

Annexure-I

Affidavit to be furnished by candidate along with nomination paper
Before the Returning Officer

for election to _____ (name of the House)

from Jharsuguda constituency

(name of the constituency)

Sl. No. 02
Date 30/07/15

I, Tarun Khanday son/daughter/wife of Birendra Khanday aged 30 years, resident of Perinabasti, W.N. 17, Jsg, candidate

at the above election, do hereby solemnly affirm and state on oath as under :-
(Strike out whichever is not applicable)

(1) The following case(s) is/are pending against me in which cognizance has been taken by the court :-

- (i) Section of the Act and description of the offence for which cognizance taken :- NO
- (ii) The Court which has taken cognizance :- NO
- (iii) Case No. :- NO
- (iv) Date of order of the Court taking cognizance :- NO
- (v) Details of appeal(s)/ application(s) for revision, etc., if any, filed against above order taking cognizance :

Identity to me
Tarun Khanday
30/3/15

30/07/15

J. Patra
NOTARY
JHARSUGUDA
REGD. NO. _____

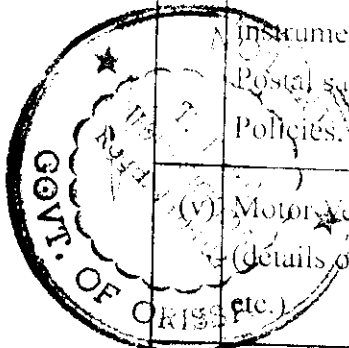
Tarun Khanday

(2) That I give hereinbelow the details of the assets (immovable, movable, bank balance, etc.) of myself, my spouse and dependants:

A. Details of movable assets

(Assets in joint name indicating the extent of joint ownership with spouse to be given)

Sl. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 etc. Name
(i)	Cash	Yes	No	No	No	No
(ii)	Deposits in Banks, Financial Institutions and Non-Banking Financial Companies	No	No	No	No	No
(iii)	Bonds, Debentures and Shares in Companies	No	No	No	No	No
(iv)	Other Financial Instruments NSS, Postal savings, etc. Policies, etc.	No	No	No	No	No
(v)	Motor vehicles (details of make etc.)	No	No	No	No	No
(vi)	Jewellery (give details of weight and value)	No	No	No	No	No
(vii)	Other assets, such as values of claims, interests	No	No	No	No	No



Handwritten signature and date: 26/10/17

Note - Value of Bonds/Shares/Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non-listed companies should be given.

*Dependent here means a person substantially dependent on the income of the candidate.

Handwritten signature: S. Par...
 NOTARY
 BHUBANESWAR

Handwritten signature: ...

B. Details of immovable assets

[Note - properties in joint ownership indicating the extent of joint ownership will also have to be indicated]

Sl. No.	Description	Self	Spouse(s) Name(s) :	Dependent-1 Name :	Dependent-2 Name :	Dependent-3 etc. Name :
(i)	Agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -Current market value	Unit Nos 58 00099				
		0.094	Rs 100000			
(ii)	Non-agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -Current market value	NO	NO	NO	NO	NO
(iii)	Buildings (commercial and residential) -Location(s) -Survey/door number(s) -Extent (Total measurement) -Current market value	NO	NO	NO	NO	NO
(iv)	Houses/Apartments, etc. -Location(s) -Survey/door number(s) -Extent (Total measurement) -Current market value	NO	NO	NO	NO	NO
(v)	Others (such as interest in property)	NO	NO	NO	NO	NO

30/1/07



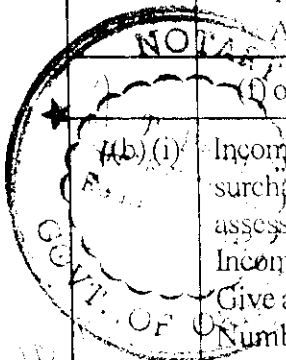
J. Pater
NOTARY
HARSUGUDA
REGD. No. 0818

Notary Public

(3) I give heribelow the details of my liabilities - overdues to public financial institutions and Government dues.

[Note - Please give separate details for each item]

Sl. No.	Description	Name and address of Bank Financial Institutions, Department(s)	Amount outstanding as on.....
(a) (i)	Loans from Banks	SBI, Co-operative	2,60,000 30,000
(ii)	Loans from financial institutions	NO	NO
(iii)	Government dues	NO	NO
	(a) dues to Departments dealing with Government accomodation.	NO	NO
	(b) dues to Departments dealing with supply of water.	NO	NO
	(c) dues to Departments dealing with supply of electricity		15,20,684
	(d) dues to Departments dealing with telephones.	NO	NO
	(e) dues to Departments dealing with Government Transport (including Aircrafts & Helicopters).	NO	NO
	(f) other dues, if any		
(b) (i)	Income Tax including surcharge [Also indicate the assessment year up to which Income Tax Return filed. Give also Permanent Account Number (PAN)]	NO	NO
(ii)	Wealth Tax [Also indicate the assessment year up to which Wealth Tax return filed].	NO	NO
(iii)	Sales Tax [Only in case of proprietary business]	NO	NO
(iv)	Property tax	NO	NO



9/11/10
7/9/10
J. P. Palani
NOTARY
BANGALORE
BANG. No. 100/09
Bajaj
30/3/09

Signature of the declarant

(4) My educational qualifications are as under:

(GIVE DETAILS OF SCHOOL AND UNIVERSITY EDUCATION)

(Name of School/University and the year in which the course was completed should also be given)

Tarun K. Bhandari

DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Thrasur this the 30th day of May, 2009.

Tarun K. Bhandari

DEPONENT



The above named dep. is being sworn to by me, the undersigned, and he is a fit and proper person to be sworn to. A true and correct copy of the facts stated above is being given to the best of his knowledge.

J. Patel

30/3/07

J. Patel
NOTARY
THRASUR
Kerala No. 11

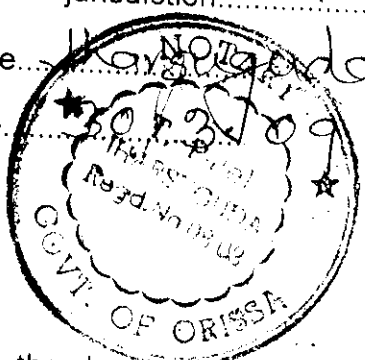
Tarun K. Bhandari

2. I have been/have not been convicted of an offence(s) other than any offence(s) referred to in sub-section (1) or sub-section (2) or covered in sub-section (3) of Section 8 of the Representation of the People Act, 1951 (43 of 1951) and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information :-

- (i) Case/ First Information Report No./ Nos. None
- (ii) Court(s) which punished None
- (iii) Police-station(s) Nil, District(s) Nil, State(s) Nil
- (iv) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has never been charged Nil
- (v) Date(s) on which the sentence(s) was/were pronounced None
- (vi) Whether the sentence(s) has/have been stayed by any Court(s) of competent jurisdiction Nil

Place Manisuguda
Date 30/3/09



Rashmi K. Bandyopadhyay
Signature of Deponent

VERIFICATION

I, the above named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at Manisuguda this 30th day of Mar, 2009

MANISH KUMAR Bandyopadhyay
B. Com. LL.B.
Advocate.
Manisuguda (Orissa)
Enrolment No. 0522/2008

Rashmi K. Bandyopadhyay
Signature of Deponent

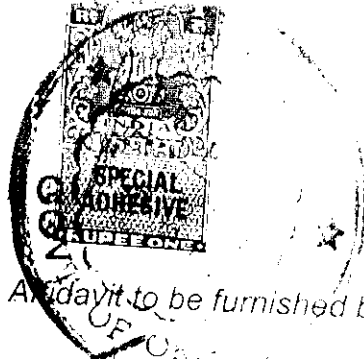
NOTE—The columns in this Form which are not applicable to the deponent may be struck off.

OGP-MP-DTP-II (Election) 58-12,000-2-2-2009

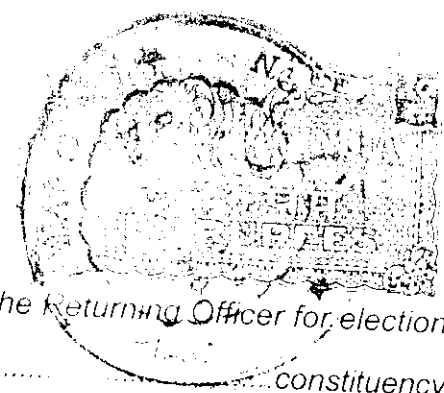
The above named dep. is being id. as per the copy of the affidavit filed by him/her on the date of filing of the affidavit. The above named dep. is being id. as per the copy of the affidavit filed by him/her on the date of filing of the affidavit.

J. Patel
NOTARY
MANISUGUDA
REGD. No. 08105

Rashmi K. Bandyopadhyay



FORM 26
(See Rule 4-A)



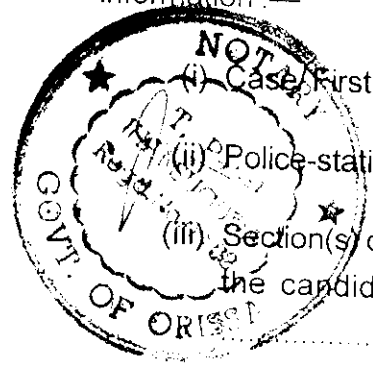
An affidavit to be furnished by the candidate before the Returning Officer for election to (name of the House) from constituency

Sl. No. (name of the constituency)
Date

20/01/09
Taran K. Pandey, son/daughter/wife of ... Pandey aged about 30 years, residence of ... candidate at the above election, do hereby solemnly affirm/state on oath as under-

1. I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case (s) in which a charge(s) has/have been framed by the Court (s) of competent jurisdiction.

If the deponent is accused of any such offence (s) he shall furnish the following information -



- (i) Case/First Information Report No./Nos. - No -
- (ii) Police-station (s) - Jharsuguda District(s) - Jharsuguda State(s) - Orissa
- (iii) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged. - No -
- (iv) Court(s) which framed the charge(s) - No -
- (v) Date(s) on which the charge(s) was/were framed. - No -
- (vi) Whether all or any of the proceeding(s) have been stayed by any Court(s) of competent jurisdiction. - No -

Identified by Mr. MANISH KUMAR BAIPAL
30/3/09
Address: ...

J. Patel
NOTARY
JHARSUGUDA
REGD. No. 100/01

Handwritten signature and notes at the bottom of the page.

Original/Duplicate

(Original to be kept with nomination paper and Duplicate to be handed over to candidate).

Check List of documents in connection with filing of nomination

Name of constituency 7 - Thiruvananthapuram
Name of the candidate P. Anand Party
Date and time of filing nomination paper 30-3-2009 2.57 pm
Sl. No. of nomination paper 31

Sl. No.	Documents	Whether filed (write yes/no)
1.	Affidavit in Form 26	/
2.	Affidavit as per the Commission's order dated 27-03-03	/
3.	Certified extract of electoral roll (when candidate is an elector of a different constituency)	Not supplied
4.	Forms A and B (applicable in the case of candidates set up by political parties).	Not Submitted
5.	Copy of caste certificate (if the candidate claims to belong to SC/ST).	Not supplied
6.	Security deposit (whether made)	/
7.	Oath/affirmation (whether taken)	/

The following documents which have not been filed should be filed as indicated below:

- (a) A & B should be filed latest by 3.00 pm on 30/3/09
- (b) _____ should be filed latest by _____

Received. Form A & B. have not yet
Submitted till 3.00 pm on
30/3/09

(Signature of candidate)

RO/ARO
(Signature)

Date & time :

Place:

Contd../-

FORM OF OATH OR AFFIRMATION

[ARTICLE 173 (A) OF THE CONSTITUTION OF INDIA]

(To be made by a candidate for Election to the Legislature of a State)

I, SrE Taran Ku Pandey having been nominated as a candidate to fill a seat in the Jharsuguda Legislative Assembly (*or Legislative Council) do swear in the name of the God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

30.03.2009

Taran Ku Pandey
Signature and name

in block letters of the candidate

TARAN KUMAR PANDY

Sworn in the name of God/Solemnly affirmed by Shri/
Shrimati Taran Ku Pandey at Sub. Court & R.O's Office
(Place) at 2:57 PM (hour) this the 30/3/09 day
of 2009 before me.

[Signature]
30/3/09
Signature of authorized Returning Officer
Name, Designation and Seal 07, Jharsuguda, Assembly Constitu

ରସିଦ୍ ପୁସ୍ତକ RECEIPT BOOK

296722

୧. _____

[ଓଡ଼ିଶା ନିକାସତ ଦଫତର ଉପକ. 1963 ନିୟମ 31(ii) ଦ୍ୱାରା]

ପୁସ୍ତକ ସଂ. 79 ପୃଷ୍ଠା 200

କାର୍ଯ୍ୟାର ପ୍ରାପ୍ତ ହେବା Shri Tarun Kumar Pandey

s/o. Braundia Ch Pandey
of Purunabasti

କେଉଁ ବାବଦରେ

(Towards Security deposit
for 07. Ghansiguda A/C

ନବଦ ଆକାରରେ

ଟ. ପ.

RS 5,000=0

ରାଶି ଆକାରରେ

/
RS 5,000=0

ମୋଟ

(Rupee five thousand) only

(ଅକ୍ଷରରେ _____ ଟଙ୍କା ମାତ୍ର)

ତା 30/3/2009

ଉପର ଉଲ୍ଲେଖିତ ଅଂକାରୀ

୩. ୨. ପୁରୁଣା (ତ:୧୫) DTP--193--10.000 Bks. 30-06-2004

30/3/09

Nazir

Sub-Collector Office

Ghansiguda

¹ FORM 2-B

(See rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of ORISSA STATE

~~1~~ - Iharsuguda

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly from the..... 0-7

Iharsuguda..... Assembly Constituency.

Candidate's name..... Tarun Ku Pandey

Father's/Mother's/Husband's name..... Sri Birendra Ch. Pandey

His Postal address..... Smt Sashikala Pandey
Parcina basti, Iharsuguda.

His name is entered at Sl. No. 187..... in Part No. 50..... of the

electoral roll for..... Iharsuguda..... Assembly Constituency.

My name is..... Manish Kumar Bajpayee.....

and it is entered at Sl. No. 52..... in Part No. 148..... of the electoral roll

for the..... Iharsuguda..... Assembly Constituency.

Date 30.03.09

Manish Kumar Bajpayee
(Signature of proposer)

PART II

(To be used by candidate *NOT* set up by recognised political party)

We hereby nominate as candidate for election to Legislative Assembly from the Tharagada Assembly Constituency.

Candidate's name Tareen K. Pandey

Father's/Mother's/Husband's name Birendra Chandra Pandey

His Postal address At - Purunabasti, P.O - K.M. Road

Dist - Tharagada
768202

His name is entered at Sl. No. in Part No. of the electoral roll for the Assembly Constituency .

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination :-

Particulars of the proposers and their signatures

Sl. No.	Electoral Roll No. of proposer		Full name	Signature	Date
	Part No. of Electoral Roll Constituency	Sl. No. in that Part			
1	2	3	4	5	6
1					
2					
3					

1	2	3	4	5	6
4					
5					
6					
7					
8					
9					
10					

N. B.- There should be ten electors of the Constituency as proposers

PART III

I, the candidate mentioned in part I/part II (Strike out which is not applicable) assent to this nomination and hereby declare –

(a) that I have completed30.....years of age ;

[STRIKE OUT (b) (i) OR (b) (ii) BELOW WHICHEVER IS NOT APPLICABLE]

(b) (i) that I am set up at this election by the.....INC......party,
which is recognised ** National Party/State Party in this State and that the
symbol reserved for the above Party be allotted to me.

OR

(b) (ii) that I am set up at this election by the party, which is a registered unrecognised political party/that I am contesting this election as an independent candidate, (Strike out which is not applicable) and that the symbols I have chosen, in order of preference are :-

(i)...../.....(ii)...../.....(iii).....

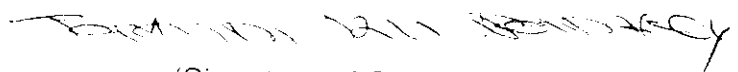
(c) that my name and my father's/mother's/husband's name have been correctly spelt out above inEnglish..... (Name of the language) ;

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of the State.

† I further declare that I am a member of the.....**caste/tribe which is a scheduled **caste/tribe of the State of..... in relation to.....ORISSA.....(Area) in that State.

I also declare that I have not been, and shall not be, nominated as a candidate at the present ** general election/the bye-elections being held simultaneously, to the Legislative Assembly of.....ORISSA..... (State) from more than two Assembly Constituencies.

Date 30.3.2009


(Signature of Candidate)

**Score out the words not applicable

†Score out this paragraph, if not applicable

N. B. :- A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper 31

This nomination was delivered to me at my office at 2.57 Pm (hour) on
..... 30.3.09 (date) by the *candidate/proposer.

Handwritten signature

Returning Officer

Returning Officer

Date 30/3/09

*Score out the word not applicable.

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination paper

I have examined this nomination paper in accordance with Section 36 of the Representation of the People Act, 1951 and decide as follows :-

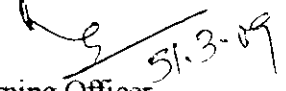
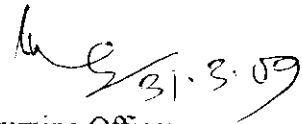
Rejected. Detailed order is enclosed in separate sheet. Le 31.3.09

Date

Returning Officer

**Scrutiny on nomination filed by Naba Kishore Das, Govind Agrawal, Tarun Kumar Pandey
under 7-Jharsuguda Assembly Constituency**

CONTINUATION OF ORDER SHEET

Order No and date	Order and Signature of Officer	Note or action taken on order
1	2	3
	<p>As per schedule ,Scrutiny of Nomination was taken up today right from 11.00AM.</p> <p>Nominations filed by Candidates viz(1) Naba Kishore Das(2) Govind Agrawal and (3) Tarun Kumar Pandey are taken up together with as these Candidates have claimed in their Nominations that they have been set up by Indian National Congress. All these three candidates have filed their Nominations on 30.3.2009 within stipulated time of 3.00PM, but Sri Naba Kishore Das has filed in first, Govind Agrawal there after and Tarun Kumar Pandey at last.</p> <p>Out of these three Candidates, form A & B of the party concerned have been received in favour of Naba Kishore Das and Govind Agrawal in time. No form of A & B have been received in favour of Tarun Kumar Pandey. It is also found from the Form A & B of these two Candidates that the said Political Party has not given Notice in Form B that any of the said two Candidate has been rescinded. The Party has also not issued revised Notice in Form B within the stipulated time.</p> <p>Further it is found from the Nomination of Govind Agrawal and Tarun Kumar Pandey that none of their Nomination has been subscribed with 10 nos of Proposers which is mandatory requirement of a Candidate who is not set up by a Recognized National or State Party.</p> <p>Under Paragraph 13 of Election Symbols(Reservation and Allotment) order,1968 ,it has been provided that a' a political party which has given a notice in Form-B in favour of a candidate may rescind that notice and may give a revised notice in Form B in favour of another candidate for the constituency, provided that the revised notice in Form B clearly indicating therein that the earlier notice in Form B has been rescinded ,reaches the Returning Officer not later than 3PM on the last date for making nominations and the said notice in Form B is signed by the authorized person referred to in clause (d) of paragraph 13. Further it has been provided that in case more than one notice in Form B is received by the Returning Officer in respect of two or more candidates and the political party fails to indicate in such notice in Form that the earlier notice on notices in Form B has or have been rescinded, the Returning Officer shall accept the Notice in Form B in respect of the Candidate whose nomination paper was first deliver to him , and the remaining candidate or Candidates in respect of whom also notice or notices in Form B has or have been received by him, shall not be treated as candidate set up by such political party.</p> <p>In view of the above, the Form A & B received in support of Naba Kishore Das is accepted and hence his Nomination is also accepted.</p> <p>Since none of the Nomination paper of Govind Agrawal has been subscribed with 10 nos. of Proposes ,his Nomination is rejected.</p> <p>The Candidate Tarun Kumar Pandey who has claimed himself a candidate set up by Indian National Congress has not filed Form A & B. In his Nomination ,he has also not subscribed 10 nos. of Proposers. Hence the Nomination filed by Tarun Kumar Pandey is rejected.</p> <p>Pronounced the order today i.e. on 31.3.2009.</p> <p>Typed put to my dictation & corrected by me</p>	
Returning Officer 7-Jharsuguda A/C	 	Returning Officer 7-Jharsuguda A/C

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.

No. 3/ER/2003/JS-II

Dated 27th March, 2003

ORDER

1. Whereas, the superintendence, direction and control, *inter alia*, of all elections to Parliament and to the Legislature of every State are vested in the Election Commission by Article 324 (1) of the Constitution of India.

2. And whereas, the Hon'ble Supreme Court of India had, by its order dated 2nd May, 2002, in Civil Appeal No.7173 of 2001- Union of India vs. Association for Democratic Reforms and another, held as follows:-

"(1) The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word 'elections', is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.

(2) The limitation on plenary character of power is when the Parliament or State Legislature has made a valid law relating to or in connection with elections, the Commission is required to act in conformity with the said provisions. In case where law is silent, Art. 324 is a reservoir of power to act for the avowed purpose of having free and fair election: Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions Commission can fill the vacuum till there is legislation on the subject. In *Kanhiya Lal Omar* case (AIR 1986 SC III), the court construed the expressions superintendence, direction and control in Art. 324 (1) and held that a direction may mean an order issued to a particular individual or precept which may have to follow and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders.

(3) The word 'elections' includes the entire process of election which consists of several stages and it embraces many steps, some of which have an important bearing on the process of choosing a candidate. Fair election contemplates disclosure by the candidate of his past including the assets held by him so as to give a proper choice to the candidate (sic) (elector) according to his thinking and opinion. As stated earlier, in *Common Cause* case [(1996) 2 SCC 752], the court dealt with a contention that elections in the country are fought with the help of money power which is gathered from black sources and once elected to power, it becomes easy to collect tons of black money, which is used for retaining power and for re-election. If on affidavit a candidate is required to disclose the assets held by him at the time of election, voter can decide whether he could be re-elected even in case where he has collected tons of money.

(4) To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the political parties and this transparency in the process of election would include transparency of a candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.

(5) The right to get information in democracy is recognised all throughout and it is natural right flowing from the concept of democracy. At this stage, we would refer to Art. 19 (1) and (2) of the International Covenant of Civil and Political Rights which is as under-

SO H. EL. (G)

- (1) Everyone shall have the right to hold opinions without interference.
- (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- (3) Cumulative reading of prothona or decisions of this court as referred to, it is clear that if the field meant for legislature and executive is left unoccupied detrimental to the public interest, this court would have ample jurisdiction under Art. 32 read with Arts. 34 and 42 of the Constitution to issue necessary directions to the executive to subserve public interest.
- (7) Under our Constitution, Art. 19(1)(a) provides for freedom of speech and expression. Voters' speech or expression in case of election would include casting of votes that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. Voter's (little man-citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before making his choice of 'electing law breakers as law makers'.

3. And whereas, the Hon'ble Supreme Court, by its aforesaid order dated 2nd May, 2002, had directed as follows:—

"The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under Art. 324 of the Constitution of India from each candidate seeking election to Parliament or a State Legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature:—

- (1) Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past, if any, whether he is punished with imprisonment or fine?
- (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.
- (3) The assets (immovable, movable, bank balances, etc.) of a candidate and of his/her spouse and that of dependants.
- (4) Liabilities, if any, particularly whether there are any overdues of any public financial institution or Government dues.
- (5) The educational qualifications of the candidate".

4. And whereas, the Hon'ble Supreme Court, in its aforesaid order dated 2nd May, 2002, further observed that 'the Election Commission has from time to time issued instructions in order to meet with the situation where the field is unoccupied by the legislation' and had further directed that 'the norms and modalities to carry out and give effect to the aforesaid directions should be drawn up properly by the Election Commission as early as possible and in any case within two months'.

5. And whereas, the Election Commission had, in pursuance of the above referred judgement and Order dated 2nd May, 2002 of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, directed by an Order dated 28th June, 2002, *inter alia*, in Para. 14 of the said Order as follows:—

- (1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a Council, shall furnish full and complete information in regard to all the five matters, specified by the Hon'ble Supreme Court and quoted in Para. 5 above (reproduced in Para. 3 herein), in an affidavit, the format whereof is annexed hereto as **Annexure-I** to this order.

- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the Returning Officer at the time of scrutiny of nominations for such non-furnishing of the affidavit
- (4) Furnishing of any wrong or incomplete information or suppression of any material information by any candidate in or from the said affidavit may also result in the rejection of his nomination paper where such wrong or incomplete information or suppression of material information is considered by the Returning Officer to be a defect of substantial character, apart from inviting penal consequences under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material facts before him:

Provided that only such information shall be considered to be wrong or incomplete or amounting to suppression of material information as is capable of easy verification by the returning officer by reference to documentary proof adduced before him in the summary inquiry conducted by him at the time of scrutiny of nominations under Section 36 (2) of the Representation of the People Act, 1951, and only the information so verified shall be taken into account by him for further consideration of the question whether the same is a defect of substantial character.

- (5) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective Returning Officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (6) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above."

6. And whereas, the President of India promulgated the Representation of People (Amendment) Ordinance, 2002 (No. 4 of 2002) on the 24th August 2002 further to amend the Representation of the People Act, 1951 inserting Sections 33-A and 33-B and 125-A and amending Section 169 of the Representation of the People Act, 1951.

7. And whereas, by virtue of Section 33-B of the said Ordinance, the Order of the Election Commission dated the 28th June 2002, was rendered ineffective and the said Section 33-B read as under :—

"Section 33-B – Notwithstanding anything contained in any judgement, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder".

8. And whereas, the Government of India by notification dated 3rd September, 2002 amended the Conduct of the Election Rules, 1961 to give effect to the said Ordinance.

9. And whereas, the Association for Democratic Reforms, People's Union for Civil Liberties and Lok Satta, filed three separate writ petitions before the Hon'ble Supreme Court of India challenging the constitutional validity of the Presidential Ordinance dated 24th August, 2002.

10. And whereas, the by Notification dated the 28th December, 2002, the Representation of the People Act, 1951 was amended by the Representation of the People (Third Amendment) Act, 2002 which substituted the aforesaid Ordinance dated 24th August, 2002.

11. And whereas, the said petitioners filed applications to treat the said writ petitions as challenging the constitutional validity of the Representation of the People (Third Amendment) Act, 2002.

13. And whereas the Hon'ble Supreme Court in its order dated the 13th March, 2003 declared Section 33-B of the Representation of the People Act, 1951 null and void.

14. And whereas the following directions were issued in the said order by Hon'ble Mr Justice PV Reddy in the said order dated by Hon'ble Justice D.K. Channarayana—

1. The Hon'ble Supreme Court has directed that the Parliament should amend Section 33-A in regard to the disclosure of the assets of a candidate and where in such case the disclosure is inadequate to safeguard the right of information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken and taken down from the ambit of disclosure.

2. The Election Commission has issued instructions to ensure implementation of Section 33-A subject to what is laid down in this judgement regarding the cases in which cognizance has been taken. The Election Commission's orders relating to disclosure of assets and liabilities of a candidate should continue to be operative. However, direction No. 4 of Para 14 insofar as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information should not be enforced".

14. And whereas the judgement of Hon'ble Mr Justice M. B. Shah also held that Section 33B was illegal, null and void and further that the Election Commission would be required to revise its instructions in the light of the directions therein as under—

"It is true that the aforesaid directions issued by the Election Commission is not under challenge but at the same time *Prima facie* it appears that the Election Commission is required to revise its instructions in the light of directions issued in *Association for Democratic Reforms* case (*supra*) and as provided under the Representation of the People Act and its 3rd Amendment".

15. And whereas by virtue of the judgement dated the 13th March, 2003 of the Supreme Court declaring Section 33-B of the Representation of the People Act, 1951 to be illegal, null and void the earlier instructions of the Election Commission dated 23th June, 2002 would continue to be operative subject to the aforementioned directions of the Supreme Court, and are therefore required to be revised and reissued.

16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003 of the Hon'ble Supreme Court and in exercise of the powers conferred on it by Article 324 of the Constitution, of superintendence, direction and control, *inter alia* of conduct of elections to Parliament and State Legislatures, hereby issues in supersession of its earlier order dated 26th June, 2002, its revised directions as follows—

- (1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in Paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as **Annexure-I** to this order.
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.

- (4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.

17. For the removal of doubt, it is hereby clarified that the earlier direction contained in Para. 14 (4) of the earlier order dated 28th June, 2002, insofar as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in Annexure-1 hereto referred to in Para. 16 (1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Elections Rules, 1961, as amended by the Conduct of Elections (Amendment) Rules, 2002.

18. Insofar as elections to the Legislative Assembly and Legislative Council of the State of Jammu and Kashmir are concerned, the directions of the Election Commission contained in the preceding Para. 16 shall be deemed to have been issued under the provisions of Section 138 of the Constitution of Jammu and Kashmir which are akin to Article 324 (1) of the Constitution of India and vest the superintendence, direction and control of the conduct of all elections to either House of the Legislature of that State in the Election Commission.

19. All Returning Officers shall ensure that the copies of affidavit prescribed herein by the Commission shall be delivered to the candidates along with the forms of nomination papers as part of the nomination paper.

By order

(A.K. MAJUMDAR)

SECRETARY

ELECTION COMMISSION OF INDIA

Received Memo No. 38 / Dated : 30/5/09 from the Returning Officer, 07-Jharsuguda Assembly Constituency, today.

Place : Jharsuguda

Date : 30/5/09

[Signature]
(Signature of candidate or Proposer)

Nomination

ANNEXURE -XVIII
(CHAPTER V, PARA-30.8)
ACKNOWLEDGEMENT FORM

To

The Returning Officer for

Returning Officer
07-Jharsuguda Assembly Constituency

Sir,

I acknowledge receipt of your letter
No.....116.....dated.....30/3/2009.....along with its enclosures containing, among
other documents, a Register bearing serial No..14.....for maintaining of my
accounts of election expenses.

2. I have noted the requirements of law for maintenance of account of election expenses and
lodging of true copy of that account with the District Election Officer/Returning Officer.

Yours faithfully,

[Handwritten Signature]
Signature of the Candidate with date. 30.03.2009

* Strike Off, whichever is inapplicable.