

NO DISSENT NOTES IN ORDERS, SAYS EC

Relevant for: Indian Polity | Topic: Elections, Election Commission and the Electoral Reforms in India Incl. Political Parties

The Election Commission of India (ECI) on Tuesday decided by a majority of 2:1 that dissenting opinions in the Model Code of Conduct (MCC) disputes will not be made part of any final order and will only be included in internal files, as per previous practice.

“In the meeting of the Election Commission held today, regarding the issue of MCC, it was inter alia decided that proceedings of the Commission meeting would be drawn, including the views of all the Commission Members. Thereafter, formal instructions to this effect would be issued in consonance with extant laws and rules,” the ECI said.

It is learnt that Election Commissioner Ashok Lavasa had maintained his stand that minority views should get reflected in the MCC orders.

The issue came up before the full bench comprising Chief Election Commissioner Sunil Arora, Mr. Lavasa and Election Commissioner Sushil Chandra, after Mr. Lavasa raised objections over his dissenting opinions not being included in the orders on certain speeches of Prime Minister Narendra Modi and BJP chief Amit Shah.

Mr. Lavasa wrote thrice to Mr. Arora, conveying his decision to stay away from the proceedings related to the MCC if dissenting views were not incorporated in the orders.

No precedent

“However, there is no such precedent. According to the existing rules, only the majority decision in case of non quasi-judicial issues like the MCC is communicated to the parties concerned. The divergent opinion is recorded in files,” said a senior EC official.

Following news reports that Mr. Lavasa had recused himself from MCC matters, Mr. Arora earlier issued a statement saying: “It needs to be mentioned that in the last meeting of the Commission on May 14, it was unanimously decided that some groups shall be formed to deliberate the issues that arose in the conduct of Lok Sabha Elections, 2019, just as it was done after the Lok Sabha elections of 2014. Of the 13 issues and areas identified, Model Code of Conduct is one of them.”

“The three members of the ECI are not expected to be template or clones of each other. There have been so many times in the past when there has been a vast diversion of views as it can and should be,” he had said.

Former Legal Advisor to the EC S.K. Mendiratta, who has worked with the poll body for about 53 years, had also told *The Hindu* that in case of a difference of opinion on MCC matters, the dissent note is recorded in the files and only majority view is communicated through an order.

The dissenting ruling is made part of the order only in quasi judicial matters like the disputes related to the Representation of the People Act and election symbols.

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