

**Top Most Priority / By Special Messenger**

Dated: 11<sup>th</sup> February, 2012

1900 Hrs.

Respected Rashtrapati Ji,

The Commission is approaching you with serious dismay and a deep sense of urgency that requires your kind intervention in the midst of the poll process in the state of Uttar Pradesh.

The Union Minister for Law and Justice and Minority Affairs, Sh. Salman Khurshid, who is also a leader of the Indian National Congress Party, had made certain statements and announcements during the course of his campaign in the state. One of them was to the effect that the Congress would provide a quota of 9% reservation to the minorities within the existing quota of 27% for OBCs. He also indicated that Muslims having a sizeable population will be benefited from this move.

Following complaints received from a political party that such announcement was a violation of the Model Code of Conduct, the Commission, after due notice and hearing, passed an order on 9<sup>th</sup> February, 2012 that Sh. Khurshid had indeed violated the MCC. The following are the relevant observations contained in the Order:

“The Commission, therefore, cannot help expressing its deep anguish and disappointment over his violation of model code of conduct. As a Union Minister for Law and Minorities Affairs, he has an added responsibility of ensuring that the model code of conduct is observed in letter and spirit so that elections are conducted in a free and fair manner and all political parties enjoy a level playing field in the matter of their election campaigns.

In the above circumstances, the Commission hereby censures Sh. Salman Khurshid and hopes and expects that such violations of model code of conduct would not be repeated by him in future. “

Sh. Khurshid has been seen in television media today (11<sup>th</sup> February 2012) making statements to the effect that he would pursue the line of his earlier announcement irrespective of whatever the Commission directs. In fact, the Union Minister goes on to say that he would stick to his line, “even if they hang me”. We have found the tone and tenor of the Union Minister dismissive and utterly contemptuous about the Commission’s lawful direction to him, besides the fact that his action is damaging the level playing field in the election.

The above response of a Union Minister and that too, the Law Minister, to the Commission's decision in a MCC case has created a disturbing situation. The Commission is shocked that instead of being remorseful about the violation of the Model Code, that carries the consensus of all political parties and the sanction of the Supreme Court, the Minister has chosen to be defiant and aggressive. This is unprecedented. The full Commission hence deliberated on the matter in an emergency meeting, this afternoon, while being concerned about the fact that Sh. Khurshid's action could vitiate free and fair poll in Uttar Pradesh. The Commission is perturbed because the undermining of its constitutionally mandated duties has come from the Law Minister who has a direct responsibility to uphold and strengthen the ECI rather than to denigrate it. Hence, we find the immediate need to draw attention of the executive to the fact that the onus of holding free and fair polls falls on all organs of the State. The Commission is quite concerned that the delicate balance of functions between constitutional authorities has come under a strain, because of the Minister's improper and unlawful action.

The Election Commission of India finds it necessary and unavoidable to turn to you at this juncture for immediate and decisive intervention so that the ongoing general election to the Uttar Pradesh Assembly is conducted, and this Commission discharges its functions, in accordance with the Constitution and the law.

With respectful regards,

(S.Y. Quraishi)