

(5)
07/03/2018, 12:38 PM.

Form 2C
(See rule 4)
NOMINATION PAPER
Election to the Council of States



PART I

We hereby nominate as a candidate for election to the Council of States:

Candidate's Name... ACHYUTANANDA SAMANTA
 Father's/Mother's/Husband's name... LATE ANADI CHARAN SAMANTA
 His postal Address... N3/92, IRC VILLAGE, PO/PS-NAYAPALLI
BHUBANESWAR, ODISHA,
PIN: 751015.

His name is entered at S. No. 1263 in Part No. 64 of the electoral roll for the 113, BHUBANESWAR NORTH (UTTAR) Assembly/*Parliamentary Constituency.

We declare that we are elected members of the Legislative Assembly of ODISHA electoral college for RAJYA SABHA and our names are entered as indicated below in the list maintained under section 152 and we append our signatures below in token of subscribing to his nomination:

Particulars of the proposers and their signatures

Sl.No.	Sl.No. as entered in the list maintained under section 152	Full Name	Signature	Date
1	2	3	4	5
1.	131-HINJILI	NAVEEN PATNAIK		7.3.18.
2.	123-BHANTANAGAR	BIKRAM KESHARI ARUKHA		7-3-18
3.	52-SATPUR	PRANAB PRAKASH DAS		7-3-18
4.	23-PATNA(ST)	HRUSHIKESH NAIK		7.3.18
5.	117-KHURDA	RAJENDRA KUMAR SAHOO		7.3.18
6.	93-CUTTACK SADAR (SC)	CHANDRA SARATHI BEHERA.		7.3.2018
7.	95-MAHANGA	PRATAP JENA.		7.3.2018
8.	103-BALIKUDA-ER3AM	Prasanta Kumar Muduli		7.3.2018
9.	129-SURADA	PURNA CHANDRA SWAIN		7-3-2018
**10.	109-SATYABADI	UMAKANTA SAMANTA RAY		7.3.2018

* For Jammu and Kashmir only.

**There should be ten per cent. of the elected members of the Legislative Assembly or ten per cent. of the members of the electoral college or ten members concerned, whichever is less, as proposers.

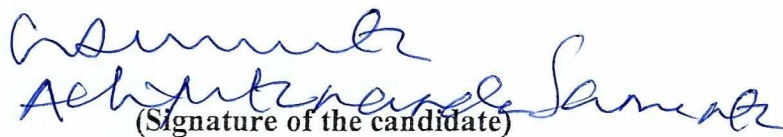
Achyutananda Samanta

I, the above-mentioned candidate, assent to this nomination and hereby declare that-

- (a) I am a citizen of India and have not acquired the citizenship of any foreign State.
- (b) I have completed Fifty four.....years of age;
- (c) I am set up at this election by the Biju Janata Dal.....party;
- (d) my name and my [father's/mother's/husband's name] have been correctly spelt out above in English.....(name of the language); and
- (e) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Council of States.

I also declare that I have not been, and shall not be, nominated as a candidate at the present biennial election/bye-elections being held simultaneously, to the Council of States for more than two seats.

Date 09/03/2018.....


(Signature of the candidate)

PART II

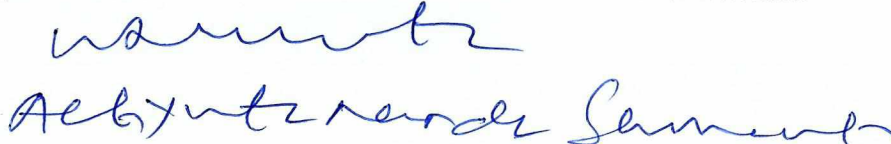
(To be filled by the candidate)

- (1) 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. NA.....
- (ii) Police station(s) NA.....District(s) NA.....State(s) NA.....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted NA.....
- (iv) Date(s) of conviction(s) NA.....
- (v) Court(s) which convicted the candidate NA.....


Achyut Narayan Samanta

- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]... **NA**.....
- (vii) Date(s) of release from prison ... **NA**.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)... **NO**. Yes/No
- (ix) Date and particulars of appeal(s) /application(s) for revision filed ... **NA**.....
- (x) Name of the court(s) before which the appeal(s) /application (s) for revision filed... **NA**.....
- (xi) Whether the said appeal(s) /application (s) for revision has/have been disposed of or is/are pending ... **NA**.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of –
- (a) Date(s) of disposal ... **NA**.....
- (b) Nature of order(s) passed ... **NA**.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government? ... **NO**.....(Yes/No)
- If yes, details of the office held ... **NA**.....
- (3) Whether the candidate has been declared insolvent by any Court ?... **NO**.....(Yes/No)
- If yes, has he been discharged from insolvency... **NA**.....
- (4) Whether the candidate is under allegiance or adherence to any foreign country ?
- NO**..(Yes/No)
- If yes, give details... **NA**.....
- (5) Whether the candidate has been disqualified under Section 8A of the said Act by an order of the President ?... **NO**.....(Yes/No)
- If yes, the period for which disqualified... **NA**.....
- (6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State ? **NO**(Yes/No)

Achyutendra Samant

- If yes, the date of such dismissal... NA.....

(7) Whether the candidate has any subsisting contracts(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government ? NO (Yes/No)

- If yes, with which Government and details of subsisting contract(s). NA.....

(8) Whether the candidate is a managing agent or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share ? NO (Yes/No)


- If yes, with which Government and the details thereof... NA.....

(9) Whether the candidate has been disqualified by the Commission under Section 10A of the said Act... NO..... (Yes/No)

- If yes, the date of disqualification.. NA.....

Place: Bhubaneswar

Date: 09/03/2018


Achyutananda Samanta
(Signature of the candidate)

PART III

(To be filled by the Returning Officer)

Serial No. of Nomination Paper..... 5.....

This nomination was delivered to me at my office at... 12:38 (PM) (hours)

on... 09/03/2018 (date) by the candidates/proposer... Achyutananda Samanta (Name)

Date... 09/03/2018.....


Returning Officer 1/18
09/03
Returning Officer
For the Biennial Election
to the Council of States

Note:- Wherever alternative is provided score out the word(s) not applicable.

PART IV

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 (43 of 1951) and, decide as follows:-

The detail order of on the accepting/rejecting
is annexed as Annexure to part-IV. The
nomination is found valid and has accepted.

Date.....13/03/18.....

Returning Officer.


Returning Officer
For the Biennial Election
to the Council of States

ANNEXURE TO PART-IV.

**ORDER ON THE OBJECTIONS RAISED TO THE NOMINATION (1) OF
SHRI ACHYUTANANDA SAMANTA**

During the scrutiny of nomination Papers of Shri Achyutananda Samanta (Sl. No. 5) following objections were raised by Shri Subash Mohapatra in the form of written submission :-

1. Shri Achyutananda Samanta in his affidavit has not completely furnished detail about cases pending against him before deferent Courts and details of moveable and immovable properties.
2. Shri Achyutananda Samanta has submitted false information about his date of birth.
3. Shri Achyutananda Samanta has violated the provisions of Section 17 read with Section 31 of the Representation of Peoples Act, 1951 by registering his name as elector in more than one Assembly Constituency.
4. Shri Achyutananda Samanta holds various posts in KIIT Deemed to be University and other institutions. He also holds the post of General President of the Indian General Science Congress where he is entitled to privileges and benefits which amounts to holding office of profit.

On scrutiny and detail analysis of the objections in light of the grounds laid down under Section 36 (4) of the Representation of Peoples Act, 1951 regarding rejection of nomination papers, I, the Returning Officer for Biennial Election to the Council of States 2018 hereby pass the following orders:

- (a) In the first objection the objector has mentioned that the Candidate Shri Achyutananda Samanta has not completely furnished details about cases pending against him before different courts and moveable and immovable properties. The Returning Officer is only to ascertain whether all columns of the affidavits are filled or not. However, it is not feasible on his part to verify the veracity of incompleteness or incorrectness of the facts furnished in the affidavit. It is the obligation of the candidate to furnish true facts which may be challenged in the court of law as an election petition. Thus, I am inclined to reject this objection.
- (b) The objector has failed to submit any material evidence in support of his objection about date of birth of Shri Achyutananda Samanta.
- (c) The objector while objecting the nominations of Shri Achyutananda Samanta submitted details of two entries in electoral role of two different Assembly Constituencies in the name of Shri Achyutananda Samanta. However, he failed to submit that the candidate has willfully mis-utilize the entries. Also, as per Section 34 of the Representation of the Peoples Act, 1951 the defect mentioned above, is not of substantive in nature which will attract rejection of the nomination.


13/03/18

- (d) The objector has failed to furnish detail proving beyond reasonable doubt that Shri Achyutananda Samant is deriving pecuniary benefit from the posts held by him. Similarly, the posts held by him are categorized as Office of Profit. Thus the objection is rejected.

Whereas, the objector Shri Subash Mohapatra has furnished above four objections against the nomination of Shri Achyutananda Samant submitting some documents mentioned above. However, the objections are either pertained to non-submission of complete detail in the affidavit or not of anything substantive in nature as laid down under Section 36 (4) of the Representation of the Peoples Act, 1951 which lays down grounds for rejections of nominations for Council of States.

Thus, the objections raised by Shri Subash Mohapatra are hereby overruled and the nomination paper of Shri Achyutananda Samant is found valid and accepted.


RETURNING OFFICER