

1.4.2009. The relevant portion of the communication reads as

under:

"The underlying intention of the Commission's instruction was that the photographs and images of the political functionaries, who have deep influence on the minds of electors and many of whom are still active in public life and may even be contesting the current general elections, should not be displayed in the government buildings and premises as that would have the effect of disturbing the level playing field vis-a-vis the political functionaries of other parties and candidates.

In view of the inputs received, the Commission had issued the above instructions. In the meanwhile, certain doubts have been raised and clarification has been sought about the removal of the images of some national leaders, poets and prominent historical personalities of the past. In this regard, the Commission would like to state that the above mentioned underlying purpose of the instruction needs to be fully appreciated while being acted upon. It is clarified that while the photographs of Prime Minister, Chief Ministers, Ministers and other

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political functionaries should not be displayed, this instruction, however, is not applicable with regard to the images of national leaders, poets and prominent historical personalities of the past, and the President of India and the Governors. It is further clarified that in case of any doubt in this regard regarding removal of any photograph or images, the issue may be referred to the Chief Electoral Officer of the State/ Union Territory concerned before taking action in the matter."

In the petition, it is also mentioned that in the State of U.P., human development index is among the lowest in the country. It is further stated that:

- 1) U.P. has the lowest literacy rate in the country - 56.27% (68.82 male and 42.22 females -2001 census)
- 2) U.P. tops in India on maternal mortality.
- 3) In neo natal mortality U.P. is among the top five states.
- 4) U.P. has the highest number of child labour as per 2001 census.
- 5) U.P. had the largest number of poor with 59 million living below the poverty line.
- 6) Out of 97122 villages, 56977 villages are electrified (59%) as per CEA data of 2005.

In the petition, it is stated that the State of U.P. needs

more funds for the emancipation of socio economic problems. It is also stated that it is the duty and obligation of the State to make policy and programmes for the welfare of the public at

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large and especially for the weaker sections of the society. The petitioners would perhaps have no objection if there would have been one or two symbolic statues for drawing inspiration in the State. The huge public funds which are otherwise meant for improving the conditions of millions of people living below the poverty line cannot be legitimately diverted for erecting statues and parks. The State must properly set its priorities. The concerned authorities in power must realize that they are holding public money in trust and it must be judiciously spent.

In the petition, it is alleged that the respondents have shown utter disregard to the constitutional mandate while deciding to spent huge money on installing a very large number of statues. According to the petitioners, the funds need to be used for the welfare and development of people and particularly of the weaker sections of the society.

Notice to show cause as to why this petition be not admitted.

Mr. G.V. Rao, advocate accepts notice on behalf of respondent Nos. 1 & 2. He prays for and is granted four weeks' time to file counter-affidavit. Notice be sent to the remaining respondents.

(Pardeep Kumar)
Court Master

(Neeru Bala Vij)
Court Master