

E A S Sarma

Former Secretary to Government of India

To

Shri Rajiv Kumar

Chief Election Commissioner

Shri A C Pandey

Election Commissioner

Shri A Goel

Election Commissioner

Dear S/Shri Rajiv Kumar/ Pandey and Goel,

I write this in continuation of **my letter dated 26-11-2022** addressed to you to take appropriate action on a statement reported to have been made by Shri Amit Shah, the Union Home Minister, in Gujarat on 25-11-2022, addressing a rally in Mahudha town of Kheda district, in support of BJP candidates ahead of the next month's Assembly elections (<https://www.ndtv.com/india-news/rioters-taught-lesson-in-2002-permanent-peace-in-gujarat-amit-shah-3552887>). For your ready reference, my letter is also accessible at http://eassarma.in/sites/default/files/public/MCC-Gujarat-Letter-dated_26-11-2022-to-CEC.pdf

In view of the wide ramifications that such a statement, if it was reported correctly, would have on the Gujarat elections, I had specifically requested the Commission to act urgently, if necessary, by holding an emergency meeting and take decisive, urgent action, including deferment of elections, if found necessary.

I have tried to scan the Commission's website just now (at 7:43AM on 28-11-2022) to find out whether the Commission had initiated any meaningful action whatsoever on my letter but, to my disappointment, there is no indication of any such action. If my understanding of the status of the Commission's action on my letter is correct, it gives rise to an apprehension in my mind about the

Commission's determination to play the role expected of it under the Constitution and the relevant election law, so as to make sure that elections are conducted in a free and fair manner.

While scanning the Commission's website, I have come across one earlier instance of a statement made by Shri Amit Shah, during electioneering preceding elections in 2014, prima facie violating the Model Code of Conduct (MCC) at that time, when the Commission had, imposed a ban on his taking part in the elections on 11-4-2014 and, on his giving a "***solemn undertaking***" that he would not repeat making such a statement, the Commission, vide their communication No. No. 437IUP-HP12014 dated 17th April, 2014 (<https://eci.gov.in/files/file/2425-general-election-to-the-house-of-the-people-2014-request-to-review-eci-order-dated-11th-april-2014-in-respect-of-shri-amit-shah-of-bjp-regarding/>), lifted the ban. While that instance may not directly relate to MCC violations for the current Gujarat elections, nevertheless, it demonstrates the fact that the incumbents of the Commission at that time did not hesitate to take stringent action against MCC violations.

I once again appeal to you to initiate appropriate action on my letter dated 26-11-2022, even today, though somewhat belated, so as to make sure that the trust reposed by the public in the impartiality of the Commission may get reinforced.

Regards,

Yours sincerely,

E A S Sarma

Visakhapatnam

28-11-20223