

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2392
ANSWERED ON:05.02.2014
TAINTED CANDIDATES
Rajendran Shri C.;Ray Shri Rudramadhab

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Supreme Court has directed the Election Commission to reject the nomination papers of those candidates who file false affidavits or provide incomplete information in the affidavit;
- (b) if so, the details thereof;
- (c) the response of the Government thereto; and
- (d) the current status of implementing the Supreme Court's directive?

Answer

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) to (d): The Election Commission has intimated that there is no such judgment passed by the Hon'ble Supreme Court to reject nomination paper of the candidate on the ground of false affidavit. However, the Hon'ble Supreme Court in its Judgment dated 13-09-13 in W.P. (C) No. 121 of 2008 (Resurgence India vs. Election Commission of India and other) has held that in the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, Returning Officer (RO) has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the RO shall give a reminder to the candidate to furnish information against blank columns. The Hon'ble Court has held that if there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the RO at the time of scrutiny of nomination papers. In view of the aforesaid Judgment, the Election Commission has already issued necessary instructions to the Chief Electoral Officers of all States/Union territories vide their letter No. 576/3/2013-SDR date 30th September, 2013.