

Rakesh Kumar Singh Vs. Union of India

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Court : Delhi

Decided On : Jan-30-2013

Judge : V. K. Jain

Appellant : Rakesh Kumar Singh

Respondent : Union of India

Advocate for Def. : Mr. Jatan Singh

Advocate for Pet/Ap. : Mr. Kamal Kumar Pandey

Judgement :

\$~24 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 2449/2012
RAKESH KUMAR SINGH Through: Petitioner Mr. Kamal Kumar Pandey, Adv.
Versus UNION OF INDIA Through: Respondent Mr. Jatan Singh, Adv.
CORAM: HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE V.K. JAIN
ORDER % 30.01.2013 1. The petitioner before this Court alleges arbitrariness and adoption of non-transparent methods by various departments and agencies of the government in holding public competitions for designing of symbols/logos for them. According to the petitioner, the selection of artists/vendors for designing such symbols/logos is being done without giving wide publicity and thereby confining the process of selection to a privileged group of persons, which results in depriving the other citizens, of participating in such competitions and thereby contributing in the national life and its development. The following competitions, according to the petitioner, were held in a non-transparent and arbitrary manner: (1) Public

competitions held by MoF for Symbol of Indian Rupee (2) Public Competition held by Unique Identification Authority of India (UIDAI), Planning commission, GOI, for selection of LOGO for UIDAI (3) Public Competition held by Ministry of Rail, GOI, for designing of new LOGO for Indian Railways. (4) Competition for selection if I Mark symbol for Indian Designs held by Indian council of Design, National Institute of Designs. (5) Logo of RTI Act, designed by faculty of National Institute of Design, at the instance of Union Ministry of Personnel, Public Grievances and Pension, GOI. The petitioner is accordingly, seeking directions to the respondent to prepare guidelines to be followed in future for holding all public competitions concerning the issues of national and public importance.

2. The Union of India, which is the sole respondent in this petition, was impleaded through the Secretary, Ministry of Home Affairs. In a short affidavit filed by it, the MHA has stated that as per the Allocation of Business Rules, the subject matter raised by this petition has not been allocated to any particular Ministry/Department. It is further stated in the reply that the Ministry of Consumer Food and Public Distribution, Department of Consumer Affairs administers Emblems and Names (Prevention of Improper Use) Act, 1950 which deals with improper use of certain emblems and names for professional and commercial purposes and the aforesaid department has stated that in terms of provisions of Emblems and Names (Prevention of Improper Use) Act, no instructions regarding issue of guidelines for holding public competitions for selection of logos can be issued. It is also stated in the reply that the method of selection/ elimination for the purpose of short-listing specifications of the competition distinctiveness etc., differ from case to case and therefore common guidelines for all public competitions are not necessary. The Ministry of Culture has also filed a short affidavit stating there that every Ministry/Organisation follows its own methodology for designing of its logos and many a times internal resources/expertise of the concerned Ministry/Organisation are used to design such logos so as to save on costs. It is also stated in the reply that as per the Allocation of Business Rules, the policy of framing rules in respect of holding such competitions for designing logos etc., does not come under the purview of the Ministry of Culture and that the said Ministry has been using an exclusive logo designed for use of it and its attached subordinate office and autonomous organization.

3. It is thus quite evident that under the Allocation of Business Rules, framed by the Govt. of India, no particular Ministry is competent to lay down guidelines to be used by all Ministries and departments of the Government in the matter of procedure to be adopted for holding public competitions to design logos/emblems etc., for various Ministries/Departments/attached offices of the Government or for various public sector undertakings which are controlled by different departments. Also, a uniform policy may not be appropriate for all Ministries and Departments of the Government, which perform different functions. Therefore, if such guidelines are to be framed, every Ministry/Department of the Government would have to frame its own guidelines for use of it as well as of its attached subordinate offices as well as the PSUs controlled by it.

4. It can hardly be disputed that whenever public competitions are held by a Ministry/Department/Office of the Government or by an autonomous Body/Undertaking owned or controlled by the Government, they need to adopt a procedure which is fair, transparent and objective. It would, therefore, be only appropriate that each Ministry/Department of the Government of India frames guidelines which are fair, transparent and objective, for being applied by it or its attached/subordinate offices as well as by the Autonomous Bodies/Corporations/Companies controlled by it. Framing such guidelines will not only eliminate arbitrariness and subjectivity which may sometimes crop up while holding such competitions but they will also give an opportunity to all eligible persons to participate in such competitions. For this purpose, it would also be necessary that such events are given due publicity not only in national English dailies but also in vernacular newspapers wherever found appropriate, besides being uploaded on the website of the concerned office/department/organization.

5. We, therefore, dispose of this writ petition with a direction to Union of India to instruct all its Ministries/Departments to frame guidelines which are transparent, fair and objective, to be applied by such Ministries/Departments as well as their attached/subordinate offices and the Autonomous Bodies/Public Sector Undertakings/Organisations controlled by them. Such guidelines shall be framed by all Minsitries/Departments of Government of India within three months from the date of this order. CHIEF JUSTICE V.K. JAIN, J JANUARY 30 2013/raj

