

IN THE HIGH COURT OF DELHI AT NEW DELHI

CWP NO. 3632 OF 2014

IN THE MATTER OF:

ASSOCIATION FOR DEMOCRATIC
REFORMS

.....PETITIONER

VERSUS

UOI & ANOTHER

.....RESPONDENTS

Date of hearing: 25.4.2018

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New Delhi:
16.4.2018

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**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 –
THE ELECTION COMMISSION OF INDIA**

I, Malay Mallick, son of Sh. B. C. Mallick, aged about 48 years, Secretary,
Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi
- 110001, do hereby solemnly affirm and state as follows:

1. I am employed as Secretary to the Election Commission of India, the Respondent No. 2 herein. I have gone through the above Writ Petition and the relevant official records, am well conversant with the facts and circumstances of the case, and am competent to swear this Affidavit.
2. That after filing the counter affidavit dated 04.08.2014, there were certain developments which were brought out vide additional affidavit dated 29.4.2015.

3. That the present affidavit is filed to put on record the compliance of the guidelines dated 29.8.2014 issued by the Commission captioned as "Transparency and accountability in party funds and election expenditure" which were followed by clarification issued on 14.10.2014 and 19.11.2014.
4. That the political parties are required to maintain a true and correct account at State and lower levels, and, consolidated accounts at the central party Head Quarters as required by Section 13A of the income Tax Act. The accounts need to be maintained confirming to the guidance note issued by the Institute of Chartered Accountants of India (ICAI). The accounts need to be audited and certified by a practicing chartered accountant.
5. That all political parties are required to submit Annual Accounts with Auditor's report to the Commission for each financial year, before 31st October of each year.
6. That the political parties are also to submit Contribution Report by 30th September of each year or such date as extended by CBDT for filing Income Tax Return. Statement of election expenditure are to be submitted by the political parties within 75 days of completion of Assembly Election, and within 90 days of completion of Lok Sabha election.
7. That the Annual Audited Accounts and Contribution Reports from political parties are uploaded on the website of the Commission for

public viewing. Contribution Reports are further sent to CBDT, Ministry of Corporate affairs, and, Ministry of Home Affairs for necessary action on their part. Also, the Annual Audited Accounts of over Rs. 10 Crore are sent to ICAI for auditing.

8. That the Commission issues reminder letters for compliance to the defaulting parties for not submitting the reports in time. The parties, which have not submitted the Contribution Reports in time, shall be processed by the Income Tax Department for denial of tax benefit in accordance with Section 29C of the Representation of the People Act, 1951.
9. That parties in violation of the lawful directions of the Commission may entail action, as envisaged under Para 16 A of the Election Symbols (Reservation and Allotment) Order, 1968 and notices under the said paragraph were issued to defaulting parties for Financial Year 2014-15 and reminders have been issued to defaulting parties for Financial Year 2015-16 and 2016-17.
10. That in terms of clarifications to the guidelines dated 14.10.2014, the unrecognized political parties are to furnish the same reports to the Chief Electoral Officer of the State where the party headquarters are situated. The said reports are available on the concerned Chief Electoral Officer's websites.
11. That Status Reports in respect of Annual Audited Accounts and Contribution Reports of the national and State Recognized parties for

the last three years (2014-15, 2015-16, and 2016-17) are attached herewith marked, Annexure R-2/A & Annexure R-2/B.

New Delhi:
Dated: 13.04.2018



DEPONENT

मल्लिक मल्लिक
MALAY MALLICK
सचिव/Secretary
भारतीय निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन/Nirvachan Sadan
अशोक रोड/Ashoka Road
नई दिल्ली-110001/New Delhi-110001

VERIFICATION

Verified at New Delhi this 13th day of April, 2018 that the facts stated in paras 1 to 11 above are true to my knowledge and the submissions made therein are true to my belief; nothing stated in this affidavit is false nor has anything material been concealed.



DEPONENT

मल्लिक मल्लिक
MALAY MALLICK
सचिव/Secretary
भारतीय निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन/Nirvachan Sadan
अशोक रोड/Ashoka Road
नई दिल्ली-110001/New Delhi-110001

P. N. Ghosh
Advocate

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ANNEXURE R-2

ANNEXURE R-2/A

Annexure 4

Annual Audit Report for National Political Parties and date of filing

Name of the party	2014-15	2015-16	2016-17
Bahujan Samaj Party	12.10.2015	23.08.2016	26.10.2017
Bhartiya Janata Party	14.03.2016	29.05.2017	Report not filed.
Communist Party of India	18.11.2015	17.11.2016	23.11.2017
Communist Party of India (Marxist)	28.09.2015	14.10.2016	26.10.2017
Indian National Congress	04.04.2016	11.07.2017	Report not filed.
Nationalist Congress Party	02.02.2016	01.03.2017	19.01.2018
All India Trinamool Congress	23.02.2015	22.09.2016	27.10.2017

Annual Audit Report for State Recognized Parties and date of filing

Name of the State	Name of the party	2014-15	2015-16	2016-17
Andhra Pradesh	All India Majlis-E-Ittehadul Muslimeen	20.11.2015	31.10.2016	16.11.2017
	Telangana Rashtra Samithi	28.03.2016	24.10.2016	26.12.2017
	Telugu Desam	29.09.2015	22.09.2016	14.11.2017
	Yuva Jana Sramika Rythu Congress Party	30.09.2015	30.09.2016	26.10.2017
Arunachal Pradesh	People's Party of Arunachal	07.09.2015	22.06.2017	Report not filed
Assam	All India United Democratic Front	26.11.2015	01.05.2017	09.12.2017
	Asom Gana Parishad	07.03.2016	17.06.2017	02.01.2018
	Bodoland Peoples Front	07.12.2015	07.07.2017	20.01.2018
Bihar	Rashtriya Lok Samata Party	Party not found	14.12.2017	14.12.2017
Goa	Maharashtrawadi Gomantak	26.11.2015	01.05.2017	04.12.2017
Jammu & Kashmir	Jammu & Kashmir National Conference	13.12.2016	02.01.2018	Report not filed
	Jammu & Kashmir Peoples Democratic Party	24.11.2015	07.02.2017	18.12.2017
Jharkhand	AJSU Party	30.10.2017	02.11.2017	Report not filed
	Jharkhand Mukti Morcha	08.12.2015	16.05.2017	16.05.2017
	Jharkhand Vikas Morcha (Prajantrik)	05.10.2015	29.09.2016	23.09.2017
Karnataka	Karnataka Janatha Paksha	Not filed (6 th reminder issued on 02.06.2017)	Report not received	Report not filed
Kerala	Kerala Congress (M)	31.03.2016	Report not received	Report not filed
Maharashtra	Maharashtra Navnirman Sena	15.02.2016	20.12.2016	20.01.2018
	Shiv Sena	21.10.2015	23.11.2016	Report not filed
Manipur	Manipur State Congress Party	Not filed (6 th reminder issued on 02.06.2017)	Report not filed	Report not filed
	People's Democratic Alliance	12.10.2015	03.10.2016	23.08.2017
	National People's Party	12.07.2017	12.07.2017	Report not filed
Meghalaya	United Democratic Party	Not filed (6 th reminder issued on	Report not received	Report not filed

	Hill State People's Democratic Party	02.06.2017		
		29.09.2015	13.09.2017	Report not filed
Mizoram	Mizo National Front	14.06.2016	19.06.2017	Report not filed
	Mizo People's Conference	20.06.2016	12.06.2017	Report not filed
	Zoram Nationalist Party	23.02.2016	24.05.2017	Report not filed
Nagaland	Naga People Front			Report not filed
NCT of India	All India Forward Block	19.10.2015	24.06.2016	10.04.2017
	Haryana Janhit Congress (BL)	27.11.2015	23.02.2017	15.01.2018
	Indian National Lok Dal	20.11.2015	Party Deleted as on 26.10.2016	
		08.03.2016	Report not received	28.07.2017
	Janata Dal (Secular)	30.03.2016	31.03.2017	02.01.2018
	Janata Dal (United)	31.03.2016	30.03.2017	Report not filed
	Lok Jan Shakti Party	29.12.2015	20.10.2016	Report not filed
	Jammu & Kashmir National Panthers Party	15.06.2017	Report not received	Report not filed
	Rashtriya Janata Dal		Report not received	Report not filed
		Not filed (6 th reminder issued on 02.06.2017)		
	Rashtriya Lok Dal	01.10.2015	06.10.2016	29.09.2017
Orissa	Samajwadi Party	28.12.2015	27.04.2017	31.10.2017
Puducherry	Biju Janata Dal	01.02.2016	26.05.2017	18.12.2017
	All India N.R. Congress	16.11.2015	24.10.2017	Report not filed
Punjab	Shiromani Akali Dal	28.08.2015	26.07.2016	28.07.2017
Sikkim	Sikkim Democratic Front	28.09.2015	26.09.2016	26.10.2017
	Sikkim Krantikari Morcha	04.07.2017	08.06.2016	Report not filed
Tamil Nadu	All India Anna Dravida Munnetra Kazhagam	26.11.2015	18.10.2016	18.12.2017
	Dravida Munnetra Kazhagam	24.11.2015	03.10.2016	11.12.2017
	Desiya Murpokku Dravida Kazhagam	28.09.2015	03.10.2016	29.09.2017
	Indian Union Muslim League	18.08.2015	17.10.2016	07.12.2017
	Pattali Makkal Katch	03.11.2015	22.03.2017	31.08.2017
Uttar Pradesh	Aam Aadmi Party	08.08.2016	13.07.2017	Not filed
West Bengal	Revolutionary Socialist Party	18.02.2016	22.06.2017	Report not filed

Annexure R2/B
Annexure 5

Contribution Report for National Political Parties and date of filing

Name of the party	2014-15	2015-16	2016-17
Bahujan Samaj Party	16.09.2015	23.08.2016	24.08.2017
Bhartiya Janata Party	31.10.2015	17.10.2016	31.10.2017
Communist Party of India	04.09.2015 & 03.10.2017	08.06.2016	08.08.2017
Communist Party of India (Marxist)	29.09.2015	14.10.2016	26.10.2017
Indian National Congress	30.09.2015	29.09.2016	29.09.2017
Nationalist Congress Party	17.09.2015	15.09.2016	29.08.2017 & 09.11.2017
All India Trinamool Congress	State Party	22.09.2016	29.09.2017 & 27.10.2017

Contribution Report for State Recognized Parties and date of filing

Name of the State	Name of the party	2014-15	2015-16	2016-17
Andhra Pradesh	All India Majlis-E-Mtehadul Muslimeen	05.10.2015	Report not filed	Not filed
	Telangana Rashtra Samithi	06.04.2016	24.10.2016	26.12.2017
	Telugu Desam Party	28.09.2015	02.08.2016	01.08.2017
	Yuva Jana Sramika Rythu Congress Party	24.09.2015	27.09.2016	03.10.2017
Arunachal Pradesh	People's Party of Arunachal	Not filed	Report not filed	Not filed
Assam	All India United Democratic Front	20.07.2015	02.08.2016	17.07.2017
	Asom Gana Parishad	Not filed	Report not filed	Not filed
	Bodoland Peoples Front	Not filed	Report not filed	Not filed
Bihar	Rashtriya Lok Samata Party	Not filed	Report not filed	Not filed
Goa	Maharashtrawadi Gomantak	03.02.2018	25.01.2018	03.02.2018
Jammu & Kashmir	Jammu & Kashmir National Conference	Not filed	13.09.2016	14.11.2017
	Jammu & Kashmir National Panthers Party	Not filed	Report not filed	Not filed
	Jammu & Kashmir Peoples Democratic Party	Not filed	Report not filed	Not filed
Jharkhand	AJSU Party	Not filed	Report not filed	Not filed
	Jharkhand Mukti Morcha	Not filed	Report not filed	Not filed
	Jharkhand Vikas Morcha (Prajatantrik)	27.08.2015	29.08.2016	30.08.2017
Karnataka	Karnataka Janatha Paksha	Not filed	Report not filed	Not filed
Kerala	Kerala Congress (M)	Not filed	Report not filed	Not filed
Maharashtra	Maharashtra Navnirman Sena	15.02.2016	24.08.2016	01.02.2018
	Shiv Sena	30.09.2015	22.08.2017	16.10.2017 & 19.01.2018
Manipur	Manipur State Congress Party	Not filed	Report not filed	Not filed
	People's Democratic Alliance	Not filed	Report not filed	19.01.2018
	National People's Party	Not filed	Report not filed	Not filed

Meghalaya	United Democratic Party	Not filed	Not filed	Not filed
	Hill State People's Democratic Party	Not filed	Not filed	Not filed
Mizoram	Mizo National Front	Not filed	Not filed	Not filed
	Mizo People's Conference	Not filed	Not filed	Not filed
Nagaland	Zoram Nationalist Party	Not filed	Not filed	Not filed
	Naga People Front	08.02.2016	23.05.2016	29.01.2018
NCT of India	All India Forward Block	Not filed	Not filed	10.04.2017
	Aam Aadmi Party	Not filed	Not filed	29.01.2018
	Haryana Janhit Congress (BL)	20.03.2017	30.09.2016	Not filed
	Indian National Lok Dal	30.09.2015	Not filed	Not filed
	Janata Dal (Secular)	Not filed	Not filed	Not filed
	Janta Dal (United)	28.09.2015	29.09.2016	30.01.2018
	Lok Jan Shakti Party	29.09.2015	28.09.2016	24.10.2017
	Jammu & Kashmir National Panthers Party	29.12.2015	20.10.2016	Not filed
	Rashtriya Janata Dal	Not filed	Report not received	Not filed
	Rashtriya Lok Dal	Not filed	10.09.2016	27.09.2017
	Samaiwadi Party	30.09.2015	06.10.2016	27.09.2017
	Orissa Biju Janata Dal	24.09.2015	27.09.2016	14.09.2017
	Puducherry All India N.R. Congress	29.09.2015	07.10.2016	31.10.2017
	Punjab Shiromani Akali Dal	Not filed	Report not filed	Not filed
	Sikkim Sikkim Democratic Front	28.08.2015	30.06.2016	28.07.2017
Sikkim	Sikkim Krantikari Morcha	28.09.2015	26.09.2016	26.10.2017
	Sikkim Krantikari Morcha	Not filed	Report not filed	Not filed
Tamil Nadu	All India Anna Dravida Munnetra Kazhagam	28.07.2015	17.08.2016	22.01.2018
	Dravida Munnetra Kazhagam	21.09.2015	03.10.2016	23.10.2017
	Dravida Munnetra Kazhagam	28.09.2015	03.10.2016	21.07.2017 & 29.09.2017
	Desiya Murpokku Dravida Kazhagam	28.09.2015	03.10.2016	21.07.2017 & 29.09.2017
	Indian Union Muslim League	05.10.2015	17.10.2016	25.11.2017
Uttar Pradesh	Pattali Makkal Katch	05.10.2015	Report not filed	Not filed
	Aam Aadmi Party	30.09.2015	30.09.2016	Not filed
West Bengal	Revised CR received in Commission on 20.3.2017	23.09.2015	National Party	
	Revolutionary Socialist Party	Not filed	Report not filed	Not filed