

RAM JETHMALANI

MEMBER OF PARLIAMENT
(RAJYA SABHA)
SENIOR ADVOCATE
SUPREME COURT OF INDIA
PROFESSOR EMERITUS
SYMBIOSIS COLLEGE OF LAW, PUNE



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Date: 12-05-2011

To,

The Hon'ble Members of the Election Committee for the
S. C. B. A. Election held on 11th of May, 2011.

Dear Sir,

While I am grateful for all the work put in by you and the extreme inconvenience that you went through from early morning to late in the night. I have to record a few facts which cause deep concern.

At the very beginning of the meeting on the 10th May your announcement of the corruption that had vitiated the election campaign came as a pleasant surprise. Perhaps I know something more about the corruption than was reported to you. However I was quite disturbed when you announced that you were resigning your office and the elections will have to be postponed. Since I was not sure that the next campaign will be free from the polluting factors, it was much better to go ahead with the poll and the pre-poll preparations.

You will recall that I briefly spoke why the election should not be cancelled. I said that the intelligent electorate will know how to deal with the offenders. That would be a more democratic remedy. Unfortunately while you accepted this advice, it was imperative that the information at your disposal should have been disclosed to all concerned so that the voters could make their intelligent choice. Unfortunately this did not happen. Without this frank disclosure, it would have been better if the elections would have been postponed to a some propitious occasion.

Secondly the logistic arrangements for conducting the poll on the next day were to say the least extremely inadequate. There was a long line of voters requiring non-human patience to stand in that furnace of an atmosphere in a suffocating queue. The arrangement inside the Hall were worse. Previous experience had shown that voters often take a lot of time to make their choice and operate the machine. You gave me one illustration of a voter who took 26 minutes inside the booth. It became apparent early enough that all people will not be able to vote.

Inspite of your having extended the polling time to 7 P.M. about 300 voters after having taken the voting slip went back knowing fully that they will not be able to cast their vote by 4 P.M. While it was very wise to extend the polling time to 7 P.M. this should have been made known to all candidates in good time and to all voters equally in good time so that they could have a respite and return to cast their vote. Those who left did not come to know of the extension except perhaps some who had been called back by some concerned candidate.

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Thirdly while it is fair to extend the voting time for all those who had collected their slips before 4 P.M., the extension of time for taking slip was rather unfortunate. Many did not know of this extension and perhaps did not even take the slip and caste their vote.

It now appears that one tenth of the voters, who had taken the slip did not and could not cast the vote. It is fair to state that they did not know of the new deadline of 7 P.M.

Considering the very marginal difference between the successful candidate and the two unsuccessful ones these irregularities have doubtless affected the result of the election. Surprisingly most members who did not vote are said to be the senior members of the Supreme Court Bar, who are almost daily practitioners in the highest court. Their vote could have made a material difference.

I suggest that in spite of all your good intention and spirit of accommodation the validity of the election is open to serious challenge.

I am not sure whether it is within your jurisdiction to do anything now. Do kindly inform me whether you propose to do anything. If not you would kindly indicate that you have no quarrel with the validity of the above objections.

Once again thanking you and with utmost regard.

Yours sincerely

RAM JETHMALANI

To

All the free members of the Election Committee.

*Recd
12/5
21/05/2011*

1. Shri Jawahar Lal Gupta, Senior Advocate,
Chairman, Election Committee SCBA.
2. Shri Kailash Vasdev, Senior Advocate,
Member, Election Committee SCBA
3. Shri Amarendra Sharan, Senior Advocate,
Convenor, Election Committee, SCBA.