

## নির্বাচন কমিশন পক্ষপাতিদুষ্ট, বল্লল সিপিএম

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ৩  
জুন: তথ্যপ্রমাণ না-থাকা সত্ত্বেও  
নির্বাচন কমিশন সিপিএমের সাংসদদের  
বিরুদ্ধে লাভজনক পদ রাখার  
অভিযোগ খারিজ করেছে না। এই  
অভিযোগ করে আজ কমিশনকে  
'পক্ষপাতপূর্ণ' বলে অভিহিত করল  
সিপিএম। দলের কেন্দ্রীয় কমিটির  
সদস্য নীলোৎপল বসু আজ বলেন,  
"কমিশনের অগণতান্ত্রিক কাজ  
কিছুতেই মেনে নেওয়া যায় না। এই  
ধরণের কাজ কোনও সাংবিধানিক  
কর্তৃত্বের শোভা পায় না।"

নীলোৎপল বলেন, তিনি একটি অ-  
সরকারি সংস্থার চেয়ারম্যান হওয়া  
সত্ত্বেও তাঁর বিরুদ্ধে লাভজনক পদ  
রাখার অভিযোগ করা হয়েছে। তৃণমূল  
কংগ্রেসের মুকুল রায় ওই অভিযোগ  
করলেও তিনি কোনও তথ্য-প্রমাণ  
দিতে পারেননি। অথচ তা সত্ত্বেও  
ওয়েবসাইটে কমিশন তাঁর নাম রেখে  
দিয়েছে। এই অবস্থায় নীলোৎপলের  
বক্তব্য, তিনি যে সংস্থাটির সঙ্গে জড়িত,  
যে হেতু সেটা কোনও সরকারি সংস্থাই  
নয়, তাই অভিযোগটি প্রথমেই খারিজ  
হয়ে যাওয়া উচিত। তা ছাড়া, বিজেপির  
বলবীর পুঞ্জের বিরুদ্ধে অভিযোগ তিনি  
অবসর নেওয়ার পর তুলে নেওয়া  
হলেও তাঁর ক্ষেত্রে তা ঘটেনি বলেও  
নীলোৎপল মনে করিয়ে দেন।

সিপিএমের মোট দশ জন  
সাংসদের নামে লাভজনক পদ রাখার  
অভিযোগ উঠেছে। বাকিদের হয়ে তিনি  
সওয়াল করছেন না বলে জানিয়েও  
নীলোৎপল দাবি করেন, কারও  
বিরুদ্ধেই কোনও অভিযোগ টিকবে না।  
বরং, লোকসভার স্পিকারের মতো  
সাংবিধানিক পদে থাকা সোমনাথ  
চট্টোপাধ্যায়ের ক্ষেত্রে আর একটি  
সাংবিধানিক সংস্থার অনেক বেশি  
সংবেদনশীল হওয়া উচিত ছিল বলেও  
মন্তব্য করেন নীলোৎপল।

06 JUN 2006

ANADABAZAR PATRIKA

# EC notice to AIADMK, DMK

They used a large number of  
vehicles for campaign

J. Venkatesan

**NEW DELHI:** The Election Commission on Saturday slapped notice on the All-India Anna Dravida Munnetra Kazhagam (AIADMK) and the Dravida Munnetra Kazhagam (DMK) for using a large number of vehicles during the campaign for the Assembly polls in Tamil Nadu.

In view of the violation of standing instructions, the Commission asked both parties to give their explanation by 5 p.m. (Saturday).

The Commission, in its notice to AIADMK general secretary Jayalalithaa, said that during her visit to Krishnagiri on May 1 and 2, she used 80 vehicles. As per the standing instructions, not more than three vehicles were allowed in a convoy used for campaigning by the candidate, in addition to security vehicles if permitted by authorities.

In its notice to DMK general secretary K. Anbazhagan, the Commission noted that during Union Minister Dayanidhi Maran's visit to Krishnagiri on May 3, approximately 34 vehicles were used. Both parties did not take permission for using so many vehicles for the campaign, nor did all vehicles have permits exhibited on the windscreens as prescribed by the Commission.

## Another notice

In another notice to Ms. Jayalalithaa, the Commission said that during her visit to Park Town in Chennai on May 3, a large number of buntings, flags and posters, in addition to a large number of vehicles, were in the convoy in violation of the instructions. Government vehi-

cles with beacon lights were also in the convoy. The AIADMK has been asked to give its reply before 10 p.m. on Sunday.

## Joint campaign

In yet another communication, the Commission expressed its displeasure to both the DMK and the Congress for violating the model code of conduct by using a large number of vehicles during the April 25 joint meeting/campaign on the Island grounds in the Harbour constituency in Chennai, in which Congress president Sonia Gandhi participated.

The Commission issued notices seeking an explanation from the DMK, the Congress, the Pattali Makkal Katchi (PMK), the Communist Party of India (Marxist) and the Communist Party of India for using 228 vehicles during the rally.

While the DMK replied that the vehicles did not form part of the convoy but were brought by cadres of the alliance parties to attend the meeting, the Congress said individuals and groups used vehicles over which it did not have any control.

The PMK said it used only two vehicles for transporting its Union Ministers. The CPI said the meeting was organised by the Congress and its leaders participated. The CPI (M) said neither the party organised the meeting nor its leaders attended.

Expressing its displeasure at the reply, the Commission said it went through the explanation furnished by the Congress and the DMK and "is of the view that the spirit of model code of conduct has not been observed."

# EC entertaining baseless complaint, alleges Karat

Unjustified exercise of authority, he tells Kalam

Special Correspondent

NEW DELHI: Taking exception to the Election Commission's "unwarranted and unjustified" exercise of authority on the office of profit issue, the Communist Party of India (Marxist) on Saturday urged President A.P.J. Abdul Kalam to take suitable action it.

Referring to the Commission's announcement that it had taken cognisance of a complaint by Trinamool Congress leader Mukul Roy that several CPI(M) MPs held offices of profit and were liable to be disqualified, party general secretary Prakash Karat said the petition did not contain any information to substantiate the allegation.

The former party MP, Nilotpal Basu, whose name was mentioned in the complaint, had sought a copy of the petition.

The complaint, Mr. Karat said, was nothing but a letter with allegations against certain MPs but without details. In spite of this, the Commission, "quite

• Trinamool letter contains allegations but no details

• EC "gratuitously" asks complainant to furnish precise information

• President urged to reject complaint

gratuitously," asked Mr. Roy to furnish precise information of the dates of appointment to the offices stated to be held by MPs and all documents to substantiate his allegation.

This, Mr. Karat said, was in effect calling upon Mr. Roy to make out a case against the MPs. The Commission "invariably asserted" that it exercised quasi-judicial powers while discharging its functions under Article 103 of the Constitution. "As such, it was incumbent upon the Commission to reject *in limine* the purported petition/complaint." It should have given its

opinion to the President that the purported complaint did not present even the slightest *prima facie* case, of which cognisance could be taken.

Mr. Karat said it was well established that no judicial or quasi-judicial authority could seek to obtain material from a party with a view to making out a cause of action, where none was disclosed. Many eminent lawyers shared this view. It was incumbent on the quasi-judicial authority to reject the petition if it did not disclose any case.

But the Commission surprisingly sought to give an opportunity to the complainant to try make out a case by inviting it to furnish material/documents in a move calculated to cure the incurable defects [of the complaint], which is "no part of the duty of a judicial/quasi-judicial authority."

Urging Mr. Kalam to reject the complaint, Mr. Karat said only such action could help to restore confidence.

# Poll panel rejects Karat's charges

Says it can take action only on basis of full details of the MPs

J. Venkatesan

*Sheet (CBI)*  
**NEW DELHI:** The Election Commission has rejected the charges of CPI (M) general secretary Prakash Karat on the issue of seeking details from the complainants on the 'office of profit' petitions forwarded by President A.P.J. Abdul Kalam demanding disqualification of several MPs, including those belonging to the party.

Describing the charges as baseless, the Commission said that as a quasi-judicial authority it could take action one way or the other only on the basis of full details and information pertain-

- **When complete information is not furnished, EC has to get it from complainant**
- **No notice to respondent unless EC gets requisite information and decides on further inquiry**

ing to the MPs concerned and give its opinion to the President. It could not close the petition without giving the complainant an opportunity to furnish more details.

The Commission said: "Wher-

*HP-1 15/5*  
ever complete information has not been furnished by any complainant, the Commission has to obtain that information from him even for deciding the preliminary issue whether the matter falls for adjudication within the jurisdiction of the President and the Commission."

Sources said that the respondent concerned (against whom disqualification was sought) was not put to any inconvenience in this process because "no notice is sent to him unless the Commission gets requisite information and the Commission takes a view that the matter requires further inquiry. This is the

course of action that the Commission has been following in all such cases."

Referring to the Commission's announcement that it had taken cognisance of a complaint by Trinamool Congress leader Mukul Roy that several CPI (M) MPs held offices of profit and were liable to be disqualified, Mr. Karat wrote to the President on Saturday, questioning the Commission's action. Mr. Karat said it was well established that no judicial or quasi-judicial authority could seek to obtain material from a party with a view to making out a cause of action, where none was disclosed.

15 MAY 2000

THE HINDU

# SC seeks CEC view on Chawla

*9. Election (CEC) 011*

**New Delhi:** In a new turn to the Naveen Chawla controversy, the supreme court on Monday sought the opinion of the Election Commission and chief election commissioner B B Tandon on the demand of BJP-led opposition MPs for the ouster of the controversial election commissioner.

The court also decided to examine the reported opinion of Attorney General Milon Kumar Banerjee favouring Chawla's continuance in the office. Directing the Centre to place before it in a sealed cover the opinion of the AG for its perusal, a vacation bench of Justice Arijit Pasayat and Justice R V Raveendran also sought the response of the commission and CEC on the allegation that proper constitutional process was not followed when a memorandum seeking Chawla's removal was made by 205 NDA MPs to the President.

Besides the Centre, EC and CEC, the bench also issued notice to Chawla on the petition seeking his removal as EC on the ground that he would not be able to discharge his duties impartially in view of several allegations of impropriety levelled against him. The bench was hearing a petition filed by senior BJP leader Jaswant Singh alleging that Government adopted the wrong procedure for giving advise to the President by referring the matter to the



**SC issued notice to Chawla on the petition seeking his removal as EC on the ground that he would not be able to discharge his duties impartially in view of several allegations of impropriety levelled against him**

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Union cabinet instead to CEC.

When senior advocate Soli J Sorabjee, appearing for Singh, sought that CEC be also asked to give his opinion on the matter like AG, the bench observed that the counter-affidavit by the CEC would cover everything, including his opinion, on the issues raised in the petition.

Sorabjee submitted that under Article 324(5), the Centre was under constitutional obligation to refer the memorandum seeking Chawla's removal to the CEC. He contended that by refusing to place the memorandum before the CEC for his recommendation and by referring it to the AG, the Centre was trying to "block the constitutional process of removal of an election commissioner as envisaged under Article 324(5)."

The NDA MPs, in their representation to the President, had sought Chawla's removal as election commissioner saying that he would not discharge his duties in

a fair and unbiased manner as the Lepra India Trust run by his wife Rupika Chawla had taken donations from Congress MPs out of the MPLADS fund. They had alleged that a plot of land at Jasola in Delhi was allotted to Chawla for which contribution came from three Congress politicians—Ambika Soni, Karan Singh and A R Kidwai. AGENCIES

23 MAY 2006

THE TIMES OF INDIA

# Quota unquote

EC puts government on notice

The Cabinet Secretary has done the obvious by returning the draft Bill on quotas to the HRD ministry. Sunday's damage-control exercise by Arjun Singh scarcely makes amends for the Centre's tactlessness in the season of elections. There can be no dispute over the question that the government has, as a matter of principle, decided to grant reservation to OBCs in central institutions, notably the IITs and IIMs. And the Election Commission is perfectly within its rights to seek an explanation on the violation of the model code. It is the promise of a lollipop and its timing that is open to question. The HRD minister's assertion that the government is yet to decide on the percentage of the reservation doesn't quite address the EC's basic objection. For all the carping at the media, he doesn't deny that on 5 April - the occasion was the release of the new NCERT books - he made a reference to the constitutional amendment on reservations in central institutions. And the assurance that the "necessary follow-up action is under way" was sop enough for OBCs when the campaign was in the final stages at least in Assam and midway in the other states. Mr Singh sounds feeble when he says that a decision has been kept in abeyance in view of the elections. Even if he meant it as a statement of intent, it was encouraging enough to woo a potential vote bank.

The minister may not find it easy to cope with the fallout. In the age of internet, the EC-government kerfuffle has had an immediate repercussion at the student level. Electronic mail running down the minister speak of widespread resentment among the general category of students and the urban middle class. It doesn't behove the HRD minister to lower the morale of the IIT as much as the IIM aspirant. Whether or not the EC accepts his desperate denial, Mr Singh has caused considerable damage to young, talented and impressionable minds. There is little doubt that he is seeking to fulfil his agenda - IITs and IIMs must increase their intake to meet what he calls "domestic needs" pending fulfilment of offshore plans. Expansion of the quota system is not quite the means towards that end. It can only serve to dilute such centres of excellence.

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THE STATESMAN

# Govt buys time after EC stinker

## Draft bill back with HRD

**CHETAN Chauhan and JAI Raina**  
New Delhi, April 10

A DAY after HRD minister Arjun Singh told the Election Commission that the draft bill to extend reservation to all central government educational institutions was ready for cabinet consideration, the Cabinet secretariat sent it back to the ministry on technical grounds.

Sources say the ministry has been asked to get clearance on the draft bill from the EC first. A few minor clarifications have also been sought.

Cabinet secretary P.K. Chaturvedi said no decision had been taken on OBC reservation and no such proposal was before the cabinet. He said all such issues are discussed threadbare at the inter-ministerial level before being forwarded for the cabinet's clearance. As regards the ministry's

proposals to operationalise reservation for OBCs, he said, such decisions were taken up at ministerial groups for a subsequent Cabinet nod.

A section in the bureaucracy says the move to return the bill may be an attempt to buy time keeping in view growing public opinion against increasing reservation. It says the move may be an attempt to allow educational institutions to put mechanisms in place to implement the 93rd Constitutional Amendment providing reservation to the socially and educationally backward classes.

Sources say it has been left to the Cabinet to decide the percentage of reservation for OBCs in centrally funded institutes. But, they add, the Mandal formula was agreed upon when the Cabinet approved the Constitutional Amendment Bill in December.



### IMA ire

**The IMA will write to the PM and the health minister appealing against the quota. Its state presidents and secretaries will meet on April 30 and chalk out an action plan. "Medicine is a profession that deals with human life — a single mistake can be fatal. We urge leaders not to sacrifice merit," said Dr Vinay Aggarwal, secretary general.**

## No quota in defence

**HT Correspondent**  
New Delhi, April 10

HRD MINISTER Arjun Singh appears to have exempted defence educational institutions from the purview of 27 per cent reservation to other backward classes (OBCs).

There is no reference to quotas in defence educational institutions in the Cabinet note forwarded to the Cabinet secretariat in the last week of March. The note has now been returned to the ministry by the Cabinet secretariat. Ministry sources said no comments were sought on extending the 93rd Constitutional Amendment for educationally and socially backward classes by the HRD ministry.

The draft bill was circulated to the home affairs, health and family welfare, agriculture, social justice and empowerment, tribal affairs and law ministries. That the HRD ministry exempted defence clearly implies that the "quota won't be extended" to defence educational institutions, a source said.

There is a precedent of not extending reservation to defence institutions. When the Mandal Commission recommendation had been extended to all central government institutions, defence establishments were exempted.

11 APR 2006

The Hindustan Times

# A violation of the code, says EC

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Violation  
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Announcement on quota for OBCs

J. Venkatesan

**NEW DELHI:** Taking *suo motu* action, the Election Commission on Saturday slapped a notice on the Cabinet Secretary, asking him to seek an explanation from Human Resource Development Minister Arjun Singh for announcing a 27 per cent reservation for Other Backward Classes in Central educational institutions. The Commission took a serious view of the Minister's announcement of the quota in the government-funded IIMs and IITs and Central Universities as suggested in a Cabinet note under circulation.

The notice said the announce-

ment, as widely reported in the media, "amounts to new concessions to certain sections of the electorate" in the poll-bound Assam, Tamil Nadu, West Bengal, Kerala and Pondicherry.

"It *prima facie* violates the model code of conduct." The Commission said the announcement had been made despite its March 1 clarification that the code would be applicable to the Union Government and to the States going to the polls.

The letter said "the explanation of Mr. Arjun Singh may be obtained and forwarded to the Commission by 5 p.m. on Monday for further necessary action."

## "Proposal yet to reach Union Cabinet"

Special Correspondent

**NEW DELHI:** The Manmohan Singh Government is puzzled at the Election Commission's decision on Saturday to seek an explanation from the Cabinet Secretary on the announcement of the proposal of 27 per cent reservation for Other Backward Classes in Central educational institutions. The puzzle is that the Commission has chosen to act on the basis of reports in the media.

According to authoritative

sources, the proposal is still in the "circulation stage" and yet to reach the Cabinet for consideration. When the Human Resource Development Ministry sent the proposal, the Cabinet Secretary returned the note to it. The Cabinet Secretary has asked that the proposal be either cleared by the Law Ministry or brought before the Cabinet only after the election process in five States is over.

The Government is likely to reproduce this internal view to the Commission.



# Kalam refers Chawla petition to PM

Statesman News Service *SP*

NEW DELHI, March 30. — The issue of the Opposition demand for removal of election commissioner Mr Navin Chawla has hotted up with the President, Dr APJ Abdul Kalam, referring the NDA petition to the Prime Minister, Dr Manmohan Singh.

The NDA memorandum, signed by over 200 MPs, has demanded the removal of Mr Chawla on the ground of his "links" with the Congress. The

<sup>3113</sup> memorandum came in the wake of a controversy over Mr Chawla's family trusts receiving donations from Congress MPs.

The NDA has contended that Mr Chawla's continuation in office would raise doubts about the credibility and impartiality of the Election Commission in the coming elections to five state Assemblies.

The NDA MPs have demanded his removal not only for his alleged links with the Congress but also for the role he played during the Emergency. They have sent a copy of their mem-

orandum to the Chief Election Commissioner.

Mr Chawla, appointed as Election Commissioner last year, is accused of having received over Rs 85 lakh for his family trusts from Congress politicians. The memorandum also cited the Shah Commission's observation that Mr Chawla was "unfit" to hold any public office. NDA leaders have alleged that the Commission had said that Mr Chawla during the Emergency asked the jail authorities to put imprisoned Opposition leaders in the company of lunatics.

THE STATESMAN

# Resignations or not, EC notices to all

**Statesman News Service**

NEW DELHI, March 24. — While confirming that it has received 16 presidential references, the Election Commission today made it clear that it would look into all the complaints despite the fact that three of them, including Ms Sonia Gandhi, have resigned from the Lok Sabha.

However, the commission has not yet initiated the process of serving notices to the MPs concerned. Instead, it has served notices to the petitioners asking them to give more details to substantiate their charges. "While notices to two of the petitioners have already been served for clarification, the Commission is in the process of seeking clarification in the remaining two petitions," a senior EC official said.

In the notices served today, the EC has asked the complainants to furnish more details by 17 April. The decision on the complaints would be taken only after it receives replies from the complainants. "Actually there are two things. If a member got the office of profit after he became MP, the matter will come in purview of the Commission, and if the member was holding the office of profit before he became an MP, the matter would be referred to the High Court," the official said.

However, in all the cases in which the members attained the office of profit

## **Fitting the Bill**

RANCHI/DEHRA DUN, March 24. — Amidst hurling of chairs and overturning of tables by Opposition UPA members, the Jharkhand Assembly today passed a controversial Bill to protect four NDA MLAs from possible disqualification on the ground that they were holding offices of profit. The Jharkhand Legislature (Removal Of Disqualification) 2006 Bill was eventually passed by a voice vote. There are indications that the Uttaranchal government may come up with a similar piece of legislation in the ongoing session of the Assembly. The Opposition wants at least 14 such MLAs of the ruling party to resign. — SNS

after become MPs, the EC will serve notices to all irrespective of whether they have resigned from the MP's post or not, clarified another official in the commission. The EC will go strictly by the book and would conduct all formal inquiries before submitting its recommendations to the President, he said.

Indications are that the commission is going to serve notices to all the three Congress MPs — Mrs Sonia Gandhi, Dr Karan Singh and Dr Kapila Vatsyayan — who resigned from the Parliament after the controversy broke out.

"As per rules, the Commission serves notice to the MPs concerned seek his clarification in writing, gives him a hearing and then finally submits its recommendations to the President," the official added.

# EC can make only preliminary enquiry: Sezhiyan

Model code has no statutory backing

Special Correspondent

**CHENNAI:** Era Sezhiyan, former Member of Parliament, on Tuesday said the Election Commission could only make a preliminary enquiry against a government official for violation of the model code of conduct.

In a statement here, he said only the Government, Central or State, had the jurisdiction to take disciplinary action against any official. "While Article 324 (1) gives enormous powers to the Election Commission in the conduct of elections, there is a limit to the discretion of the Commission. In the Jose vs. Sivan Pillai case, the Supreme Court summarised the legal and constitutional position that where the Act or Rules are silent, the Commission had plenary powers under Article 324 to give any direction in respect of the conduct of elections."

However, it added: "Where a particular direction by the Commission is submitted to the Government for approval, as required by the Rules, it is not open to the Commission to go ahead with implementation of it at its own sweet will even if the approval of the Government is not given." The model code, Mr. Sezhiyan said, had no statutory backing and most of its provisions were not legally enforceable.

Section 28A of the Representation of the People Act provided that the returning officer, the polling officer and any other offi-



• Government alone can take disciplinary action

• There is a limit to Commission's discretion

cer appointed to the Commission during the election period were subject to its control, superintendence and discipline. Using this provision, the Commission in 1993 took disciplinary action against some observers and returning officers and censured them for dereliction in the performance of electoral duties. However, the Government of India took the view that the Commission had no power to take disciplinary action against the erring officers deployed on election duty, that the findings of the Commission could be regarded only as a preliminary enquiry and that the Department of Personnel was the authority to take disciplinary action.

Similarly, in respect of State Government officers, the authority was the State Government, Mr. Sezhiyan said.

22 MAR 2006

THE HINDU