



Office of Election Commission (2025-27)

HQ, MES Builders Association of India (Regd.)

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Election Circular No. 53

Date.18 May 2025

To

All Esteemed Members of MES BAI
Through Official Circulation

Subject: Representation on the Unconstitutional Intervention of DRRC in the Functioning of the Election Commission (EC) and Threat to the Democratic Process of MES BAI.

Reference: Award published by DRRC bearing No MBAI/ HQ/DRRC/2023-25 /67 dated 16.05.2025 and directions issued by DRRC through letter No: MBAI/ HQ/DRRC/2023-25 /69 dated 16.05.2025

Respected Members,

We respectfully affirm, with integrity and clarity, that every action and decision undertaken by the **Election Commission (EC)** has been executed in full compliance with legal frameworks and democratic principles. These measures have been meticulously designed to protect the Association's interests while fostering maximum participation of its esteemed members in the upcoming elections, upholding the esteemed traditions set by previous ECs.

This representation is being submitted to bring to your collective attention a matter of urgent constitutional and institutional concern regarding the ongoing interference by the **Dispute Resolution & Redressal Committee (DRRC)** in the **decisions and authority of the Chief Election Commissioner (CEC)** during the conduct of MES BAI elections for the term 2025–2027.

1. EC is a Constitutional Authority, Not Subject to DRRC Oversight

The role of the **Election Commission (EC)** as provided under the Memorandum and Articles of Association (MOA) of MES BAI is **neutral, autonomous, and constitutional**. The **Election Commission (EC)** is entrusted with the **exclusive responsibility of conducting free and fair elections**, independent of HQ administration or any other internal committee.

Any interference in the EC's functioning **undermines electoral independence** and is in **violation of the MOA and basic democratic principles**.

2. DRRC Has No Jurisdiction Over Election Matters

As per **Article 21(c)** of the MOA, the DRRC is empowered only to address **disputes between members and the HQ administration**, primarily of a procedural, contractual, or operational nature. Nowhere is the DRRC empowered to:

- Review,
- Suspend,
- Overrule,
- Or question the decisions of the Election Commission during the electoral process.

Such intervention is a **clear case of jurisdictional overreach**, and if allowed, would **destabilise the internal constitutional order** of the MES BAI.

The validity of the Present DRRC Chairman's Appointment is also questionable, as according to Article 21(c) of the MOA, the eligibility criteria for the Chairman of DRRC are analogous to those of the Chairman of the Election Commission.

The present Chairman of DRRC is also a respected former President of MES BAI, and under a literal reading of Article 11(g)(vi), might also be considered ineligible.

Yet, his nomination was accepted and endorsed by the Supreme Council due to his experience, in the interest of the Association. it would also invalidate the nomination of the current DRRC Chairman, thereby nullifying all DRRC decisions made in past during his tenure, which would lead to organisational chaos and legal inconsistency

3. Legal Position Under the Indian Constitution and Societies Registration Act, 1860

In line with **constitutional principles** and the **Societies Registration Act, 1860**, once an election process is underway, the authority of the Election Commission, whether in public institutions or registered societies, is **final and binding**.

No provision in law allows subordinate internal bodies such as DRRC to supersede electoral decisions made by a constitutionally empowered body like the **Election Commission (EC)**.

"It is deeply concerning that the actions of the DRRC Chairman are not constitutionally correct, thereby casting doubt on the integrity of the electoral process and attempting to tarnish the image of the duly elected Election Commission (EC). Such conduct not only undermines the democratic mandate but also risks bringing disrepute to the institution. This matter shall be formally brought before the next Council meeting post-elections, where appropriate action may be considered."

Any such interference is **ultra vires (beyond authority)** and **liable to legal invalidation**.

4. Grave Risk to MES BAI's Democratic Integrity

Permitting DRRC to intervene in electoral matters:

- Threatens the sanctity of member elections,
- Undermines trust in institutional neutrality,
- Opens the Association to legal liability and reputational damage,
- May invalidate valid electoral outcomes and create governance paralysis.

Such developments are inconsistent with the spirit and objectives of MES BAI as a professional, transparent, and democratic organisation.

5. Appeal to All Members and the Election Chairman of the branches:

In light of the above:

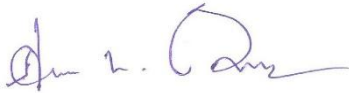
We, the undersigned and concerned members, respectfully urge all members, Election Chairman of the Branches of MES BAI, to:

- **Uphold the authority and independence of the Election Commission (EC);**
- **Reinforce the constitutional limitations on the jurisdiction of the DRRC;**
- **Reject any attempt to derail or sabotage the electoral process through committee overreach;**
- **Safeguard the democratic structure and legal compliance of MES BAI by its MOA and governing laws.**
- **Please proceed with the election process in strict accordance with the guidelines issued by the Election Commission (EC) for the 2025–2027 term.**

We remain committed to the principles of transparency, accountability, and democratic governance that define the legacy of MES BAI.

With sincere regards,

Yours sincerely,



(Amit Bhaduri)



(Naveen Kumar Yadav)

Election Commissioners



(Praveen Mahana)

Chief Election Commissioner (2025-27)
MES Builders Association of India (Regd)

Copy to.

1. Honorary General Secretary, HQ MES BAI, New Delhi
2. All Branches of MES BAI.