMS AS WELL AS DIRECTION TO REFURBISH THE DESTROYED AREAS**

To

The Hon'ble Chief Justice and His Companion Justices of  
The Hon'ble High Court of Delhi at New Delhi

THE HUMBLE APPLICATION OF  
THE APPLICANT/PETITIONER  
OF THE ABOVE NAMED.

**MOST RESPECTFULLY SHOWETH:**

1. That the petitioner/applicant who is an advocate by profession has been constrained to approach this Hon'ble Court, due to the sorry state of affairs at the

upcoming elections of Delhi University Students' Union (hereinafter called as "*DUSU*") for the year 2024-2025 to be held on 27.09.2024, wherein defacement of public properties across all quarters of Delhi can be found, in blatant violation of not only the applicable civil and penal provisions, guidelines issued for preventing defacement of public and private property, undertakings issued by the aspiring candidates, but also in direct contravention of the orders of this Hon'ble Court. Further, owing to the manifest ineptness of the concerned authorities to curtail the aforesaid menace, despite the clear orders passed by this Hon'ble Court in Writ Petition (C) 7824 of 2017, specifically vide order dated 29.05.2018, shockingly it has been found that even after the five years of this Hon'ble Court ensuring to regulate that no defacement occurs during the DUSU Elections, the aforesaid nefarious practices are still been carried out inordinately with complete impunity and the concerned authorities have been only a mute spectator to the same.

2. That the Petitioner in person had carried out an extensive inspection in North Delhi, wherein the entire part of that Delhi is disturbed due to the campaigns. The aspiring candidates, under their political outfits, being NSUI and ABVP, have left no place unscathed, be it the buses, bus stops, public properties, private properties, metro walls, even police stations, etc., defaced by posters, banners, spray paints/inks, massive hoardings, etc. The Petitioner

has annexed various photographs depicting the same. It is also pertinent to mention that the such disturbing events are only limited to North Delhi and it can only be fathomed as to how the entire city of Delhi is covered with the distasteful display of fearlessness and brazenness. It is also pertinent to mention that such spray painting and posters are made on the walls of Police stations and even Metro station Walls, right beside where the cautionary notices are annexed stating that any defacement shall entail fine upto 10 years. The photos of the inspection duly conducted by the Petitioner are annexed herewith and marked as **Annexure -1**.

3) That from the perusal of such pictures annexed as Annexure-1 clearly manifest different defacement carried out by nominated candidates in flagrant violation of the order of this Hon'ble court. In view thereof the name of all the candidates indulged in defacing public properties are enumerated as thus:

- (i) RONAK KHATRII (NSUI)
- (ii) AMAN KAPASIA (ABVP)
- (iii) AARYAN MAAN (ABVP)
- (iv) RAHUL JHANSLA (NSUI)
- (v) RISHI RAJ SINGH (ABVP)
- (vi) RISHABH CHAUDHARY BHATI (NSUI)
- (vii) KANISHKA CHAUDHARY (ABVP)
- (viii) YASHH NANDAL (NSUI)
- (ix) HIMANSHU NAAGAR (ABVP)

- (x) YASHH PANWAR (NSUI)  
(xi) DEEPENDRA  
(xii) BHAANU PRATAP SINGH  
(xiii) DEEPIKAA JHA  
(xiv) PRIYANSHU CHAUDHARY (ABVP)  
(xv) ROHIT SINGH DEDHA (ABVP)  
(xvi) KABIIR (NSUI)  
(xvii) RAXIT CHAUDHARY

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3. It has also been observed that the areas in and around the college campuses, apart from placement of illegal hoardings, pasting of posters on selected walls and even usage of spray paints, are terribly littered with use of paper pamphlets which are unabashedly strewn on the ground creating an unclean, unhygienic environment along with wastage of paper which too must be stopped.
4. During the course of the inspection such sites were also seen which have been effectively refurbished through painting of social messages which must be extensively replicated in numerous other defaced properties across Delhi as well.
5. That in addition to the placement of hoardings it has been found that as an alternate mode of mechanism the candidates are using private vehicles to display the names of the candidates stationed permanently outside college campuses leading to congestion of traffic causing unwarranted trouble to the daily commuters and common public.

6. It has also been observed that the current situation is in blatant violation of the orders of this Hon'ble Court wherein flyovers, subways, bus stops, police stations, metro walls, etc. are defaced through spray paints and use of posters and further extensive defacement is also visible through illegal hoardings, banners, littering through pamphlets and pasting of posters in and around some areas of campuses. At this juncture it is most respectfully submitted that, given the permanent scars and irreversible damage still palpably visible all over Delhi during the course of earlier defacement entailing humungous loss to the tax payer's money.
7. That it is submitted that the aforestated Writ petition (C) 7824/2017 was filed by the petitioner, in the form of PIL, regarding the extensive defacement of public property including that of Delhi University, College Campuses, Delhi Metro Rail Corporation, Municipal properties, flyovers, boundary walls of public buildings, public parks, public streets, etc. The writ petition highlights also the extensive defacement of University Campuses and colleges that goes to the extent of offending publicity material being pasted even in the classrooms by student leaders and student political outfits.
8. That during the course of hearings it also came to the notice of this Hon'ble Court that the defacement through spray paints/inks caused irreparable damage to public property including metro property, flyovers,

college walls etc. which have become almost impossible to resurrect unless the entire portion of the defaced property is broken and rebuilt entailing colossal public expenditure.

9. That given the magnitude of the unabated menace of defacement across the entirety of Delhi, in pursuance of the directions of this Hon'ble Court, an elaborate exercise was undertaken by all the authorities together with student representatives as well as the petitioner in person for drawing up Guidelines for prevention of the defacement of property during elections of the Delhi University Students' Union and College Students Unions and further future responsibility was also bestowed upon the concerned university, college, SDMC and NDMC then (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 elections to arise in future and there is no defacement of public property in any election to occur. The very much essence of the orders by the Hon'ble Court were made to the effect that the concern of destroying public property under the garb of student elections cannot be taken lightly and strict action shall be taken against the violators of the same in letter and spirit.
10. That this Hon'ble Court in WP(C) 7824/2017, vide interim order dated 29.05.2018 had recorded that an elaborate exercise has been undertaken for drawing up Guidelines for prevention of the defacement of property

during elections to the Delhi University Students' Union and College Students Unions titled as "*Guidelines For Prevention Of Defacement Of Property During Elections To The Delhi University Students Union And College Students Union Of The University Of Delhi*", in order to sensitize and generate awareness amongst the students/aspiring candidates of Delhi University that the defacement of public property is a penal offence and further to ensure that no defacement of property takes place during elections by student bodies in the University of Delhi. It is pertinent to mention that in the said guidelines, it was envisaged that the permanent Committees, for each college and also of the university of Delhi will be constituted, which shall be responsible for sensitizing 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 being criminal offence, to all the aspiring candidates 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 and bring the same to the notice of the Returning Officer / Election Officer for the elections. It was further stated that in order to put banners/pamphlets by the aspiring candidates, every college in the University of Delhi will have two — Walls of Democracy within its premises to be used by candidates and their supporters for putting up handmade

banners / slogans during the elections. One wall be dedicated for candidates for elections to DUSU and the other for the students' union of the particular College.

In order to ensure that the said guidelines are duly and strictly followed, it was mandated that every nomination form for elections shall contain a clause describing the offence of defacement and a stipulation to the effect that candidates found indulging in defacement of property would be visited with the consequence of disqualification from the elections process apart from penal consequences under the applicable statutes.

A true copy of the order dated 29.05.2018 in WP(C) 7824/2017 is annexed herewith and marked as **Annexure-2.**

11. That in light of the aforesaid directions, the Hon'ble Court had further accorded responsibility to South Delhi Municipal Corporation (SDMC), New Delhi Municipal Corporation (NDMC), (currently merged into "MCD") Delhi Police, university as well as each college for ensuring that such defacement doesn't occur and if so occurs, then due actions under law are taken. Moreso, vide order dated 16.07.2019 in the aforesaid Writ Petition (Civil) 7824/2017, only on the submissions made by four students(candidates) that they have already cleaned all the walls which were defaced and they have participated in all the meetings which were held to frame the

guidelines, and further that they would also educate their fellow students and convince them that while campaigning, they will not deface public properties, the Hon'ble Court had recorded as follows:

*“The public authorities are directed to keep a strict vigil on the areas around the Colleges and any banner which comes up on the public land illegally should be removed and action must be taken in accordance with law.”*

Accordingly, the Writ Petition was disposed of.

True copies of the Order dated 16.07.2019 as well as 26.08.2019 are annexed herewith and marked as **Annexure-3 (collectively)**.

12. That presently, vide the notification dated 29.08.2024, the Vice Chancellor of University of Delhi-cum-Patron of Delhi University Students' Union (**Respondent no.1**) appointed Prof. Satyapal Singh, Deptt of Sanskrit as Chief Election Officer (**respondent no. 6**), Prof. Raj Kishore, Deptt. Of Chemistry as Chief Returning officer and Dr. Rajesh Singh, University Librarian for the upcoming DUSU Elections 2024-2025.

A true copy of the Notification dated 29.08.2024 is annexed herewith and marked as **Annexure-4**.

13. That vide notification dated 04.09.2024, a revised schedule of dates of DUSU Elections 2024-2025 is issued, wherein the last date of receipt of nomination papers is 19.09.2024, the date of elections is scheduled to

be on 27.09.2024 and counting of votes is to be scheduled on 28.09.2024. It is pertinent to mention that the said notification clearly stated as inter alia:

*“The code of conduct, constitution of DUSU, decision of Hon’ble Supreme Court regarding Students’ Union Election “University of Kerala vs Council, principals, colleges, Kerala and others” (Lyngdoh Committee recommendation), Hon’ble Delhi High Court order dated 29.05.2018 in WP(C) 7824/2017 titled Prashant Manchanda v. Union of India and ors. (Defacement case), the Delhi Prevention of Defacement Property Act, 2007 and NGT order may be seen on DU website.”*

A true copy of the notification dated 04.09.2024 is annexed herewith and marked as **Annexure-5**.

14. That further, vide notification dated 09.09.2024, the Chief Election Officer, DUSU Elections 2024-2025, has also issued notification as follows:

*“The Code of Conduct/Lyngdoh Committee guidelines, NGT order, the Delhi Prevention of Defacement of Property Act, 2007 “(Delhi Act 1 of 2009) (As passed by the Legislative Assembly of the National Capital Territory of Delhi on 31st March 2008) (17th January, 2009) and An Act to provide for the prevention of defacement of properties and for matters connected therewith or incidental thereto in the National Capital Territory of Delhi are strictly to be followed in DUSU elections.*

*Any violations on above are liable to disqualifications and criminal punishments under above Guidelines and Acts.*

*All candidates are directed to only use the wall of democracies available in the campus of University of Delhi/Colleges for pasting handmade posters only.”*

A true copy of the notification dated 09.09.2024 is annexed herewith and marked as **Annexure-6**.

15. That despite the aforesaid notifications, the Petitioner has been shocked and saddened to witness that the aforesaid directions are being followed only on paper, whereas the same lack enforcement and implementation at the ground level. From the bare perusal of the photographs as annexed in Annexure-1, it is evident that no place in Delhi has remained unscathed in the DUSU Elections 2024-2025 wherein the posters/banners/spray paintings/ etc. are again being carved/pasted at every nook and corner of North Campus, Metro Station walls, police stations, bus stands, buses, even private properties, etc., with sheer brazenness and fearlessness. The said defacement on the public as well as private properties is in not only in blatant violation of guidelines and applicable provisions, but also amount to the Contempt of the aforesaid orders of this Hon'ble Court. In utter disregard to all the aforesaid restrictions imposed, the erring candidates have fearlessly continued to paste their posters/banners/spray paints/hoardings, etc. beyond the wall of democracy. It further stated that such fearless actions are only possible by the virtue of non action on the part of the authorities directed to keep a strict vigil. It is thereby stated that the current state of affairs has resulted in nullified effect of the entire efforts undertaken by the Hon'ble Court and

all the remaining stakeholders, further levelling the situation to the first stage wherein the concerns are again raised before this Hon'ble Court.

16. That the unabashed acts of lawlessness unfurled by the prospective candidates and the student political organizations frescoes a sad commentary on our education system which leads to a conspicuous sight of diminishing value of ethics and principles. Precisely, illegalities committed at the ground level of both politics and education system casts a great deal of discouragement and despair to the existing as well as prospective students as to the incoherent environment provided to them almost to the point of it becoming a jungle of posters and banners in an otherwise sacrosanct institute which lays at the heart of careers and future endeavours of every aspiring professional.
17. That this unholy ritual of destruction of public and private properties especially around the vicinity of University of Delhi happens consistently during this time of the year and the public at large is forced to bear these illicit activities as if they are some established norm. It is thus imperative that some recourses may also be undertaken by the Hon'ble Court in order to curb the repeated violations in practice, and not just in letter.
18. That the unwarranted and unassailable damage to the public property engenders irreparable cost to the exchequer as well as unnecessary added burden on the tax payer. More precisely, no city or town can be

allowed to become a jungle of posters/banners/hoardings/advertisements, without regard to any aesthetic sense or safety of the drivers of vehicles or of convenience of the pedestrians.

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19. That it is the fundamental duty of the petitioner as a responsible citizen to: Protect and improve the natural environment and culture including to safeguard public property in the context of article 51A (g) & (i) of the Constitution. That the educated students who shall lay strong footing towards the future of our country should have the cherished norms of the constitution of our country deeply embedded in them. Sadly, the student political organizations and their representatives are brazenly flouting the fundamental duties entrusted on them by the Constitution of India. Essentially, the Hon'ble Court must enforce the spirit of those duties as the incessant violations shall have far reaching implications to the growth and development of our nation.

#### **PRAYER**

In light of the aforesaid facts and circumstances of the case, it is herein prayed that this Hon'ble court be pleased to kindly grant the following reliefs as are under: -

- a. Directing 1 to 5 to take appropriate action against the prospective candidates of DUSU elections & student political outfits who are involved in damaging, defacing, soiling or destroying the beauty of public walls & damaging and disruption of classrooms thus

depriving the citizens of clean and beautiful environment and surroundings free from defacement as well as depriving the students of their right to education.

b. Directing respondent no. 6 and 7 as well as the erring candidates, affiliated to the Respondent no. 6 and 7 parties to remove the defacement and refurbish the areas, and further take efforts for beautification of the destroyed areas.

AND/OR

c. Pass any such order that this Hon'ble Court deems just in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IS DUTY BOUND SHALL EVER PRAY.

Through

PETITIONER IN PERSON

Through:



PRASHANT MANCHANDA (ADVOCATE)  
 123, RG COMPLEX-II,  
 PRASHANT VIHAR, NEW DELHI-110085  
Prashant.manchanda05@gmail.com  
 9971879203

Delhi  
 Date: 19/09/2024

IN THE HIGH COURT OF DELHI AT NEW DELHI

C.M No. \_\_\_\_\_ of 2024

IN

WRIT PETITION (CIVIL) 7824 OF 2017

IN THE MATTER OF:

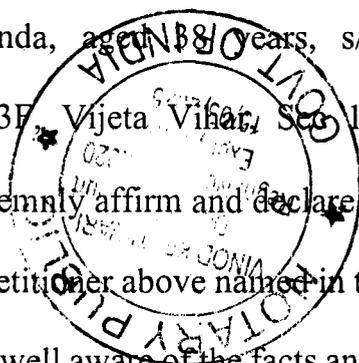
Prashant Manchanda ...PETITIONER

VERSUS

Union of India and ors. ..RESPONDENTS

AFFIDAVIT

I, Prashant Manchanda, aged 38 years, s/o Late Davinder Manchanda, r/o C-23F, Vijeta Vihar, Sec-13, Rohini, Delhi-110085 do hereby solemnly affirm and declare as under:



1. That I am the petitioner above named in the present petition and as such am well aware of the facts and circumstances of the present case, thus, competent to swear this affidavit.
2. I have filed the present accompanying application in the Writ petition (Civil) (PIL) 7824 of 2017 in public interest.
3. I have gone through the Delhi High Court (Public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
4. I/petitioner have no personal interest in the litigation and neither myself nor anybody in whom I am/petitioner is entrusted would in any manner benefit from the relief sought in the present litigation save as a member of general



public. This petition is not guided by self gain or gain of any person, institution, body and there is no motive other than of Public Interest in filing the current application in the petition.

5. I have done whatsoever enquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material/information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

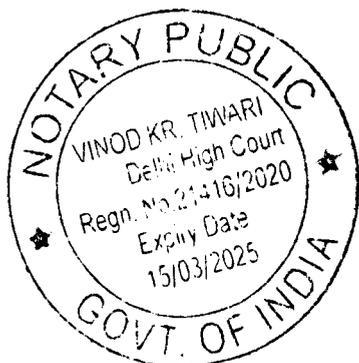
*up*  
I identified the Deponent who has signed/thumb impression before me

*Prakashant*  
DEPONENT

VERIFICATION:

19 SEP 2024

Verified at New Delhi on this \_\_\_ day of \_\_\_\_\_ 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.



*Prakashant*  
I CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI  
DEPONENT

*22*  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE  
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020  
NOTARY PUBLIC (NEW DELHI)

19 SEP 2024

ANNEXURE-A/1

17.09.2024 22

Vishwavidyalaya  
Metro Station



Defacement of DMRC property using  
sprays.



True COPY  
~



True copy  
2



Defacement of boundary walls of Residential houses; adjacent to Vishwavidyalya metro station

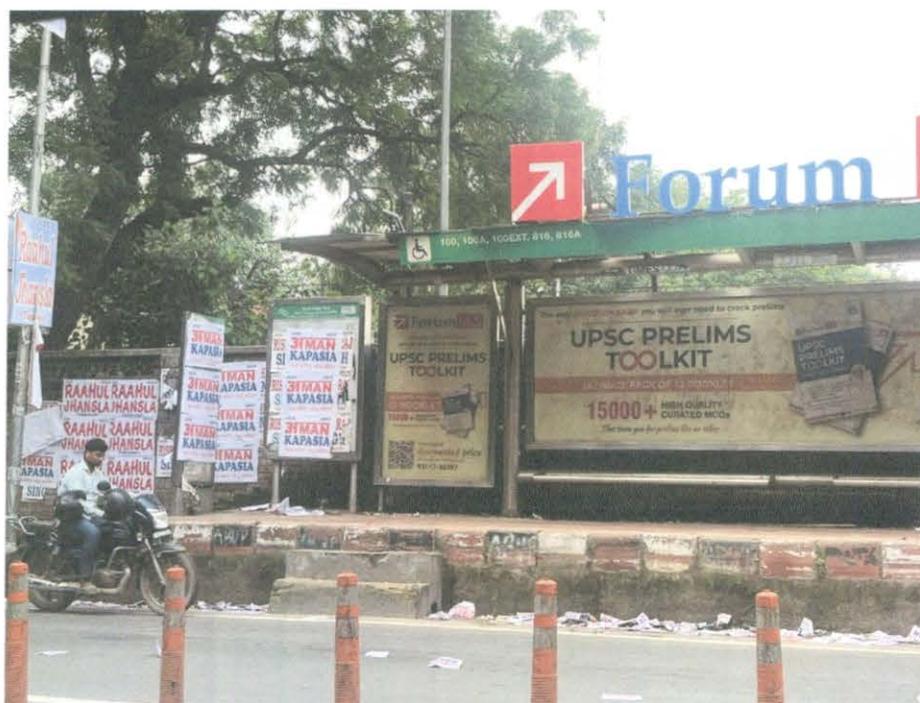


True COPY

# Defacement of Bus Stops at Delhi University



Bus Stop: Hindu College



Bus Stop : St. Stephens

True Copy  
~

Defacement of boundary wall, Police Station, Model Town



True Copy

Illegal and unsafe hoardings



True copy 2



Campus roads  
littered with  
pamphlets



True Copy  
2



True copy  
2



True copy  
2



ANNEXURE-A/2

32

§-6 & 7

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

+ W.P.(C) 7824/2017, CM APPLs. 34607/2017, 34619/2017,  
34687/2017, 37129/2017, 43248-43249/2017, 45149/2017,  
45178-45179/2017, 45294/2017 & 47209/2017

PRASHANT MANCHANDA ..... Petitioner

Through Prashant Manchanda, Adv.  
Petitioner in person

versus

UNION OF INDIA & ORS .... Respondents

Through Mr. Sanjeev Sabharwal,  
Standing Counsel, North  
DMC, Mr. Hem Kumar,  
Adv. for R-North Zone  
Ms. Bharti Raju (CGSC)  
for R-1  
Mr. Aman Panwar,  
Mr. Sangam Kumar, Advs.  
Mr. Anil Grover, Standing  
Counsel with Mr. Jitender  
Kumar Tripathi, ASC and  
Ms. Noopur Singhal, Adv.  
for New Delhi Municipal  
Council  
Mr. Mohinder JS Rupal and  
Mr. Prang Newmai, Advs.  
for University of Delhi  
Mr. Pushkar Sood, Adv. for  
DMRC

+ W.P.(C) 8251/2017 & CM APPLs. 33975/2017 &  
34686/2017

SAHIL SHARMA ..... Petitioner

Through

*True Copy*



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versus

GOVT. OF NCT - DELHI AND ORS. .... Respondents  
Through Mr. Mohinder JS Rupal and  
Mr. Prang Newmai, Advs.  
for University of Delhi  
Mr. Pushkar Sood, Adv. for  
DMRC  
Mr. Rajeshwar Dagar, Sr.  
Standing Counsel for SDMC  
Mr. Sanjay Ghose and  
Mr. Rhishabh Jetley, Advs.  
for GNCTD  
Mr. Kanwar Kochar, Adv.  
for R-10

**CORAM:**  
**HON'BLE THE ACTING CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**  
**29.05.2018**

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1. W.P.(C) No.7824/2017 was filed by Mr. Prashant Manchanda, petitioner in person, a practising advocate about the extensive defacement of public property including property of the Delhi University; College Campuses; Delhi Metro Rail Corporation; Municipal properties; flyovers; boundary walls of public buildings, public streets, etc. The writ petition highlights also the extensive defacement of University Campuses and colleges which goes to the extent of the offending publicity material being posted and pasted even in classrooms by student leaders and student political outfits.

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2. The writ petition has been pending before us since September, 2017. Notices were issued to various candidates who participated in the 2017 elections to the Delhi University Students' Union (DUSU).
3. So far as the statutory provisions which penalise defacement and destruction of property are concerned, our attention was drawn to Metro Rail (Operation and Maintenance) Act, 2002, a Central enactment, which empowers police officers to register cases and take action against the offenders who intend or are likely to cause damage or destruction of any of the metro properties.
4. More specifically, our attention was drawn to Sections 78 and 82 of this Enactment which read as follows:-

***“78. Damage to or destruction of certain metro railway properties.- (1) Whoever, with intent to cause or knowing that he is likely to cause damage to or destruction of any of the properties of the metro railway referred to in sub-section (2), causes by fire, explosive substance or otherwise causes damage to such property, he shall be punishable with imprisonment for a term which may extend to ten years.***

***(2) The properties of the metro railway referred to in sub-section (1) are the metro railway track, tunnels, sub-way, box-structures, station buildings and installations, carriage and wagons, rolling stock, signaling, telecommunication, air-conditioning and ventilation equipments, electrical sub-station, drainage pump, escalators, lifts, lighting installations, ticket vending machine, ticket barriers, electric traction and block equipments, and such other***

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properties as the Central Government may, by notification, specify.

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**82. Power of arrest without warrant.-** (1) If a person commits any offence mentioned in sections 59, 61, 65 to 79, he may be arrested without warrant or other written authority by any metro railway official or by a police officer not below the rank of a head constable or by any other person whom such metro railway official or police officer may call to his aid:

*Provided that* where a person has been arrested, by any person other than the police officer, he shall be made over to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

(2) A person so arrested under sub-section (1) shall be produced before the nearest Magistrate, having authority to try him or commit him for trial, as early as possible but within a period not exceeding twenty-four hours of such arrest exclusive of the time necessary for the journey from the place of arrest to the court of the Magistrate."

This law makes the offences cognizable. The punishment prescribed is extremely stringent going upto ten years of imprisonment.

5. Another Central enactment being the ***Prevention of Damage to Public Property Act, 1984*** also becomes applicable to instances of damage to public property. Sections 2 and 3 which are relevant in this regard read thus:

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**"2. Definitions.-** *In this Act, unless the context otherwise requires,-*

**a. "mischief" shall have the same meaning as in section 425 of the Indian Penal Code (45 of 1.860);**

**b. "public property" means any property, whether immovable or movable (including put any machinery) which is owned by, or in the possession of, or under the control of –**

**i. the Central Government; or**

**ii. any State Government; or**

**iii. any local authority; or**

**iv. any corporation established by, or under, a Central, Provincial or State Act or**

**v. any company as defined in section 617 of the Companies Act, 1956 (1 of 1956); or**

**vi. any institution, concern or undertaking which the Central Government may, by notification in the Official Gazette, specify in this behalf: Provided that the Central Government shall not specify, any institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments.**

**3. Mischief causing damage to public property. –**

**1. Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to five years and with fine.**

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2. *Whoever commits mischief by doing any act in respect of any public property being –*

*a. any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy ;*

*b. any oil installation;*

*c. any sewage work;*

*d. any mine or factory;*

*e. any means of public transportation or of tele-communications, or any building, installation or other property used in connection therewith. shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine:*

*Provided that the court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months.”*

*(Emphasis by us)*

6. So far as Delhi is concerned, the Government of NCT of Delhi has specifically legislated on the subject by way of “**The Delhi Prevention of Defacement of Property Act, 2007**” making defacement of property an offence. Section 3 of the statute reads as follows:

**“3. Penalty for defacement of property (1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with**

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**fine which may extend to fifty thousand rupees, or with both.**

(2) When any **offence** is committed under sub-section (1) is **for the benefit of some other person** or a company or other body corporate or an association of persons ( whether incorporated or not) then, **such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or persons connected with the management thereof**, as the case maybe, shall, unless he proves the offence was committed without his knowledge or consent, **be deemed to be guilty of such offence.**

(3) The aforesaid penalties will be **without prejudice to the provisions of Section 425 and Section 434 of the Indian Penal Code, 1860 (45 of 1860) and the provisions of relevant Municipal Acts.**”

(Emphasis supplied)

7. During the pendency of the writ petition, we issued notices to several student leaders who had participated in the DUSU Elections 2017 against whom there were allegations of having defaced public property inasmuch as publicity material containing their candidature and names was available on properties all over Delhi. They have appeared before us from time to time and tendered their regrets.

8. Given the importance of the matter and the complete lack of information with regard to the seriousness with which defacement of public property has to be treated under the applicable statutory regime, at the same time, the official respondents including the DMRC, the Delhi University, all the civic agencies including NDMC,

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SDMC, EDMC, Government of NCT of Delhi, Union of India, Delhi Police, New Delhi Municipal Council, etc. were issued notices. It was deemed necessary to frame Guidelines so far as unwary students who are participating in college and university elections are concerned.

9. An elaborate exercise has been undertaken by all the authorities together with student representatives as well as Mr. Prashant Manchanda, the petitioner herein, for drawing up Guidelines for prevention of the defacement of property during elections to the Delhi University Students' Union and College Students Unions. Guidelines were suggested and extensively deliberated upon.

10. By our order dated 20<sup>th</sup> February, 2018, we had drawn upon the knowledge and expertise of Mr. Reetesh Singh, Joint Registrar (Rules) to facilitate drawing-up of the Guidelines, and formatting them.

The Guidelines have since been finalized at a consensus and placed the same before us.

11.. We find that as Guideline V, the following has been suggested:

**"V. ROLE OF RETURNING OFFICER/  
ELECTION OFFICER AND CHIEF ELECTION  
OFFICER**

*(1) The Returning Officer/ Election Officer shall, on the basis of material supplied by the College/University Committee under Guidelines (C) (iv) make appropriate recommendations to the Chief Election Officer, who after examining the same, shall be empowered to:-*

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- *Cancel the nomination of those candidates who in the process of electioneering have publicized their photographs and/ or names through posters/ banners/ cut outs/ writing/ spray painting before the announcement of the election schedule and/ or distribution of ballot numbers for various posts.*
- *Cancel the entire election or disqualify any particular candidate.”*

12. Mr. Aman Panwar, learned Counsel appearing on behalf of some of the other candidates has submitted that there is every possibility of this Guideline being misused by rivals and opponents of the candidates. It is further submitted that misuse is very easy to undertake and almost impossible to detect as such, if this Guideline was operationalised, the candidature of students who have not compromised the provisions of law in any manner may be cancelled for no fault of theirs. We find substance in this apprehension and are inclined to agree with the submissions made by Mr. Aman Panwar. It is, therefore, directed the Guideline suggested at serial no. V shall not to be incorporated in the Guidelines.

13. We have given our considered thought to the other Guidelines suggested and hereby approve the same.

14. For expediency, we extract the approved Guidelines hereunder:

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**“GUIDELINES FOR PREVENTION OF  
DEFACEMENT OF PROPERTY DURING  
ELECTIONS TO THE DELHI UNIVERSITY  
STUDENTS UNION AND COLLEGE STUDENTS  
UNION OF THE UNIVERSITY OF DELHI”**

**(I) OBJECTS AND REASONS**

(1) *The University of Delhi consists of about ninety affiliated, constituent and recognized colleges. Each college has its Students Union and at the University level exists the Delhi University Students Union (DUSU). Elections to these student union bodies take place together annually.*

(2) *Experience has shown that each such election process leads to large scale defacement of property, whether by pasting of pamphlets / banners or by painting of properties with slogans etc.*

(3) *Defacement of property is a criminal offence. The Delhi Prevention of Defacement of Property Act, 2007 not only defines the act of defacement but also prescribes the punishment for the same. Section 2 of the Act lists the definitions which are as under:-*

**“2. Definitions**

*In this Act, unless the context otherwise requires, -*

(a) *"defacement" includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word "deface" shall be construed accordingly;*

(b) *"Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of the Constitution;*

(c) *"property" includes any building, hut, structure, wall, tree, fence, post, pole or any other erection;*

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(d) "writing" includes printing, painting, decoration, lettering, ornamentation etc., produced by stencil."

(4) It is significant to note that the definitions contained in Section 2 of the Act pertaining to 'defacement', 'property' and 'writing' are inclusive and not exhaustive. Section 2 (c) does not provide for any delineation between public and private property qua the offence of defacement as reference is made to 'any building, hut, structure, wall, tree, fence, post, pole or any other erection'.

(5) Thus, instances of pasting of pamphlets, banners etc. on property as well as painting of slogans would constitute acts of defacement and consequentially attract the penalty for the said offence.

(6) The punishment for the offence of defacement of property is contained in Section 3 of the said Act which is as under:-

**"3. Penalty for defacement of property.**

(1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.

(2) When any offence is committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not) then, such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or persons connected with the management thereof, as the case maybe, shall, unless he proves the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.



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(3) *The aforesaid penalties will be without prejudice to the provisions of Section 425 and Section 434 of the Indian Penal Code, 1860 (45 of 1860) and the provisions of relevant Municipal Acts."*

(7) *The provisions of Section 3 (2) of the Act are significant when considered vis-à-vis the objects and reasons for framing of these Guidelines. The said provision attaches strict liability upon the person for whose benefit the offence of defacement stands committed. In other words, where defacement may have been committed by pasting of banners / slogans seeking support for a particular candidate, then even though the candidate himself or herself may not have actually committed any specific act, he / she shall be deemed to be guilty of the offence so committed, unless the candidate proves that the offence was committed without his knowledge or consent.*

(8) *The offence of defacement attracts a penalty of imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.*

(9) *Apart from the Delhi Prevention of Defacement of Property Act, 2007, there are special statutes which deal with the offence of defacement in relation to properties covered under the special statute. One of them is the "Delhi Metro Railway (Operation and Maintenance) Act, 2002". In this regard Section 78 of the Act is significant which provides as under:-*

*"78. Damage to or destruction of certain metro railway properties.—(1) Whoever, with intent to cause or knowing that he is likely to cause damage to or destruction of any of the properties of the metro railway referred to in sub-section (2), causes by fire, explosive substance or otherwise causes damage to such property, he shall be punishable with imprisonment for a term*



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which may extend to ten years.

(2) The properties of the metro railway referred to in sub-section (1) are the metro railway track, tunnels, sub-way, box-structures, station buildings and installations, carriage and wagons, rolling stock, signalling, telecommunication, air-conditioning and ventilation equipments, electrical sub-station, drainage pump, escalators, lifts, lighting installations, ticket vending machine, ticket barriers, electric traction and block equipments, and such other properties as the Central Government may, by notification, specify.”

(10) The punishment for the offence under Section 78 of The Delhi Metro Railway (Operation and Maintenance) Act, 2002 is prescribed to be imprisonment for a term which may extend to ten years.

(11) There have been instances where during the course of DUSU elections permanent damage has been caused to the properties of Delhi Metro whereby spray paint has been used to paint / write slogans for the purposes of electioneering.

(12) In the heat and dust of electioneering at the college level, rarely do students have any idea that the banners and posters which they paste on walls and slogans which they paint / spray paint on properties could visit them with such penal consequences.

(13) These Guidelines thus aim to:

(a) sensitize and generate awareness amongst the students of Delhi University that defacement of property is a penal offence and to apprise them of the punishment thereof; and

(b) suggest creation of a permanent regulatory mechanism to ensure that no defacement of property takes place during elections to student bodies in the University of Delhi.

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**(II) PERMANENT COMMITTEES**

(1) Every College shall have a permanent committee known as – College Committee for Prevention of Defacement of Property (College Committee) – comprising of the following:-

(a) Senior Faculty Member nominated by the Principal of the College

(b) Nominee of the SHO of the Local Police Station

(2) There shall be a permanent committee at the University level known as – University Committee for Prevention of Defacement of Property (University Committee) – comprising of the following:-

(a) Senior Faculty Member nominated by the Vice Chancellor

(b) Police Officer not below rank of Assistant Commissioner of Police nominated by the Commissioner of Police, Delhi

(c) Nominee of Delhi Metro Rail Corporation

(d) Nominee of Commissioner of North Delhi Municipal Corporation

(e) Nominee of Commissioner of South Delhi Municipal Corporation

(3) The University of Delhi and all Colleges shall constitute these Committees on the first day of the new academic session of the year. The names and contact numbers of the members of the Committee shall be prominently displayed on the notice board of the University / College. A separate section in this regard be provided for on the website of the University / College. Any changes in the constitution of these committees be notified on the notice board of the University / College and website, as and when effected.

(4) The functions to be performed by these committees are mentioned hereinafter.

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**(III) SENSITIZATION WORKSHOPS**

(1) Before the commencement of campaigning for elections to student union bodies, every College Committee shall hold a workshop with the students of its college including the candidates and their supporters to sensitize them about the provisions of the Delhi Prevention of Defacement of Property Act, 2007 and the Delhi Metro Railway (Operation and Maintenance) Act, 2002.

(2) College Committees should encourage candidates and students to use e-communication platforms such as e-mail, application based messaging etc. for the purposes of campaigning during the course of elections and to move away from using paper.

(3) Even after the conduct of elections to student bodies, the College Committee may consider conducting workshops from time to time to spread awareness amongst its students of the provisions of the above statutes.

(4) The University Committee shall oversee and ensure compliance the provisions of clauses (1), (2) and (3) above.

**NOMINATION FORMS AND FURNISHING OF WRITTEN UNDERTAKING**

(1) The University of Delhi / College shall ensure that the nomination form for elections to any office of any students union contains a clause describing the offence of defacement and a stipulation to the effect that candidates found indulging in defacement of property would be visited with the consequence of disqualification from the elections process apart from penal consequences under the applicable statutes.

(2) Candidature of students for contesting elections to student bodies of any college be accepted only upon the student furnishing a written undertaking on affidavit to



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*the Returning Officer / Election Officer for the elections that they and their supporters shall not indulge in defacement of property during or after the course of the elections. The undertaking should mention that where any candidate has been found to be involved in defacement of property, he / she shall stand disqualified from contesting the elections.*

*(3) Similarly, at the University level undertaking on affidavit be required to be furnished to the Returning Officer / Election Officer for the elections by any student desiring to contest elections to the DUSU.*

*(4) The College Committee and the University Committee shall keep a strict vigil to identify and maintain a record of any kind of defacement of property committed during the course of the elections and bring the same to the notice of the Returning Officer / Election Officer for the elections. They shall also identify and maintain a record of those students, who even before the formal announcement of the election schedule by the University / College, start circulating pamphlets / banners / cut outs to publicize their names as prospective candidates.*

*(5) In addition to their role in Guideline (4) above, the Police representative on the College / University Committee shall act independently on such instances of defacement which come to his notice as per law.*

**(V) WALLS OF DEMOCRACY**

*Every College of the University of Delhi should arrange for and make available two "Walls of Democracy" within its premises to be used by candidates and their supporters for putting up handmade banners / slogans during the elections. One wall be dedicated for candidates for elections to DUSU and the other for the students union of the particular College.*

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**(VI) ANCILLARY MEASURES**

(1) *The SHO of any Police Station within whose jurisdiction any college of Delhi University falls shall periodically conduct surveys and identify all persons / organizations involved in the business of printing of any kind of stationary including pamphlets, boards, cut outs, banners and manufacture, stocking and sale of any kind of spray paints.*

(2) *The survey list of all such persons / organizations shall be made available by the SHO of the police station to the University Committee.*

(3) *The University Committee shall sensitize these identified persons / organizations about the perennial problem of defacement of property during elections to various student bodies. The provisions of the Delhi Prevention of Defacement of Property Act, 2007 and the Delhi Metro Railway (Operation and Maintenance) Act, 2002 shall be brought to their notice.*

(4) *The University Committee shall obtain an undertaking from such identified persons / organizations to the effect that they shall not print any material having any kind of association with elections to student union bodies of colleges of Delhi University.*

(5) *Recommendations be made by the University of Delhi to the appropriate government to include clauses in licenses issued to printers and manufacturers, stockists and retailers of spray paints to prevent them from printing any college / University election related material including pamphlets, cut outs, banners etc. or supplying spray paint to any person for use during college / university elections."*

15. All authorities shall ensure that immediate steps in compliance with these Guidelines are taken.

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16. So far as implementation of the Guidelines is concerned, we may usefully refer to the judgment of the **Bombay High Court Report 2010 (4) BomCR 519 Sunil Pandharinath Jadhav vs. The State of Maharashtra** wherein the court held as follows:

*“11. In this Petition, the grievance is about the rampant display of illegal posters / banners throughout the city and more particularly in and around the area of Kranti Chowk and in the vicinity of head office of the Corporation itself. The reports submitted on behalf of the Corporation from time to time virtually concede that illegal hoardings / posters / banners are being displayed in large numbers throughout the city. From the provisions referred to above, there can be no doubt that displaying any hoarding / banner / poster without taking prior permission of the Competent Authority under the provisions of the Act of 1949 or for that matter under the provisions of the Act of 1951 or any other Rules or Order in force, will have to be treated as unauthorized and liable to be removed forthwith. The display of such unauthorized hoardings / banners / posters not only result in defacement of public property and any place open to public view, but is an eyesore to the viewers thereby causing public nuisance. In a given case, it may also result in obstructing the free flow of traffic on the public roads. The same would not only be unlawful but unjust and unreasonable, irrespective of whether it has the effect of advertisement or otherwise. Suffice it to observe that the Authorities have a bounden duty to prevent and regulate display of illegal hoardings/banners/posters in the interests of amenity and public safety. The principles laid down by the Bombay High Court shall stand consequently applied to the defacement of properties in Delhi as well.*

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14. During the hearing, it was argued on behalf of the Corporation that experience shows that most of the banners / posters / hoardings on public roads, which are illegally displayed do not reveal the name of the person, who has displayed the same. The fact that such hoarding has been displayed without prior permission, is good enough to treat the same as unauthorized and liable for appropriate action against the concerned person. In case, the name of the person, who has extended good wishes or intends to felicitate his political mentor has disclosed his name, himself, would be primarily liable for display of such illegal hoarding/banner/poster. In addition, the person, whose picture has been prominently displayed, either to felicitate him on his success, welcoming his arrival in the city or for his success or birth-day, that person may also be liable to be proceeded by the Competent Authority.

That is so because, such posters are published and circulated by the workers at the behest of such political leaders to eulogise them. There ought to be presumption of abetment in allowing ones photograph to be advertised on the eve of birth-day or for some success or arrival in the city. The fact that the photograph was not published by him or at his behest is a matter, which plea may be available to that person as a defence. By this process, not only the person, who has actually issued the publication or advertisement, himself would be responsible, but even the person for whose benefit and whose publicity, the publication has been done would also be liable. In that case, every political leader would ensure that all their supporters and workers are unambiguously advised and instructed to forbear and refrain from indulging in display of such illegal hoarding / poster / banner, which causes immense public nuisance and also raises environmental issues. Unless this view is



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*taken, the damage caused on account of reckless display of large number of posters / banners / hoardings throughout the city will continue unabated."*

17. We have noticed earlier the disparate punishments provided under different legislations.

18. A direction is issued to the Union of India through the **Secretary, Ministry of Information and Broadcasting and Secretary, Ministry of Urban Development** to look into the matter and take a view about the disparate punishments provided under the legislations.

19. Directions are also issued to the Government of NCT of Delhi through the **Principal Secretary, Department of Ministry of Law and Justice, the Principal Secretary of Department of Urban Development and Principal Secretary, Department of Publicity** in regard to the disparate punishments and to take a considered view in the matter.

20. We also direct **DMRC and Government of NCT of Delhi** to continue with their programme of publicizing the applicable legal provisions regarding defacement of property provided with regard thereto.

21. All public, civic authorities shall take stringent measures to publicise the legal provisions and to address any defacement which takes place within Delhi.

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22. Effective steps shall be taken for **prosecution** of the culpable persons.

23. The **Delhi Police** shall promptly deal with all matters relating to defacement of property as and when complained of, expeditiously and with the seriousness which they deserve.

24. The **Delhi University** shall send copies of this order to all colleges with a direction that the Guidelines be implemented and this order be complied with. The Guidelines and this order shall be brought to the notice of all student unions and college administrations. The Delhi University shall ensure that the penal provisions pertaining to defacement are prominently displayed in all university and the college campuses.

25. The **Delhi University** shall further ensure that the permanent Committees at the University and College levels as postulated under Guideline II are constituted before the 7<sup>th</sup> July, 2018 and notified at prominent places and uploaded on the concerned websites.

26. A direction is issued to the **Secretary, Department of Education** to also draw up a program for educating school children regarding the offence of defacement of property.

27. All authorities shall ensure that the approved Guidelines are duly publicized, prominently notified and uploaded on the concerned websites to enable the public at large and students in particular to be put to notice about the same.

28. Status reports shall be filed by all authorities before the next

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date of hearing with advance copies to the petitioner.

29. We appreciate the effort of Mr. Prashant Manchanda and all the counsels for the respondents in bringing the matter to the notice of this court and also for enabling formulation of the Guidelines.

30. List on 16<sup>th</sup> July, 2018.

Order be given *dasti* under signatures of Court Master.

**ACTING CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**MAY 29, 2018**

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ANNEXURE-A/3

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 7824/2017  
PRASHANT MANCHANDA ..... Petitioner  
Through Petitioner in person  
versus  
UNION OF INDIA & ORS ..... Respondents  
Through Mr. Sanjeev Sabharwal, Senior Govt. Counsel  
with Mr. Hem Kumar, Advocate for UOI.  
Mr. Sanjoy Ghose, ASC with Mr. Rhishabh  
Jately, Advocate for GNCTD.  
Mr. Anil Grover, Standing Counsel with Ms.  
Noopur Singhal, Advocate for NDMC.  
Mr. Mohinder J.S. Rupal with Mr. Hardik Rupal  
and Mr. Kausik, Advocates for University of  
Delhi.  
Mr. Pushkar Sood, Advocate for respondent  
no.6/DMRC.  
Mr. Aditya Chandra, Advocate for SDMC.  
Mr. Kamlesh Kumar Mishra and Mr. Rahul  
Kumar, Advocates for intervenor.  
+ W.P.(C) 8251/2017  
SAHIL SHARMA ..... Petitioner  
Through Petitioner in person  
versus  
GOVT. OF NCT - DELHI AND ORS. .... Respondents  
Through Mr. Sanjeev Sabharwal, Senior Govt. Counsel  
with Mr. Hem Kumar, Advocate for UOI.  
Mr. Sanjoy Ghose, ASC with Mr. Rhishabh  
Jately, Advocate for GNCTD.  
Mr. Mohinder J.S. Rupal with Mr. Hardik Rupal  
and Mr. Kausik, Advocates for University of  
Delhi.  
Mr. Pushkar Sood, Advocate for respondent  
no.8/DMRC.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**  
**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

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**16.07.2019**

**CM.APPL 43249/2017 & 45178/2017(Exemption) in W.P.(C).7824/2017**

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

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**CMs.APPL 34607/2017 & 34619/2017 & 37129/2017 (additional documents)  
in W.P.(C).7824/2017**

By these applications, the applicant seeks permission to place additional documents on record. Let the additional documents be placed on record, subject to all just exceptions.

The applications stand disposed of.

**CMs.APPL 43248/2017, 45149/2017, 45179/2018 & 45294/2017, 47209/2017  
(direction) in W.P.(C).7824/2017**

The applications are dismissed having become infructuous.

**W.P.(C) 7824/2017 & CM.APPL 34687/2017(impleadment  
W.P.(C) 8251/2017 & CMs.APPL 33975(stay) & 34686/2017(impleadment)**

Mr. Shauryaveer Singh, Mr. Kunal Sehrawat, Mr. Avinash Yadav and Ms. Meenakshi Meena, the four students are present in Court. We are informed by the counsel for the petitioners that these four students(candidates) have already cleaned all the walls which were defaced and they have participated in all the meetings which were held to frame the guidelines. They submit that they would also educate their fellow students and convince them that while campaigning, they will not deface public properties. The presence of these four students is discharged unless specifically directed.

The petitioners have filed the present writ petitions seeking directions to the respondents, to the Vice Chancellor, University of Delhi, who is also the patron of the DUSU, New Delhi Municipal Corporation of Delhi (NDMC), all the Municipal Corporations of Delhi, Commissioner of Police, Delhi Metro Rail Corporation (DMRC) to prevent defacement and destruction of properties committed by DUSU political outfits and aspiring candidates during the elections. We are informed that during the pendency of these writ petitions, elections have been conducted on three occasions. Counsels submit that the defacement and destruction of the property has been on the decline, but it still



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continues.

Vide order dated 29.05.2018, this Court has incorporated guidelines to be followed in the elections of Delhi University and College Students' Union. The guidelines formulated by the Committee shall be given extensive publicity prior to the elections. The University shall also address communications to Principals of all Colleges highlighting the terms of the guidelines and ensure that the Committees, which have been formed, are functioning. We are also of the view that each candidate should be asked to give a specific declaration that he/she has read the Delhi Prevention of Defacement of Property Act, 2007 and understood the implications in case the terms of the Act are violated. Due publicity should also be given on the website of all the Colleges.

We are informed that temporary banners are put on public land and there is a strong likelihood of these banners causing injury to the common man as due care is not taken at the time of installation of these banners. The public authorities are directed to keep a strict vigil on the areas around the Colleges and any banner which comes up on the public land illegally should be removed and action must be taken in accordance with law.

List on 26.08.2019.

Copy of the order be given Dasti under the signature of Court Master.

**G.S.SISTANI, J**

**JYOTI SINGH, J**

**JULY 16, 2019**

pst /  
W.P.(C) 7824/2017 etc.

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Date of decision: 26<sup>th</sup> August, 2019*

+ W.P.(C) 7824/2017

PRASHANT MANCHANDA ..... Petitioner  
Through: Petitioner in person

Versus

UNION OF INDIA & ORS ..... Respondents  
Through: Mrs. Bharathi Raju, CGSC for  
respondent no. 1  
Mr. Sanjeev Sabharwal,  
Standing Counsel with Mr.  
Pritish Sabharwal, Mr. Hem  
Kumar and Mr. Bushra  
Waseem, Advs. for North DMC  
Mr. Pushkar Sood, Adv. for  
DMRC  
Mr. Sanjoy Ghose, ASC with  
Mr. Rhishabh Jetley, Adv. for  
GNCTD  
Mr. Aditya Chandra and Mr.  
Basheer Faizi, Advs. for  
respondent no. 4  
Mr. Prang Newnai, Mr. Hardik  
Rupal, Mr. Kaushik Ghosh and  
Ms. Aditi Shastri, Advs. for  
University of Delhi  
Mr. Tanya Bhatia and Ms.  
Sunny Tanwar, Advocates  
SI Rohit, P.S. Maurice Nagar

AND

*T.C.*



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+ W.P.(C) 8251/2017

SAHIL SHARMA

..... Petitioner

Through

versus

GOVT. OF NCT - DELHI AND ORS. .... Respondents

Through Mr. Sanjeev Sabharwal,  
Standing Counsel with Mr.  
Pritish Sabharwal, Mr. Hem  
Kumar and Mr. Bushra  
Waseem, Advs. for North DMC  
Mr. Pushkar Sood, Adv. for  
DMRC

Mr. Sanjoy Ghose, ASC with  
Mr. Rhishabh Jetley, Adv. for  
GNCTD

Mr. Prang Newnai, Mr. Hardik  
Rupal, Mr. Kaushik Ghosh and  
Ms. Aditi Shastri, Advs. for  
University of Delhi

Mr. Rajeshwar Dagar and Mr.  
Himanshu Dagar, Advs.  
respondent no. 4

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

%

**26.08.2019**

**D.N. PATEL, CHIEF JUSTICE (ORAL)**

1. This Public Interest Litigation being W.P.(C) no. 7824/2017 has been preferred with the following prayers:

*TS*



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*“a) Issue directions in the nature of writ of mandamus to Respondent 3 and 4 to refurbish and prevent further defacement and destruction of properties committed by the DUSU Political outfits and aspiring Candidates 2017 including imposition of a heavy fines from the expenses incurred in order to undertake the restoration; and*

*b) Direct Respondent 3 and 4 to impose a complete ban on the defacement and soiling of properties by the use of spray paints, posters, banners, hoardings, etc. both pre and post elections causing defacement encompassing congratulatory messages by the winning candidates with prospective orders along with penal measures; and*

*c) Pass any other order(s) as this Hon'ble Court may deem fit, and proper in the facts and circumstances of the present petition.”*

2. This Public Interest Litigation being W.P.(C) no. 8251/2017 has been preferred with the following prayers:

*“a) Issue directions in the nature of writ of mandamus to Respondent 1, 2, 4, 5 and 6 to refurbish and prevent further defacement and destruction of properties committed by the DUSU Political outfits and aspiring Candidates 2017 including imposition of*

*Tu*



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heavy fines from the expenses incurred in order to undertake the restoration; and

b) Direct Respondent 2, 6 and 7 to impose a complete ban on the defacement and soiling of properties by the use of spray paints, posters, banners, hoardings, etc both pre and post elections causing defacement encompassing congratulatory messages by the winning candidates with prospective orders along with penal measures; and

c) Direct Respondent no. 2 to take strict action against violators and aspiring candidates of DUSU Election -2017 and make the violators clean the streets and walls, for a lesson being learnt for future, which they have damaged or defaced because of their political motives; and

d) Direct the Respondent no. 2, 6, 7 and/or concerned authority to cancel the DUSU Election - 2017 and /or direction may be given for re-election; and

e) Direct the respondent no. 6 and 7 to disqualify the candidates of DUSU Election - 2017 who violated and/or whose supporters/associates violated the rules/guidelines/code of conduct/ recommendation and directions of the

*T.R.*



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*Supreme Court by way of Judgment dated 22.09.2006; and*

*f) Direct respondent no. 6 and 7 to nullify the election of candidates upon the non-compliance of orders/notices/code of conduct and guidelines of the Office of Election Officer - DUSU, Delhi University, Supreme Court and National Green Tribunal; and*

*g) Direct the respondent no. 6 and 7 to submit the audit reports; and*

*h) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition."*

3. Having heard counsel for both sides and looking into the order passed by this Court on 8<sup>th</sup> January, 2019, it appears that respondent nos. 3 and 4 have to take care of public properties and necessary action should be initiated against those erring persons, who deface public properties. Civil as well as criminal, actions can be initiated by the concerned respondent authorities against those persons, who are defacing/damaging public properties.

4. It ought to be kept in mind by the respondents that whosoever is found responsible for causing damage to the public properties, especially properties of respondent nos. 3 and 4, both, civil and criminal actions should have been initiated by the respondent nos. 3 and 4 immediately.

*TR*



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5. We also direct the concerned respondent authorities to frame policies, so that similar type of events should be prevented and timely action can be initiated against erring persons in future.

6. Students' unions of Delhi University ought to be informed and if necessity arises, there can be a conversation with the unions' leaders, so that warning can be given to the students' unions of Delhi University orally, as well as in writing. It is also expected from the concerned respondent authorities that policy decision should be properly communicated to the students' unions of Delhi University and university authorities, inasmuch as there will be proper publication of such policy decisions by the respondents; so that if there is any violation of such policies, civil and criminal actions could be initiated against the erring students, whosoever are causing damage to the public property.

7. Policies, to be framed by the respondents, shall be in consonance with the orders passed by this Court in these writ petitions and the policy decisions shall be communicated to the students' unions of Delhi University and only thereafter, civil and criminal actions will be taken against them, in accordance with law.

8. Moreover, respondent authorities shall also keep in mind the orders passed by this Court in these writ petitions on 29<sup>th</sup> May, 2018, 8<sup>th</sup> January, 2019 and 16<sup>th</sup> July, 2019 while initiating actions against the erring students.

9. We accept the apology tendered by Ms. Sunny Tanwar, Advocate.

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10. With these observations, these writ petitions are disposed of.

**CHIEF JUSTICE**

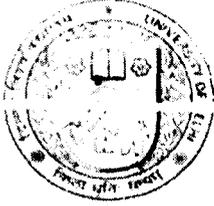
**C.HARI SHANKAR, J.**

**AUGUST 26, 2019**

*r.bararia*



*TS*



**UNIVERSITY OF DELHI**  
**Establishment Branch-II(i)**

*ANNEXURE-A/4*

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Ref. Estab.II(i)/DUSU/Elec/2024-25/R-4544  
29<sup>th</sup> August, 2024

**NOTIFICATION**

The Vice-Chancellor in his capacity as Patron of Delhi University Students' Union under Chapter-IV Clause 16 (i) of Delhi University Students' Union Constitution has appointed the following for the conduct of Election of the Office Bearers and Members of the Central Council of Delhi University Students' Union for the year 2024-25:

- |   |                           |
|---|---------------------------|
| 1. Prof. Satyapal Singh, Deptt. of Sanskrit       | - Chief Election Officer  |
| 2. Prof., Raj Kishore Sharma, Deptt. of Chemistry | - Chief Returning Officer |
| 3. Dr. Rajesh Singh, University Librarian         | - Returning Officer       |

The Vice-Chancellor has also appointed the Principals of the Colleges and Heads of the Institutions affiliated to Delhi University Students' Union as Election Officer for the conduct of Election of Office Bearers and Members of the Central Council of Delhi University Students' Union in their respective Colleges and Institutions for the year 2024-25.

*Abhishek*  
*29/8/24*  
**REGISTRAR**

**The Principals/Heads,**  
Colleges/Departments,  
University of Delhi,  
Delhi/New Delhi.

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## NOTIFICATION

### REVISED SCHEDULE FOR ELECTION OF OFFICE BEARERS OF DELHI UNIVERSITY STUDENTS' UNION AND MEMBERS OF CENTRAL COUNCIL: 2024-25

|    |   |   |  |
|----|---|---|--|
| 1. | Last date for receipt of Nomination Papers alongwith <b>Demand Draft of Rs. 500/- and Affidavit</b> | : | Thursday, the 19 September, 2024 till 03:00 PM                               |
| 2. | Scrutiny of Nomination Papers   | : | Thursday, the 19 September, 2024 at 03:15 PM                                 |
| 3. | Publication of list of duly Nominated Candidates  | : | Thursday, the 19 September, 2024 till 06:00 PM                               |
| 4. | Last date for Withdrawal of Nominations   | : | Friday, the 20 September, 2024 till 12:00 Noon                               |
| 5. | Publication of final list of Candidates   | : | Friday, the 20 September, 2024 till 05:00 PM                                 |
| 6. | Date of Election  | : | Friday, the 27 September, 2024   |
| 7. | Timings of Voting   | : | Day Classes : 08:30 AM to 01:00 PM<br>Evening Classes : 03:00 PM to 07:30 PM |
| 8. | Counting of Votes   | : | Saturday, the 28 September, 2024 at Police Line                              |

**Note: Submission of Nomination Papers :**

- For DUSU** - **Office of the Chief Election Officer  
Conference Centre,  
Opp. Botany Department (Gate No. 4),  
University of Delhi, North Campus,  
Delhi-110007**
- For Central Council** - **Concerned College/Department**

- Note :** (a) The prescribed nomination papers for the Office Bearers of DUSU are to be put in the sealed box kept in the Office of the Chief Election Officer, DUSU Elections 2024-25 at the above address from 10:00 AM to 05:00 PM. on any working day.
- (b) Nomination papers for the Membership of Central Council are to be obtained from the concerned Colleges/Departments/Institutions.
- (c) All nomination papers are to be downloaded from the Delhi University Website ([www.du.ac.in](http://www.du.ac.in)).
- (d) **The Code of Conduct, Constitution of DUSU, decision of Hon'ble Supreme Court of India regarding Students' Union Election "University of Kerala v. Council, Principals, Colleges, Kerala and others" (Lyngdoh Committee Recommendation), Hon'ble Delhi High Court order dated 29.05.2018 in W.P (C) No. 7824/2017 titled Prashant Manchanda v. Union of India & Ors (Defacement Case), The Delhi Prevention of Defacement of Property Act, 2007 and NGT order may be seen on DU Website.**

True Copy  
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REGISTRAR

ANNEXURE-A/6

**OFFICE OF THE CHIEF ELECTION OFFICER  
DUSU ELECTIONS 2024-25**

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**NOTICE**

**The Code of Conduct/Lyngdoh Committee guidelines, NGT order, the Delhi Prevention of Defacement of Property Act, 2007 “(Delhi Act 1 of 2009) (As passed by the Legislative Assembly of the National Capital Territory of Delhi on 31st March 2008) (17th January, 2009) and An Act to provide for the prevention of defacement of properties and for matters connected therewith or incidental thereto in the National Capital Territory of Delhi are strictly to be followed in DUSU elections.**

**Any violations on above are liable to disqualifications and criminal punishments under above Guidelines and Acts.**

**All candidates are directed to only use the wall of democracies available in the campus of University of Delhi/Colleges for pasting handmade posters only.**

Sd/-

**Chief Election Officer,  
DUSU Elections 2024-25  
Dated: 9<sup>th</sup> September, 2024**

*True copy*