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STATE ELECTION COMMISSION, ORISSA, TOSHALI PLAZA, B-2, 1st FLOOR
SATYANAGAR, BHUBANESWAR-751 007

ORDER

The 16th July 2008

No. 3032—Ele.(ML)-96/2008-SEC.—Whereas, this Commission in order No. 1, dated the 1st January 2004 have prescribed that the Corporator of Municipal Corporation and Councillor of Municipality/Notified Area Council (N.A.C.) in the State shall furnish his/her information relating to criminal antecedent, assets and liability and educational qualifications in the form of an affidavit in the format prescribed by the Commission along with the Nomination Form ;

Whereas, this direction of the Commission is in compliance to the orders of the Supreme Court of India, dated the 2nd May 2002 in Civil Appeal No. 7178/2001 and the 13th March 2003 in W.P. Nos. 490, 509 and 515 of 2002 ;

Whereas, Section 177 of the Indian Penal Code, 1860 provides penal provision for furnishing false information to a public servant in general and under Section 195 of the Code of Criminal Procedure, 1973 no Court shall take cognizance of offence punishable under Section 177 of the I.P.C. except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.

Now, therefore, in exercise of the powers conferred under Article 243-ZA of the Constitution of India, this Commission directs that anybody furnishing false information in shape of an affidavit along with the Nomination Form in the election to the office of Corporator of Municipal Corporation and Councillor of Municipality/N.A.C. will be liable for prosecution under Section 177 of I.P.C., 1860 and under Section 195 of Cr. P.C., 1973. The District Magistrate upon being satisfied about the filing of false affidavit either on complaint received from any quarter or on his own motion will file 'complaint' before any Magistrate having jurisdiction in the manner prescribed by the Commission.

By order and in the name of
State Election Commission, Orissa

F. C. SATAPATHY

Secretary