

Date: 20-01-2023

To,

Shri Rajiv Kumar

Chief Election Commissioner
Election Commission of India (ECI)

Shri Anup Chandra Pandey

Election Commissioner
Election Commission of India (ECI)

Shri Arun Goel

Election Commissioner
Election Commission of India (ECI)

Subject: Non-availability of the Election Expenditure Reports of JDU and JDS for the Karnataka Assembly Elections, 2018

Dear Sir (s),

1. The Election Expenditure statements of the two Regional Parties namely, Janata Dal (Secular) and Janata Dal (United) are not available on the Election Commission of India's website for the 2018 State Assembly Election to Karnataka. We referred to the link [here](#) to access the reports on the ECI website.
2. The Hon'ble Supreme Court of India in Common Cause Vs. Union of India & Ors. [(1996) 2 SCC 308 had directed all political parties to file before the Election Commission of India the account of expenditure insured or authorized by a political party in connection with the election of its candidates during the course of elections. In view of these Supreme Court directions, this Hon'ble Commission had issued instructions to all political parties to mandatorily file their election expenditure statements within 75 days of Assembly elections and 90 days of Lok Sabha elections. The relevant paragraph of the aforementioned judgement is reproduced below;

*" 7. The expression "conduct of election" in [Article 324](#) of the Constitution of India is wide enough to include in its sweep, the power of the Election Commission to issue - in the process of the conduct of elections - **directions to the effect that the political parties shall submit to the Commission for its scrutiny, the details of the expenditure incurred or authorized by the political parties in connection with the election of their respective candidates.**"*

3. Through this letter it is brought to the kind notice of this Hon'ble Commission that there has been a delay of more than **4 years, 5 months and 19 days** to the submission of election expenditure statements by aforementioned political parties **for the Karnataka Assembly Elections, 2018. That this unjustified**

delay in submission of their election expenditure statement clearly amounts to the violation of lawful instructions of this Commission.

4. ADR also filed an RTI application (dated December 30, 2022) with the Election Commission regarding the non-availability of the two concerned political parties' (JDS and JDU) election expenditure reports and in response to our application, the Election Commission responded (dated 18th January, 2023) that "*Janata Dal (Secular) and Janata Dal (United) have not yet submitted their Election Expenditure Statements for General Election to Legislative Assembly of Karnataka, 2018*". The original RTI application and ECI response are attached for reference.
5. Given that the next State Assembly Election is due this year and both political parties are recognised state parties and play a crucial role in the electoral politics of the state of Karnataka, it is important that the data is made available at the earliest.
6. Attention is also drawn towards Para 16A of the Election Symbols (Reservation and Allotment) Order, 1968 which envisages action against violation of lawful instructions of the Election Commission. Para 16 A clearly states that if the Commission is satisfied on information in its possession that a political party (National party or as a State party) has failed or has refused to follow or carry out the lawful directions and instructions of the Commission, it can suspend or withdraw the recognition of such party as the National or State Party as the case may be. The relevant portion of Para 16 A is reproduced below;

16A. Power of Commission to suspend or withdraw recognition of a recognised political party for its failure to observe Model Code of Conduct or follow lawful directions and instructions of the Commission:

"Notwithstanding anything in this order, if the Commission is satisfied on information in its possession that a political party, recognised either as a National party or as a State party under the provisions of this Order, has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise (a) to observe the provisions of the „Model Code of Conduct for Guidance of Political Parties and Candidates“ as issued by the Commission in January, 1991 or as amended by it from time to time, or (b) to follow or carry out the lawful directions and instructions of the Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and the electorate in particular, the Commission may, after taking into account all the available facts and circumstances of the case and after giving the party reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either suspend, subject to such terms as the Commission may deem appropriate, or withdraw the recognition of such party as the National Party or, as the case may be, the State Party.]"

7. We request the Election Commission of India to intervene in this matter and kindly send reminder letters to these political parties asking them to submit their expenditure reports prior to the upcoming elections in Karnataka.
8. In addition, in view of the power vested with the Election Commission under Para 16A of the Election Symbols (Reservation and Allotment) Order, 1968 read along with wide powers conferred upon this Hon'ble Commission under Article 324 of the Constitution, it is requested that this **Commission should carry necessary enquiry and take appropriate actions against JDS and JDU for violation of its lawful instructions in the matter of submission of accounts of the election expenses, i.e. the true, correct and bona fide election expenditure statements.**

We hope that the Election Commission will take swift action in this regard and uphold the faith of the public by taking firm and quick action.

Yours sincerely,



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