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## KEJRIWAL'S AD SPLITS LEGAL FRATERNITY

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Legal fraternity is divided over an advertisement purportedly showing Delhi Chief Minister Arvind Kejriwal promoting the idea of odd-even scheme, asking people to follow it. Since the advertisement surfaced several questions have been raised as to why the CM used his picture even after a ruling of the Supreme Court barring politicians to use their image in Government-funded advertisements.

Though the CM has smartly used himself in the advertisement where his back is visible while he is talking to the people through a mobile phone and is seen identifying himself, "Mai Arvind Kejriwal bol raha hu". (this is Arvind Kejriwal), senior lawyer and activist, Prashant Bhushan, said the CM is trying to circumvent the SC ruling. Prashant, who had earlier filed the PIL in the court on behalf of the Centre for Public Interest Litigation seeking a curb on politicians publishing their photographs, said, "In my view it is a violation because the object of the court order was two-fold, one that advertisement should not be used to glorify the party of the minister or other individual and it should not be used for partisan propaganda. His other advertisement which came out in June glorifying his work, was also clearly a partisan propaganda but this advertisement is slightly different as it is in public interest. But he is cleverly trying to circumvent the SC ruling and is using his image and name unnecessarily and deliberately. He is trying to propagate himself." Senior lawyer Ramesh Gupta said, "It can be considered as violation as his personality is identifiable even when his back is visible. The SC has not distinguished anything regarding this aspect."

Similar was the argument of another lawyer who said in the advertisement, the person is portraying himself as Kejriwal by wearing a muffler and is also claiming himself to be the Delhi CM - violating the Supreme Court ruling. Senior lawyer Colin Gonsalves held a different view and said the Delhi CM is perfectly within the law and there is nothing to make any issues. "The CM has raised an important social issue in a country where CMs have forgotten how to respond to social issues. He has at least come out and broken the tradition of saying nothing and has become responsible to the people. The SC was concerned only for blatant advertising of the personality of the CMs for cheap political gain using public money and this being a social issue and has nothing to do with that." Defending the CM, another lawyer said now that his face is not visible how it can be considered as a violation and who can prove that it's him and it's his voice?

In the SC ruling in May 2013, it was said that taxpayers' money cannot be spent to build "personality cults" of political leaders. The SC restrained the ruling parties from publishing photographs of political leaders or prominent persons in Government-funded advertisements. It had then said such photos divert attention from the policy of the Government, unnecessarily associate an individual with a Government project and pave the way for cultivating a "personality cult". Ever since the order, the CM has not been featured in any TV advertisement. Even the advertisement released by the Government, after the murder of a girl in Anand Parbat last August, had a message from Kejriwal with a candle in the dark.