

LEGAL_AWARENESS FROM 2020 IN AUGUST 2022 32 EMAIL DATED 07 11 2021 TO CHIEF JUSTICE OF INDIA REGARDING APPOINTMENT OF ELECTION COMMISSIONERS IN CENTRE AND STATES WHERE CONFLICT OF INTEREST AND MISCARRIAGE OF JUSTICE ARISE WHEN CADRE OFFICERS (GOVT SERVANTS) ARE APPOINTED

To

Hon'ble Chief Justice of India Supreme Court

Copy to

Hon'ble Minister for Law and Justice mljoffice@gov.in

Hon'ble Governor Odisha

Vice-Chairman Niti Aayog

Respected Sir

Subject-Request to take suo motu cognizance regarding appointment of election commissioners in centre and states where conflict of interest and miscarriage of justice arise when cadre officers (Govt servants) are appointed

With due respect I want to draw your kind attention towards the above-mentioned issue.

It is pertinent to mention that as the cadre officers serve as govt servants ; it can be inferred that if they are appointed as election commissioners of centre and states there is probability of partiality, loyalty, lack of transparency, conflict of interest, favoritism and miscarriage of justice when they decide matters relating to election issues.

Surprisingly without any cooling period and taking VRS the govt servants are appointed as head of the election commission in which they adjudicate the issues of ruling party which gives rise to conflict of interest.

It is seen in the case of Odisha that some cadre officers who have taken benefits from the Miinisters of Ruling Party in the form of land allotment from Discretionary Quota of the Minister where the AIS rule and guidelines of Hon'ble Supreme Court are violated have been appointed as election commissioners of Odisha. PLEASE REFER TO WP(C) 1096 OF 2013 FILED IN HON'BLE SUPREME COURT SUPREME COURT; LIST OF DISCRETIONARY QUOTA HOLDERS PAGE 44 TO 149 WHO HAVE VIOLATED DISCRETIONARY QUOTA GUIDELINES OF SUPREME COURT (copy attached)

Recently the Home Secretary promoted to Chief Secretary has been appointed as state election commissioner without any cooling period which gives rise to controversy as how he can handle the issues related to the ruling party in election matters to whom he has served most of his tenure and acted as a representative to the Govt.

Independence of election commission which is the lifeline of a democracy is at stake specifically in state of Odisha where govt servants are appointed as election commissioners which are basically after retirement package for about 5 years which they get as gift that to some favored officials who obeyed their political masters obediently.

In a democracy like in India which is overpopulated, lack of literacy and major percentage of population survive on food security scheme; the cost of election and by-election is enormous and cannot be easily borne. In that case if favored govt officials are appointed as the election commissioners who decide about fake voting, booth rigging, political killings, re-election, seizure of black money and liquor in huge quantity and other issues like purchase of votes on the eve of election etc; the impartiality raises the eyebrows.

Under the circumstances you are requested to take suo motu cognizance of the above-mentioned issue and be kind enough to frame guidelines for appointment of election commissioners and issue show cause to Govt of Odisha and others related to the appointment of election commissioners whether they have actually appointed any Discretionary Quota allottees who violated Hon'ble Supreme Court Guidelines.

PRAYER

- 1. Appointment of Hon'ble retired Judges as election commissioners (as in BCCI).**
- 2. Framing of cooling period for govt servants**
- 3. Declaration by the candidates on affidavit about taking any favor in any manner from Govt by them and their family members to preserve independence of the election commissions**

Thanking you

Yours faithfully

Ms Jayanti Das

Cuttack Odisha

1 attachment