

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi. 110001

PRESS NOTE

No.ECI/PN/9/2012

Dated: 18th January, 2012

Sub: Covering of Statues in Uttar Pradesh- Comments reported in Media regarding

The Commission issued an Order on 8th January 2012 for suitably covering the statues of elephants and statues of Ms. Mayawati constructed in public places at government expenses for the duration of the Assembly elections in Uttar Pradesh.

Commission has come across some incorrect and misleading comments on this decision. Some of the comments suggest a lack of understanding of the facts.

The Order of the Commission is in accordance with the law and in keeping with its Constitutional mandate for ensuring level playing field during the elections with the objective of ensuring free and fair polls. This Order is also in conformity with the Commission's consistent practice to remove photographs, pictures, etc. of active political leaders at all public places, put up at the cost of public exchequer so that there is no undue advantage or disadvantage to political parties and candidates.

There are standing instructions of the Commission, again reiterated in 2009, that images and photographs of Prime Minister, Chief Ministers, Ministers and other political functionaries who are active in public life should not be displayed in government buildings and premises as that would have the effect of disturbing the level playing field. The statues depicting any party symbol and put up in public places at the cost of public money would also come in this category.

The basic philosophy of Model Code of Conduct is that the political parties, particularly the parties in power at the Centre and in the States, do not use their official power and official machinery in a manner which may give cause of complaint to others that the same have been misused by them to influence the voters. This basic philosophy of the Model Code of Conduct has met with the approval of the Hon'ble Supreme Court in a catena of cases.

Commission's enforcement only relates to statues of living leaders of political parties who are still active in politics and not leaders of the past. That is why statues of several icons including that of late Shri Kanshi Ram as well as of other parties have not been ordered to be covered. Any charge of discrimination on this ground can only be ill founded. In fact, the UP administration has been asked to bring to the Commission's attention, statues of other political parties standing on similar footing and which have been erected at government cost so that appropriate action can be initiated.

The contention that the statues of elephants as erected are different from the election symbol of BSP is not acceptable. In that case,

other Political Parties would be in a position to seek allotment of the Elephant symbol in different postures.

While enforcing the level playing field, the Commission does not take into account statues raised with private funds, whether of political leaders or election symbols or otherwise. Questions have been raised about various living and non-living objects that might resemble party symbols, some of them also created out of government funds. It is to be appreciated that many such common objects are created/ provided/ supplied by any government, irrespective of party affiliation in the course of its normal functioning and by no stretch of logic these can be compared with the statues as in the present case.

The issue of statues was the subject matter of some complaints before the Commission in 2009, wherein it was pleaded to freeze the elephant symbol. The Commission in its Order of 11th October, 2010, while not accepting the request, had made it clear that at the time of elections, the Commission would take appropriate measures to see that the statues do not disturb the level playing field.

It also needs to be clarified that in implementation of the MCC, Commission does not engage in prior consultations every time, but looks to take early remedial action in order to keep the electoral process on the track. In any case, here the Commission was covering a government property, hence the need to consult any political party does not arise.

Looking from whatever rules, facts and reasoning, the step to cover the statues was the most appropriate and available option before the Commission.

While Commission takes all views about its working in its stride, but it is truly disturbed that the Chief Minister of Uttar Pradesh and the national President of BSP, Ms. Mayawati, has cast serious aspersions on the Commission, in public, by attributing anti-Dalit and casteist motives to the Commission's Order and also alleging that the Order is inspired by pressure from some political parties. Commission regrets that such an allegation was made and rejects the allegation. It expects a higher sense of responsibility and Constitutional decorum from major political parties and their leaders. It notes with concern such statements coming from those holding senior Constitutional positions.

Commission needs to reiterate that it takes its decisions and enforces them within the provisions of the Constitution and that does not include considerations of religion, race, caste and community in the manner alleged. Rather it is one of the assigned responsibilities of the Commission to ensure that these aspects are not allowed to vitiate the election process.

The Commission hopes that the aforesaid explanation makes its stand on the covering of the statues amply clear. It does not intend to further engage in elaborating the matter in the thick of its election management work.

(Yashvir Singh)
Director