

FORM 2-A

(See rule 4)

NOMINATION PAPER

Election to the House of the People

1.27/10
9

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 House of the People from the 15th
Kendrapara Parliamentary Constituency.

Candidate's name Lalin Lenka

Father's/Mother's/Husband's name late Ghanashayam Lenka

His Postal address of village - P.O - Chanchol, via - Danpur,
P.S - Patkema, Dist - Kendrapara, Pin - 754210, Orissa.

His name is entered at Sl. No. 360 in part No. 159 of the
electoral roll for 96 - Patkema *(Assembly Constituency comprised
within) Kendrapara Parliamentary Constituency.

My name is Dhiren Kumar Nayak and it is entered at Sl. No. 367
in part No. 158 of the electoral roll for 96 - Patkema
*(Assembly Constituency comprised within) Kendrapara
Parliamentary Constituency.

Dhiren Kumar Nayak

(Signature of proposer)

Date 31.03.09

(1. Subs. by Notifin. No. S. O. 55 P(E), dated 9-8-1996).

PART II

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

We hereby nominate as candidate for election to House of the People from the
..... Parliamentary Constituency.

Candidate's name

Father's/Mother's/Husband's name

His Postal address

.....
.....

His name is entered at Sl. No. in part No. of the
electoral roll for the *(Assembly
Constituency comprised within) Parliamentary
Constituency.

We declare that we are electors of the above Parliamentary Constituency and our names
are entered in the electoral roll for the Parliamentary 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
	@ Name of component Assembly Constituency	Part No. of Electoral Roll	Sl. No. in that Part			
1	2	3	4	5	6	7
1						
2						
3						

1	2	3	4	5	6	7
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 completed⁴⁶.....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 Bahujan Samaj 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 in *Oriya and English* (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 House of the People.

+ 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 (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 House of the People from more than two Parliamentary Constituencies.

Date *31.3.09*

Lexin Lenka.
(Signature of Candidate)

*Score out the words "assembly constituency comprised within" in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

**Score out the words not applicable

†Score out this paragraph, if not applicable

@Not applicable in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

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 III A

(To be filled by the candidate)

Whether the candidate—

(i) has been convicted—

(a) of any offence (s) under sub-section (1) ; or

(b) for contravention of any law specified in sub-section (2),
of section 8 of the Representation of the People Act,
1951 (43 of 1951) ; or

(ii) has been convicted for any other offence (s) for which he has
been sentenced to imprisonment for two years or more.

} Yes/No ✓

If the answer is "Yes", the candidate shall furnish the following information :—

(i) Case / First Information Report No./ Nos..... - No -

(ii) Police-station (s)..... - No - District (s)..... State(s).....

(iii) Section (s) of the concerned Act (s) and brief description of the offence (s) for which
he has been convicted.....

(iv) Date (s) of conviction (s)..... - No -

(v) Court (s) which convicted the candidate..... - No -

(vi) Punishment (s) imposed [indicate period of imprisonment(s) and/or quantum of
fine (s)].....

(vii) Date (s) of release from prison..... - No -

(viii) Was/were any appeal (s) / revision (s) filed against above conviction (s).....Yes / No.

(ix) Date and particulars of appeal (s) / application (s) for revision filed..... No.....

(x) Name of the court (s) before which the appeal (s) / application (s) for revision filed..... No.....

(xi) Whether the said appeal (s) / application (s) for revision has / have been disposed of or is / are pending..... No.....

(xii) If the said appeal (s) / application (s) for revision has / have been disposed of—

(a) Date (s) of disposal..... No.....

(b) Nature of order (s) passed..... No.....

Place : Kendrapara.

Date : 31.3.09.

Lekin Lenka.
(Signature of the candidate)

(To be filled by the Returning Officer)

Serial No. of nomination paper 9

This nomination was delivered to me at my office at Kendrapara at 1.27 PM (hour) on 21.3.2009(date) by the *candidate/proposer.

[Handwritten signature in green ink]
21/3/09

Returning Officer
15-KENDRAPARA
Parliamentary Constituency

Date 21.3.2009

*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 :-

Date

Returning Officer

RECEIPT BOOK

ସଂ. _____

ଉତ୍ପାଦ ପୁସ୍ତକ, 1963 ଭାଗ (i) ଦ୍ୱିତୀୟ]

ପୃଷ୍ଠା ସଂ. _____ ମସିହା 19



କାହାଠାରୁ ପ୍ରାପ୍ତ ହେଲା Lelin (Lelin) Lenka s/o Late
Ghanakhyam Lenka Vill - Charhol
କେଉଁ ଜିଲ୍ଲାରେ Dist - Kendrapara

S.D. in connection with Gen. Election to Parliament in respect of 15 - Kendrapara P.C.

କରଣ ଅଂଶରେ Rs 10,000/-

ସ୍ୱାମୀ ଅଂଶରେ Total - Rs 10,000/-

ମୋଟ (Rupees Ten thousand) only
(ଅଙ୍କରେ) _____ (ଟଙ୍କା ମାତ୍ର)

ତା 31/3 1999

Mun
31/3
ପ୍ରଦାନ କରୁଥିବା ଅଫିସର

30 MAR 2009

भारतीय गैर न्यायिक

पाँच रुपये

FIVE RUPEES

रु. 5

Rs. 5



सत्यमेव जयते

भारत INDIA

INDIA NON JUDICIAL



ଓଡ଼ିଶା ओडिशा ORISSA

NILAMANI BEHERA
NOTARY, BHUBANESWAR
GOVT. OF ORISSA (INDIA)
Regd. No. ON/39/2003

03AA 984921

Affidavit to be furnished by the candidate before the Returning Officer for election of House of People (Lok Sabha) from 15, Kendrapara Parliament constituency,

I, Sri Lelin Lenka, aged about 46 years, S/o-Late Ghanashyam Lenka, resident of At/P.O.: Chanchol, Via: Danpur, P.S.: Patkura, Dist: Kendrapara; candidate at the above election, do hereby solemnly affirm/ state on oath as under:-

1. I 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/she shall furnish the following information.

(i) Case/ First information reports No./Nos..... Nil

(ii) Police station(s) Nil District(s) Nil

State(s) Nil

(iii) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged Nil

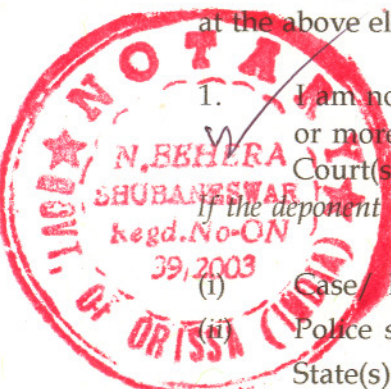
(iv) Court(s) which framed the charge(s) Nil

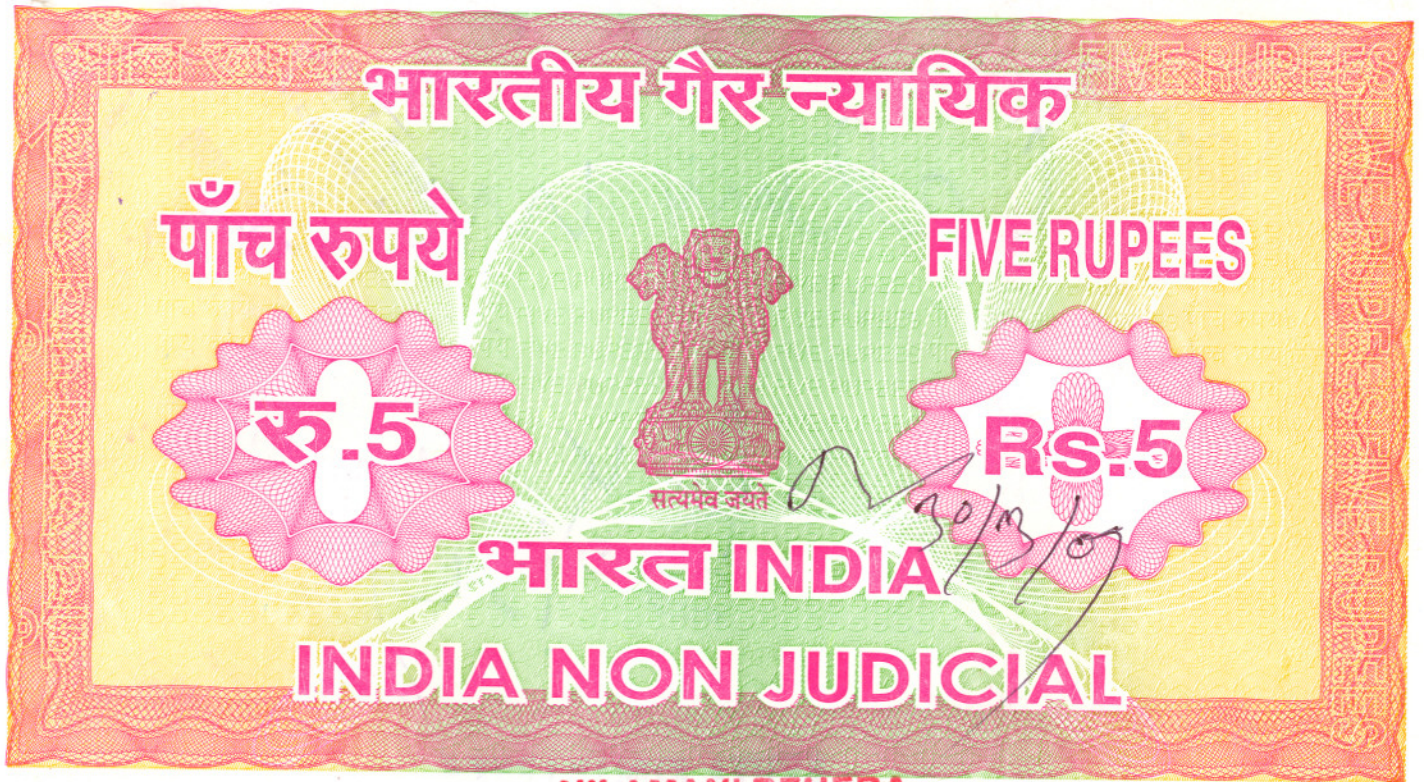
(v) Date(s) on which the charge(s) Nil

(vi) Whether all or any of the proceeding(s) have been stayed by any court(s) of competent jurisdiction.

Nil

Lelin Lenka





ଓଡ଼ିଶା ओडिशा ORISSA

NILAMANI BEHERA
NOTARY, BHUBANESWAR
GOVT. OF ORISSA (INDIA)
Regd. No-ON-39/2003

03AA 984812

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/she shall furnish the following information.

- (i) Case/ First Information Receipts No./Nos..... Nil
(ii) Court(s) which punished Nil
(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 been charged
(v) Date(s) on which the sentence(s) was/were pronounced Nil
(vi) Whether the sentence(s) has/have been stayed by any court(s) of competent jurisdiction Nil



Place- Bhubaneswar

Date- 30.03.2009

Leelin Lenka
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 therefrom.

Verified at Bhubaneswar this the 30th day of March'2009.

NILAMANI BEHERA
NOTARY, BHUBANESWAR
GOVT. OF ORISSA (INDIA)
Regd. No-ON-39/2003

Leelin Lenka
Signature of DEPONENT

30 MAR 2009

भारतीय गैर न्यायिक

पाँच रुपये

FIVE RUPEES



INDIA NON JUDICIAL

ଓଡ଼ିଶା ओडिशा ORISSA

NILAMANI BEHERA
NOTARY, BHUBANESWAR
GOVT. OF ORISSA (INDIA)
Regd. No-ON-39/2003

03AA 984811

Before the Returning officer for Election of House of People (Lok Sabha) from 15,
Kendrapara Parliament constituency,

AFFIDAVIT

I, **SSri Lelin Lenka**, aged about 46 years, S/o-Late Ghanashyam Lenka, resident of At/P.O.: Chanchol, Via: Danpur, P.S.: Patkura, Dist: Kendrapara; do hereby solemnly affirm and declare as follows:-

1. That, I have filed my nomination paper(s) for the above election.
2. That, in connection with my candidature for the above election, I am submitting herewith the information, as asked for by the Returning Officer, under Section 8 of the Representation of the People Act'1951, in the prescribed proforma.
3. That, the information furnished in the enclosed proforma is true to the best of my knowledge and belief and that nothing material has been concealed therefrom.

Place: Bhubaneswar
Date: 30.03.09

Lelin Lenka
DEPONENT

Verified before me



Signature of verifying authority with seal)
30/3/09
NILAMANI BEHERA
NOTARY, BHUBANESWAR
GOVT. OF ORISSA (INDIA)
Regd. No-ON-39/2003

30 MAR 2009

भारतीय गैर न्यायिक

पाँच रुपये

FIVE RUPEES

रु.5

RS.5



INDIA
NON JUDICIAL

30 MAR 2009
ORISSA

NILAMANI BEHERA 03AA 184529
NOTARY, BHUBANESWAR
GOVT. OF ORISSA (INDIA)
Regd. No-ON-39/2003

Annexure - I

Affidvit to be furnished by candidate along with nomination paper

Before the Returning Officer

for election to House of People (Lok Sabha)
from 15, Kendrapara Parliament constituency

I, Sri Lelin Lenka, aged about 46 years, S/o-Late Ghanashyam Lenka, resident of At/P.O.: Chanchol, Via: Danpur, P.S.: Patkura, Dist: Kendrapara; candidate at the above election, do hereby solemnly affirm and state on oath as under:-

- (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: Nil
 - (ii) The Court which has taken cognizance: Nil
 - (iii) Case No.: Nil
 - (iv) Date of order of the Court taking cognizance: Nil
 - (v) Details of appeal(s) / application (s) for revision etc. if any filed against above order taking cognizance: Nil

Lelin Lenka

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

A. Details of movable assets:

(Assets in joint name indicating the extent of joint ownership will also have to be given)

Sl No.	Description	Self	Spouse(s) Name(s)	Deponent-1 Name	Deponent-2 Name	Deponent-3 etc. Name
(i)	Cash	Rs.15,000/-	Nil	Nil	Nil	Nil
(ii)	Deposits in Banks, Financial Institutions and Non-Banking Financial Companies	IDBI Bank Unit-9, Janpath Rs.50,000/- AXIS Bank Salya Nagar Branch Rs.1,24,000/- Andhra Bank CESCO Power House Branch Rs.26,000/-	Mamata Lenka Andhra Bank Madhusudan Nagar Branch Rs.76,000/-	Nil	Nil	Nil
(iii)	Bonds, Debentures and Shares in Companies	J.P.Engineering & Const. Pvt. Ltd. Rs.5000/-	Nil	Nil	Nil	Nil
(iv)	Other Financial instruments NSS, Postal savings, LIC Policies etc.	LIC Policy No.582203557 Rs.50000 LIC Policy No.E580438589 Rs.35,000/- LIC Policy No.580762998 Rs.50000 LIC Policy No.582559180 Rs.1lakh LIC Policy No.586998103 Rs.11,000/- PLI No.OR/ 37704/CS Rs.30,000/- Allianz Bajaj Life Insurance Policy No.0003292938 Rs.1,00,000/-	LIC Policy No.58469771 Rs.25,000/-	Smita Lenka (Daughter) MetLife India Ltd., Policy No.1200700625047 Rs.36,000/- (deposited)	Mita Lenka (Daughter) MetLife India Ltd., Policy No.1200700306099 Rs.24,000/- (deposited)	Nil
(v)	Motor Vehicles (details of make, etc)	Maruti 800 No.OR-02-Q- 8545 Hero Honda Motor Cycle No.OR-02-AW- 1654	Tvs Scooty Pep No.OR-02-AV- 1595	Nil	Nil	Nil
(vi)	Jewellery (give details of weight and value)	Gold 100 gm Rs.1,50,000/-	Gold 200 gm Rs.3,00,000/-	Nil	Nil	Nil
(vii)	Other assets, such as values of claims/ interests.	Nil	Nil	Nil	Nil	Nil

Lenka Lenka.



20/3/21

B. Details of immovable assets:

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

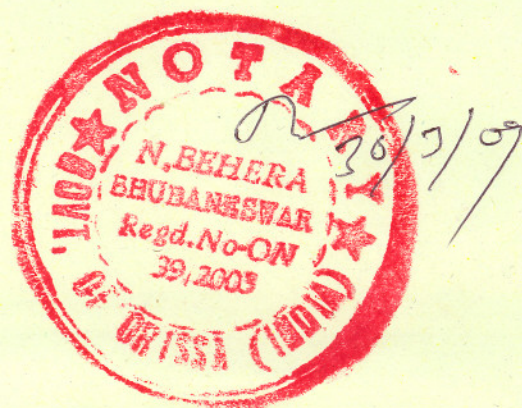
Sl No.	Description	Self	Spouse(s) Name(s)	Deponent-1 Name	Deponent-2 Name	Deponent-3 etc. Name
(i)	Agricultural Land - Location (s) - Survey number(s) - Extent (Total measurement) - Current market value	Chanchol, R.S.D. No.214 Khata No.179 Plot No.702 AreaAc.0.014decs. Rs.20,000/- Chanchol Khata No.284 Plot No.816 AreaAc.0.050decs. Rs.8,000/- Chanchol Khata No.287 Plot No.1265 AreaAc.0.040decs. Rs.6,000/- Salikanta Khata No.338 AreaAc.0.011decs. Rs.20,000/- Marilo Khata No.300 AreaAc.0.016decs. Rs.20,000/- Marilo Khata No.300 AreaAc.0.008decs. Rs.8,000/-	Nil	Nil	Nil	Nil
		<p>Jointly in the name of Lelin Kumar Lekna, Bhanjakishore Lenka, Manoj Kumar Lenka, S/o Ghanshyam Lenka, Nira Lenka, W/o Ghanashyam Lenka, Premananda Lenka, S/o Udi Lenka</p> <p>Chanchol, Khata No.286, Plot Nos.567, 717, 1139, 1244, 1274, 1278, Total area Ac0.460 decs. self share Rs.1,00,000/-</p> <p>Jointly in the name of Lelin Kumar Lenka, Bhanjakishore Lenka, Manoj Kumar Lenka, S/o Ghanshyam Lenka, Nira Lenka, W/o Ghanashyam Lenka,</p> <p>Chanchol, Khata No.285, Plot Nos.969, 679, 707, 817, 824, 1032, 1036 Total area Ac0.811 decs. self share Rs.1,00,000/-</p> <p>Mouza: Sana Adhanga, Khata No.113, Plot No.1448, Ac.0.36decs. self share Rs.30,000/-</p>				



Lelin Lenka,

Sl No.	Description	Self	Spouse(s) Name(s)	Deponent-1 Name	Deponent-2 Name	Deponent-3 etc. Name
(ii)	Non-Agricultural Land -Location (s) - Survey number(s) -Extent (Total measurement) -Current market value	Chanchol Plot No.1279, with Building Rs.3,00,000/-, self share Rs.1,00,000/-	Nil	Nil	Nil	Nil
(iii)	Buildings (Commercial and residential) -Location (s) - Survey number(s) -Extent (Total measurement) -Current market value	Nil	Nil	Nil	Nil	Nil
(iv)	House/ Apartments, etc. -Location (s) - Survey number(s) -Extent (Total measurement) -Current market value	Nil	Nil	Nil	Nil	Nil
(v)	Others (Such as interest in property)	Nil	Nil	Nil	Nil	Nil

✓ Lavin Lanka



(3) I give hereinbelow 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 Institution(s)/ Department(s)	Amount out- standing as on
(a) (i)	Loans from Banks	Nil	Nil
(ii)	Loans from financial institutions	Nil	Nil
(iii)	Government dues (a) dues to Departments dealing with Government accomodation.	Nil	Nil
	(b) dues to Departments dealing with supply of water	Nil	Nil
	(c) dues to Departments dealing with supply of electricity	Nil	Nil
	(d) dues to Departments dealing with telephones.	Nil	Nil
	(e) dues to Departments dealing with Government Transport (including Aircrafts & Helicoptors)	Nil	Nil
	(f) other dues, if any	Nil	Nil
(b) (i)	Income Tax including surcharge [Also indicate the assessment year upto which Income Tax Return filed. Give also Permanent Account Number (PAN)]	2008-09 Permanent A/C NoABEPL3736D	Nil
(ii)	Wealth Tax [Also indicate the assessment year upto which Wealth Tax return filed]	Nil	Nil
(iii)	Sales Tax [Only in case of propriety or business]	Nil	Nil
(iv)	Property Tax	Nil	Nil



→ *Leela Kumar*

(3) 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)

Balabihari Vidyapitha, Mahal 1979 11th

L.N.Mahavidyalaya, Patkura
under Utkal University 1989 Graduate

✓ *Lalin Lenka.*
DEPONENT

VERIFICATION

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

Verified at Bhubaneswar this the 30th day of March' 2009.

✓ *Lalin Lenka.*
DEPONENT

30/3/09

NILAMANI BEHERA
NOTARY, BHUBANESWAR
GOVT. OF ORISSA (INDIA)
Régd. No-ON-39/2003



FORM OF OATH OR AFFIRMATION
[Article 84 (a) of the Constitution of India]

(To be made by a candidate for Election to Parliament)

I, Lelion Lenka.....having been nominated as a candidate to fill a seat in the Council of States (*House of the People) 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.

Lelion Lenka
Signature and name in block
letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/
Shrimati Lelion Lenka
at Kendrapada.....(Place) at 1:27 P.M.....(hour) this
the 31st day of March 2009.....before me.

[Signature]
31/3/09
Returning Officer
Signature of authorized person,
Name, Designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that Shri Lelion Lenka.....(name)
a candidate for election to the Council of States (~~or~~ the House of the People) has made and subscribed the oath/affirmation as required by the Constitution of India before me at my office at Kendrapada (hour) on 31-3-2009.....(date).

[Signature]
31/3/09
Returning Officer
Signature of authorized person
Name, Designation and Seal

Date 31-3-2009

*Score out which is not applicable.

N. B.—This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

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.7178 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 111), 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-

- (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.
- (6) Cumulative reading of plethora of 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. 141 and 142 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.

12. And whereas, the Hon'ble Supreme Court in its order/ judgment, dated the 13th March, 2003 declared Section 33-B of the Amended Act as illegal, null and void.

13. And whereas, the following directions were issued in the Judgement of Hon'ble Mr. Justice P.V. Reddi, which was concurred by Mr. Justice D.M. Dharmadhikari—

"* * * * *

6. The right to information provided for by the Parliament under Section 33-A in regard to the pending criminal cases and past involvement in such cases is reasonably adequate to safeguard the right to information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken by Court from the ambit of disclosure.

* * * * *

9. The Election Commission has to issue revised 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 related to disclosure of assets and liabilities will still hold good and 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 28th 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 28th 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

Annexure-I

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

for election to _____ (name of the House)

from _____ constituency

(name of the constituency)

....., son/daughter/wife of, aged
....., resident of, candidate
for election, do hereby solemnly affirm and state on oath as under :-

(whichever is not applicable)

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

Section of the Act and description of the offence for which cognizance taken :

The Court which has taken cognizance :

Case No. :

Date of order of the Court taking cognizance :

Details of appeal(s)/ application(s) for revision, etc., if any, filed against above order taking
cognizance :

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

A. Details of movable assets

(Assets in joint name indicating the extent of joint ownership will also have to be given)

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

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 depends on the income of the candidate.

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					
(ii)	Non-agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -Current market value					
(iii)	Buildings (commercial and residential) -Location(s) -Survey/door number(s) -Extent (Total measurement) -Current market value					
(iv)	Houses/Apartments, etc. -Location(s) -Survey/door number(s) -Extent (Total measurement) -Current market value					
(v)	Others (such as interest in property)					

(3) I give hereinbelow 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 Institution(s)/ Department(s)	Amount outstanding as on.....
(a) (i)	Loans from Banks		
(ii)	Loans from financial institutions		
(iii)	Government dues		
	(a) dues to Departments dealing with Government accomodation.		
	(b) dues to Departments dealing with supply of water.		
	(c) dues to Departments dealing with supply of electricity.		
	(d) dues to Departments dealing with telephones.		
	(e) dues to Departments dealing with Government Transport (including Aircrafts & Helicopters).		
	(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)]		
(ii)	Wealth Tax [Also indicate the assessment year up to which Wealth Tax return filed].		
(iii)	Sales Tax [Only in case of proprietary business]		
(iv)	Property Tax		

(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).

DEPONENT

VERIFICATION

I, the deponent abovenamed, 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 this the day of; 200.....

DEPONENT

B.S.P.

BAHUJAN SAMAJ PARTY

KM. MAYAWATI
National President



Central Office :
16, Gurudwara Rakab Ganj Road,
New Delhi-110001
Ph. 23358219

Ref. No. **BSP/Lok Sabha General Election/2009**

Dated.....

To

(1) The Returning Officer,

15th kendrapara Parliamentary.....Constituency.

Sir,

Subject :- General Election to the House of the People (Lok Sabha) - 2009

from 15th kendrapara Parliamentary (Name of the Constituency)
in Orissa (State/Union Territory).

I would like to inform you that Shri. Lelin Lenka.....

.....has been nominated
by **BAHUJAN SAMAJ PARTY (BSP)** to contest the General Election to the House of the People
(Lok Sabha) - 2009 from the 15th kendrapara Parliamentary.. Constituency.

Therefore, kindly accept the above mentioned candidate in the said constituency.

Thanking you,

Yours faithfully,

Mayawati

Enclosures: (1) Form 'A' & 'B' duly filled in
(2) Candidate's declaration

(MAYAWATI)
National President
Bahujan Samaj Party

BAHUJAN SAMAJ PARTY

16, Gurudwara Rakab Ganj Road, New Delhi- 110 001

Phone No: 23358219

DECLARATION

I am contesting General Election to the House of the People (Lok Sabha) - 2009 from the
15th Kendrapana Parliamentary Constituency on behalf of **Bahujan Samaj Party (BSP)**.

Votes polled to me should be considered as votes polled to **Bahujan Samaj Party (BSP)**.

Place: Kendrapana.

Date: 31.3.09.

Lelin Lenka
(Signature of Candidate)

Full Postal Address

lelin lenka
Village - P.O - Chanchol.
Via - Dantur, P.S - Patkema.
Dist - Kendrapana. Pin - 754210.

FORM 'A'

COMMUNICATION WITH REGARD TO AUTHORISED PERSONS TO INTIMATE NAMES OF CANDIDATES SET UP BY RECOGNISED NATIONAL POLITICAL PARTY.
(See paragraph 13(c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968)

To

1. The Chief Electoral Officer,
..... Orissa (State/Union Territory).
2. The Returning Officer for the
15th Kendrapana Parliamentary Constituency.

Subject:- General Election to the House of the People (Lok Sabha) - 2009

from Orissa (State/Union Territory)

Allotment of Symbols-Authorisation of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person(s) has/have been authorised by **BAHUMAN SAMAJ PARTY**, which is a National Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorised to send notice	Name of Office held in the Party	District(s) / area (s) constituency/constituencies in respect of which she has been authorised
1	2	3
Km. Mayawati	National President	For entire State

2. The specimen signatures of the above mentioned person so authorised are given below:-

1. Specimen signatures of **Km. MAYAWATI**

(i) Mayawati

(ii) Mayawati

(iii) Mayawati

Place: New Delhi

Date :

N.B.:

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3:00 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.



(Seal of the Party)

Yours faithfully,

Mayawati

(MAYAWATI)

National President
Bahuman Samaj Party
Office: 16, Gurudwara Rakab Ganj Road,
New Delhi- 110 001 Tele.: 23358219

NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY
(See paragraphs 13(b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968)

To

The Returning Officer for the 15th Kendrapana Parliamentary Constituency.

Subject:- General Election to the House of the People (Lok Sabha) - 2009 from 15th Kendrapana Parliamentary (Name of the Constituency) in Orissa
(State/Union Territory)-Setting up of candidate.

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of **BAHUMAN SAMAJ PARTY** (Party)

- (i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the Party above named, and
(ii) the person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the Party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing General/ Bye-Election from this constituency:

Name of the Constituency	Name of the approved Candidate	Father's/ Mother's/ Husband's name of Approved Candidate	Postal address of approved candidate	Name of the substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's /Mother's / Husband's name of substitute Candidate	Postal Address of substitute Candidate
1	2	3	4	5	6	7
15th. Kendrapana Parliamentary Constituency	letin lenka	late Ghanashyam Lenka	Vill-Po- Chanchol. via- Dantew. PS- Patkwa. Dist- Kendrapana. Pin- 754210. (Orissa)			

It is certified that each of the candidates whose name is mentioned above is a member of Bahujan Samaj Party and his/her name is duly borne on the rolls of members of this Party.

Place: New Delhi

Date.....

N.B.:

- This must be delivered to the Returning Officer not later than 3:00 p.m. on the last date for making nominations.
- Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
- No form transmitted by fax shall be accepted.



SEAL OF THE PARTY

Yours faithfully,

Mayawati

(MAYAWATI)

National President
Bahujan Samaj Party

Office: 16, Gurudwara Rakab Ganj Road,
New Delhi- 110 001. Tele.: 23358219

NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY

(See paragraphs 13(b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968)

To

The Returning Officer for the 15th Kendrapana Parliamentary Constituency.Subject:- General Election to the House of the People (Lok Sabha) - 2009 from 15th Kendrapana Parliamentary (State/Union Territory)-Setting up of candidate. Name of the Constituency) in Orissa

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of **BAHUKAN SAMAJ PARTY** (Party)

- (i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the Party above named, and
(ii) the person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the Party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing General/ Bye-Election from this constituency:

Name of the Constituency	Name of the approved Candidate	Father's/ Mother's/ Husband's name of Approved Candidate	Postal address of approved candidate	Name of the substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's /Mother's / Husband's name of substitute Candidate	Postal Address of substitute Candidate
1	2	3	4	5	6	7
15th Kendrapana Parliamentary Constituency	lelin lenka	late Ghanashyam lenka	vill- P.O. Chanchol. via- Danfar. P.S- Patkema. Dist- Kendrapana Pin- 754210. (Orissa)			

It is certified that each of the candidates whose name is mentioned above is a member of Bahujan Samaj Party and his/her name is duly borne on the rolls of members of this Party.

Place: New Delhi

Date.....

N.B.:

- This must be delivered to the Returning Officer not later than 3:00 p.m. on the last date for making nominations.
- Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
- No form transmitted by fax shall be accepted.



SEAL OF THE PARTY

Yours faithfully,

(MAYAWATI)

National President

Bahujan Samaj Party

Office: 16, Gurudwara Rakab Ganj Road,
New Delhi- 110 001. Tele.: 23358219

ACKNOWLEDGEMENT FORM

To

The Returning Officer

15. Keerthapana P.O

Sir,

I acknowledge receipt of your letter No. A dated 31-3-2009 alongwith its enclosure containing, among other documents, a Register bearing serial No. A for maintaining of any 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,

Lalin Lenka.

Signature of the Candidate with date

31/3/2009

*Strike off, whichever is inapplicable.

(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 15. Kendrapada.
Name of the candidate LELIN LENKA
Date and time of filing nomination paper 31.3-2009 at 1.27 P.M.
Sl. No. of nomination paper 9 and 10

Sl. No.	Documents	Whether filed (write yes/no)
1.	Affidavit in Form 26	Yes
2.	Affidavit as per the Commission's order dated 27-03-03	Yes
3.	Certified extract of electoral roll (when candidate is an elector of a different constituency)	NO
4.	Forms A and B (applicable in the case of candidates set up by political parties.	Yes
5.	Copy of caste certificate(if the candidate claims to belong to SC/ST).	NO
6.	Security deposit (whether made)	Yes
7.	Oath/affirmation (whether taken)	Yes.

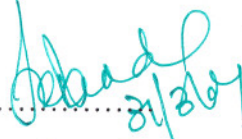
The following documents which have not been filed should be filed as indicated below:

- (a) _____ should be filed latest by _____.
- (b) _____ should be filed latest by _____.

Received.

..... Lelin Lenka

(Signature of candidate)

..... 
 RO/ARO
 (Signature)
 15
 Parliamentary Constituency

Date & time :

Place:

Contd../-

N.B.

1. The two Affidavits and Forms A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
2. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
3. Certified extract of electoral roll can be filed upto the time of scrutiny.
4. Security deposit should be made either before filing of nomination paper or at the time of filing of nomination paper. Therefore, there is no question of issuing notice for making the security deposit.

No. 4

Dated. 31-3-2009

To Sri Leela Leoka s/o. Gharashyam Leoka

(Name & Address of candidate) A.P.O. Chasohol, via. Dampur P.S. Patakura Dist. Keonjhar
Pin - 754210 Orissa

SUBJECT—Maintenance of account of election Expenses and lodging of true copy thereof.

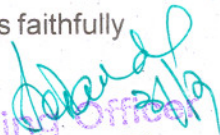
Sir/Madam,

Your attention is invited to Section 77 of the Representation of the People Act, 1951 which stipulates that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

2. Your attention is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him or by his election agent under Section 77.
3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit, etc., he is required by law to lodge his account of election expenses.
4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under Section 10A or the Representation of the People Act, 1951 for a period of three years.
5. The Account of election expenses to be kept by a candidate or his election agent under Section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred/authorized from day to day, as prescribed under rule 86 of the Conduct of Elections Rules, 1961.
6. A Register is being furnished to you herewith. You are required to maintain your day-to-day account of election expenses in this very Register and in no other document. All supporting vouchers, bills, etc. should also be kept along with the Register arranged in proper chronological order at all times. An abstract statement of expenditure is also to be prepared by you after the declaration of result of election in Parts-I to VI of the format enclosed herewith.
7. All documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditure incurred or authorized shall be obtained on day-to-day basis and shall be maintained in the correct chronological order along with the Register showing the day-to-day account.

8. You should make this Register and the supporting documents available for inspection if demanded at any time during the process of election by the District Election Officer, Returning Officer, Election Observer appointed by the Election Commission or any other such authority nominated by the Commission in this behalf. Failure to produce this Register when demanded will be considered as a major default on your part in maintaining your day-to-day account and you may render yourself liable to penal action under Section 171-1 of the Indian Penal Code.
9. This very Register in which you are to maintain your day-to-day account of election expenses should itself be filed by you as your account of election expenses after the election as required under Section 78 of the Representation of the People Act, 1951 mentioned above. You should keep a copy of the account as maintained in that Register for your record and reference. Along with the Register, you must file the above mentioned abstract statement containing details of expenditure and the same must be supported by an affidavit in the format enclosed. The affidavit should be sworn before a Magistrate of the First Class or an Oath Commissioner or a Notary Public.
10. It may be noted that Section 77(1) has been amended vide Election and Other Related Laws (Amendment) Act, 2003. As per the amended provisions of "Explanation (1)" of this Section, all expenditure incurred or authorized in connection with the election of the candidate by the political party which has set him up, any other association/body of persons or any other individual shall also be required to be included in the account of election expenses of the candidate under the said Section 77. The only exception is the expenses incurred on the travel of 'leaders' of the political party for propagating the programme of the political party, who are covered under 'Explanations 1 and 2 of Section 77(1).
11. If you contest election from more than one constituency, you are required to maintain and lodge a separate account of your election expenditure in respect of each such constituency.
12. Kindly acknowledge receipt of the letter along with its enclosures immediately in the enclosed acknowledgment form.

Yours faithfully


Returning Officer

15-Kendrapada Parliamentary/Assembly Constituency

* Strike off whichever is inapplicable

Enclosures :

1. Register bearing serial No. containing pages for maintenance of election expenses, along with (i) the format for maintaining the abstract statement of accounts and (ii) the format of affidavit.
2. Extracts of Sections 77, 78 and 10A of the Representation of the People Act, 1951 and Rule 86 of the Conduct of Elections Rules, 1961.
3. Form of Acknowledgement receipt.

**Extract from the R. P. Act, 1951 and from the Conduct of Elections Rules, 1961
Representation of People Act, 1951**

Sec. 77—Account of Election expenses and maximum thereof (1)—Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between (the date on which he has been nominated) and the date of declaration or the result thereof both dates inclusive.

(Explanation 1—Notwithstanding any judgement, order or decision of any court to the contrary any expenditure incurred or authorized in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual other than the candidate or his election agent) shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purpose of this sub-section) :

Provided that nothing contained in this Explanation shall affect—

- (a) any judgement, order or decision of the Supreme Court whereby the election of a candidate to the House of the People or to the Legislative Assembly of a State has been declared void or set aside before the commencement of the Representation of the People (Amendment) Ordinance, 1974 (Ord. 13 of 1974).
- (b) any judgement, order or decision of a High Court whereby the election of any such candidate has been declared void or set aside before the commencement of the ordinance if no appeal has been preferred to the Supreme Court against such judgement, order or decision of the High Court before such commencement and the period of limitation for filing such appeal has expired before such commencement.

(Explanation 3—For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done, by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of Section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section).

- (2) The account shall contain such particulars as may be prescribed.
- (3) The total of the said expenditure shall not exceed such amount as may be prescribed.

Sec. 78—Lodging of account with the District Election Officer

- (1) Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or if there are more than one returned candidate at the election and the dates of their election are different the later of those two dates, lodge with the (District Election Officer) an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under Section 77.
- (2) The reference to the District Election Officer in sub-section (1) shall, in relation to a constituency in a Union Territory, be construed as a reference to the Returning Officer for that constituency.

Sec. 10-A—Disqualification for failure to lodge account of election expenses, if the Election Commission is satisfied that a person—

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

The Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

CONDUCT OF ELECTIONS RULES, 1961

Rule 86—Particulars of account of election expenses—

- (1) The account of election expenses to be kept by a candidate or his election agent under Section 77 shall contain the following particulars in respect of each item of expenditure from day-to-day, namely :—
 - (a) the date on which the expenditure was incurred or authorised ;
 - (b) the nature of the expenditure (as for example, travelling, postage or printing and the like) ;
 - (c) the amount of the expenditure—
 - (i) the amount paid ;
 - (ii) the amount outstanding ;
 - (d) the date of payment ;
 - (e) the name and address of the payee ;
 - (f) the serial number of vouchers, in cases of amount paid ;
 - (g) the serial number of bills if any, in case of amount outstanding ;
 - (h) the name and address of the person to whom the amount outstanding is payable.
- (2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.
- (3) All vouchers shall be lodged along with the account of election expenses arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).
- (4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).