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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 with Mr.Angad Singh, Ms.Nancy Shah, Ms.Nimit Bhimjiyani and Mr.Rohan Pratap Singh, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms.Bharathi Raju, Senior Panel Counsel for UOI & Delhi Police.
Mr.Rishikesh Kumar, ASC with Ms.Sheenu Priya, Mr.Atik Gill, Mr.Sudhir Kumar Shukla and Mr.Sudhir, Advocates for GNCTD.
Mr.Sanjeev Sabharwal, Standing Counsel for MCD.
Mr.Mohinder J.S.Rupal, Advocate with Mr.Hardik Rupal and Ms.Aishwarya Malhotra, Advocates for University of Delhi.
Mr.Sanjay Poddar, Sr.Advocate with Mr.Jiwesh Kashyap, Mr.Saksham Kaushik and Mr.Kumar Kshitij, Advocates for ABVP.
Mr.Pushkar Sood, Advocate with Ms.Shikha Sood, Ms.Monika and Mr.Nikhil Thakur, Advocates for R-4.
Mr.Nitin Yadav, Advocate with Mr.Sumit Kumar, Mr.Shailesh Yadav, Mr.Kunal Yadav, Mr.Akash Yadav, Mr.Umesh Nainiwal and Ms.Simran Kumari, Advocates along with



Mr.Aman Kapasiya, Mr.Mitravinda
Karanwal, Mr.Yash Panwar,
Mr.Rishabh Chaudhary.

Mr.Abhinav Garg, Advocate with
Mr.Ram Mohan Singh, Advocate for
Ms.Deepika Jha.

Mr.Jaideep Malik, Advocate with
Mr.Ashok Kumar, Advocate for
Mr.Yash Nandal, DUSU Candidate.

Mr.Kunal Yadav, Advocate with
Mr.Prabhas Malik, Ms.Priyank and
Mr.Shabahat, Advocates for
Mr.Rahul Jhansla.

Mr.Mohd.Shahidi, Advocate with
Mr.Yash Shukla, Mr.Akshay Kumar,
Mr.Gaurav Ahlawat, Mr.Md.Kamran
and Ms.Taruna, Advocates for and
along with Mr.Bhanu Pratap Singh.

Mr.Ashu Bidhuri, Advocate with
Mr.Swapnam Prakash Singh,
Advocate for Mr.Raunak Khatri
(DUSU Candidate).

Mr.Ashu Bidhuri, Advocate with
Mr.Swapnam Prakash Singh,
Mr.Kamal Singh and Mr.Hemant
Baisla, Advocates for R-8 & 9.

Mr.Ashu Bidhuri, Advocate with
Mr.Swapnam Prakash Singh and
Mr.Shubham Tomar, Advocates for
Mr.Lokesh Choudhary.

+ **W.P.(C) 13538/2024 & CM APPL.56641/2024**

AKHILESH KUMAR MISHRA AND ORSPetitioners

Through: Mr.Govind Jee, Advocate with
Ms.Rambha Singh, Advocates along
with P-1 & P-2.

versus



UNIVERSITY OF DELHI AND ORS

.....Respondents

Through: Mr.Mohinder J.S.Rupal, Advocate with Mr.Hardik Rupal and Ms.Aishwarya Malhotra, Advocates for University of Delhi.

Mr.Sanjay Poddar, Sr.Advocate with Mr.Jiwesh Kashyap, Mr.Saksham Kaushik and Mr.Kumar Kshitij, Advocates for ABVP.

Ms.Monika Arora, CGSC with Mr.Subhrodeep Kurdukar, Advocate for UOI.

Mr.Shivang Singh, Advocate with Mr.Shashank Singh, Mr.Dhawan Singh and Mr.Shalindra, Advocates for Mr.Rishi Raj Singh.

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Date of Decision: 11th November, 2024

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, CJ : (ORAL)

CM APPL.56144/2024

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 public property.

2. The Applicant-Petitioner, in the present application, has averred that due to the DUSU elections for 2024-2025, public properties all over 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 passed by this Court in the subject petition.

3. A number of orders have also been passed by this Court from time to time in the present application.

4. Professor Satyapal Singh, Chief Election Officer, DUSU Elections 2024-25, University of Delhi has filed a status report dated 26th October, 2024 stating that a Defacement Assessment Committee has been constituted to assess the loss of revenue of the affected parties viz. MCD, DMRC and to devise a formula for compensating or indemnifying the losses and for fixing accountability of the candidates of DUSU 2024-25.

5. Today, Mr.Rupal, Advocate for Delhi University has handed over a fresh status report dated 9th November, 2024 in which Professor Satyapal Singh, Chief Election Officer, DUSU Elections 2024-25 has stated that nearly all hoardings, posters, graffiti and banners have been removed from all the colleges, departments, institutes, centres, faculties in North and South Campuses and the said premises have been cleaned and repainted. A tabular chart and recent photographs of various colleges, departments, institutes have been annexed with the status report.

6. It is further averred in the status report that the University of Delhi vide notification dated 30th October, 2024 has constituted 'DUSU Election Reforms Committee', which Committee has submitted its report dated 8th November, 2024. Mr. Rupal, learned counsel for Delhi University states that the said report has been accepted in principle by the Vice-Chancellor. Some of the suggestions/reforms suggested by DUSU Election Reforms



Committee are reproduced herein below:-

“Some of the suggestions for reforms are provided below:

- 1. All the guidelines/rules/Orders of the Court/Act/ Ordinance mentioned above are to be made strictly applicable.*
- 2. Orientation/Sensitization of students at the time of admission relating to provisions of discipline, maintaining the sanctity of College walls and public property and good conduct during elections must be organized and video footage of these events must be kept for record in the College and also be uploaded on the website of the University/College.*
- 3. For prevention of defacement of walls, size of Walls of Democracy may be increased in every College/ Department/Campus of the University. According to NGT Order in Nithin Chandran v. Union of India & Ors (2016), two notified places may be made available for the hand-made posters in every College/Department/University. In Prashant Manchanda v. Union of India (2018), the High Court of Delhi had issued guideline to designate one Wall of Democracy for the DUSU and another for the College/ Department/Centre/Institute.*
- 4. Like anti-ragging affidavit, an anti-defacement of walls affidavit be taken from the students at the time of admission.*
- 5. A bond has to be executed at the time of filing nomination paper to contest any post of office-bearer of College Union/DUSU for Rs. 1 lakh by the student for the act of any defacement during the course of study/election.*
- 6. In the name of welcoming students or for membership drive by the students, no poster/banner should be used, except on the Walls of Democracy. However, electronic media can be used for the purpose of any campaign. If the student, whose name appears on a poster defacing College/ Department/ Centre/Institute premises without his/her knowledge, does not remove it within 3 days, or if he/she thinks that the poster is pasted on any College /public/ private property by someone else without his/her knowledge and he/she does not file a complaint in a police station with proof of his/her identity and does not send a copy of the same to the College/University authority, the student may be liable to pay fine Rs 25,000/- or as decided by the University/College or suspension from college/ Department/Centre/Institute, rustication from college/ Department/Centre/Institute for a specified period, expulsion from the College, and may also be debarred from contesting election according to the relevant rules of the University/other applicable laws.*
- 7. A dedicated portal relating to defacement issues shall be created at the University/College level to sensitize the students and to enable the students to know about their rights and duties. On that portal, a concerned student may also*



report violation of NGT Guidelines, Lyngdoh Committee Guidelines, Prashant Manchanda Guidelines, and Nithin Chandran Guidelines.

8. In Prashant Manchanda v. Union of India (2018) case, the High Court of Delhi had issued guideline to constitute a 'College Committee for Prevention of Defacement of Property' at the College level and a similar Committee at the University level to be called 'University Committee for Prevention of Defacement of Property'. This Committee should be constituted on the first day of the new academic session of the year. Defacement Committee of the University/College shall remain functional round 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.

9. Practice of resorting to spelling errors in the name of candidates, like an extra letter, is punishable by the Prevention of Defacement Committee as well as by the Election Committee. If the student whose misspelt name appears on a poster defacing College/department/public/ private property does not remove it within 3 days, or if he/she thinks that the poster is pasted on any College/ Department/public/private property by someone else and he/she does not file a complaint in a police station enclosing proof of his/her identity, and also does not inform the University/College Committee for Prevention of Defacement, the defacement will be imputed to the student whose name appears in the poster/graffiti etc. In such case, the student may be liable to pay fine Rs 25,000/- or as decided by the University/College or be suspended from the College/ department, or be rusticated from the College/ department for a specified period and may also be debarred from contesting election according to the relevant rules of the University/other applicable laws.

The name mentioned in the Secondary and Senior Secondary certificates should be considered for all purposes. Any change in the name of a student after taking admission in the Colleges/ Departments/Centre/ Institute will not be entertained for the purpose of contesting election unless the student has changed his/her name after following the due process as per the rules of the University.

10. After the final list of candidates notified by the Election Committee, if the student, whose name appears on a poster defacing a wall without his/her knowledge, does not remove it within 3 days, or if he/she thinks that the poster is pasted on any College/Department/University/ public/private property by someone else and he/she does not file a complaint before a police station enclosing proof of his/her identity, and also does not send a copy of the same to the University/College Committee for Prevention of Defacement, the defacement will be imputed on the student whose name appears in the poster/graffiti etc. In such case, the student may be liable to pay fine Rs 25,000/- or as decided by the



University/College or suspension from college, rustication from college for a specified period, and may also be debarred from contesting election according to the relevant rules of the University/other applicable laws.

11. College Principals/ Heads/ Deans/ Professor-in-Charges have to remain more vigilant about the student Union elections, about formation of Prevention of Defacement Committee at the start of each academic session and to sensitize the students about defacement of college/ community premises. They may also be made accountable in case of non-compliance of Lyngdoh Committee Guidelines, NGT Orders, Delhi High Court orders.

12. Act of Defacement/Damage to public property should amount to gross indiscipline and consequent punishment provisions in the relevant Ordinance of the DU Act, and DUSU Constitution need to be incorporated.

13. Canvassing by the students through posters, rallies, road-shows and Shakti Pradarshan, loud-speakers, vehicles are prohibited and an awareness campaign in this regard must be launched at the beginning of the academic year in all Colleges/department/Institutes/Centers.

14. Meeting/s related to election called by the Election Committee of the College/ University with a notice of at-least 24 Hours must be attended by the student, aspirants/ Candidates of any DUSU/College Union post as and when called. If the meeting is not attended by the candidates without assigning any genuine reason, the candidature is liable to be cancelled by the Election Committee.

15. Since the initiation of election process and till its completion, the Election Committee constituted by the University/ College shall be responsible for strict adherence to Lyngdoh Committee Guidelines, NGT Orders, High Court of Delhi orders, and the Statutes/ Ordinances of the University.

16. Colleges/Departments/Centre/Institute should organize the presidential debates after commencement of the DUSU/ College Election. The candidates contesting the DUSU/ College elections should be encouraged to participate in the Presidential debate/ speech and may get it uploaded on the website of the College/Institute/ Centre/ University.

17. Booking of rooms in University Guest Houses/University maintained hostels for the personal/official uses of the DUSU office-bearers is not permitted. DUSU office-bearers are permitted to book only three venues, namely, Conference Centre, Shankar Lal Hall, Room No. 22 of Arts Faculty for their official program with due justification and duly recommended by the DUSU Advisor.

18. University should write to all the canteens/guest houses/ hostel canteens that if any DUSU office-bearer avails any undue benefit by misusing of power, it should be immediately reported to the Proctor. The Proctor, after perusal and



inquiry, may debar such office-bearer to enter any canteen of the University/College/department during his/her remaining term.

19. Biometric/Facial Recognition machine shall be installed for the attendance and for the entry of students to the premises of the College/ Department/ University. Outsiders are not allowed in the premises of any College/ Department/Centre/Institute.

20. Dhols, Loudspeakers are not allowed in the open/closed premises of a College/ Department/ Institute/ Centre. This rule is applicable even after the declaration of election results.

21. Six women's colleges of the University of the total 43 colleges are affiliated to the DUSU elections. The female students in the remaining colleges form almost half of the total strength. In each DUSU election held in the last 20 years, at least one female candidate has been elected, except in one election (Annexure attached). To improve the gender parity in the electoral process, the University may adopt women's reservation on a rotational basis for one post of an Office-bearer.

22. A proposal regarding the change in the current pattern of DUSU elections is also hereby proposed to prevent defacement and the use of muscle and money power at the University level. This proposal may be sent to all different stakeholders (College Unions, DUSU, College Principals/ Heads of the Department/In-charge of the Centers/Head-Director of the Institutions) of the University for further debate and discussion and for possible adoption of this model in future. Following is the proposal:

"Centralized single tier DUSU election may be replaced by two tier DUSU elections whereby the Colleges/ Departments/ Centre/ Institutes may hold elections at their own level and the President of the college Union/Department Union/ Centre Union as well as the Central Councilors may be allowed to take part in Tier II election in which the DUSU office bearers may be elected (This was one of the Lyngdoh Recommendations in Clause 6.2.4.)."

A similar model is followed in the Internal Complaints Committee elections of the University."

7. This Court has also been assured by Mr.Rupal, learned counsel for the Delhi University that henceforth non-observance of Guidelines of this Court and Lyngdoh Committee, by concerned students or officials shall be dealt with strictly.



8. Affidavits of undertaking have also been filed by candidates, namely, Mr.Bhanu Pratap Singh, Mr.Aman Kapasiya, Mr.Yashh Nandal, Mr.Rishabh Chaudhary, S/o Mr.Satish Chaudhary (ABVP), Mr.Lokesh Chaudhary, Ms.Mitravinda Karanwal, Mr.Yash Panwar, Mr.Rishabh Chaudhary, S/o Mr.Pramendra Singh (NSUI) and Mr.Raunak Khatri. The said candidates have also taken steps to clean and restore the campus by organizing and participating in cleaning drives to remove graffiti, posters, hoardings, banners and other forms of defacement.

9. Learned counsel for the petitioner states that though a number of colleges, faculties and departments have been cleaned up and the defacement has been removed, yet all public and private properties situated close to the campuses have not been cleaned as a number of graffiti, posters and spray paint slogans are still visible. He has handed over a compilation of photographs running into one hundred ninety (190) pages.

10. At this stage, learned counsel appearing for students to whom notices had been issued undertake to this Court that they shall get all sites, which are mentioned in one hundred ninety (190) pages' compilation, cleaned and repainted within a week, if not already done.

11. Since the students studying in Delhi University are young, this Court is of the view that they deserve a second chance. After all, the intent of the present proceeding is to reform and not punish the young and impressionable minds. In fact, the intent of the present proceedings is to ensure that the students and candidates understand that the University and public property belongs to public at large which these students, in particular, candidates who contest DUSU Elections hold in trust and enjoy/use for a limited period of time. It is the responsibility of the current batch of students



to ensure that the next batch of students get to use the University and public infrastructure in good and clean condition.

12. Consequently, this Court accepts the undertaking given by learned counsel for the students, who have defaced public property and direct the University of Delhi to verify compliance with the said undertaking and file a status report along with report from the candidates within ten days with the Registry of this Court.

13. This Court hopes and trusts that the student community at large and the candidates who have contested this election as well as those students who plan to contest the elections in the future have received a clear message that the public and University infrastructure should be kept clean and not defaced or harmed in any manner.

14. Consequently, the present application is closed with a direction to University of Delhi to undertake the counting of votes for DUSU Elections 2024-25 on or before 26th November, 2024, provided University of Delhi is satisfied that the sites, which are mentioned in the one hundred ninety (190) pages compilation placed on record, are cleaned and repainted within a week.

15. Before parting with this matter, this Court would like to place on record its appreciation for the services rendered by Mr.Prashant Manchanda, Advocate in the present application.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 11, 2024/TS