



Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/49/2019

Dated: 16th April, 2019

Press Note

Election to 8 Vellore Parliamentary Constituency stands rescinded ECI's decision based on reports of systematic design to influence voters, unearthed during Income Tax raids

The Election Commission of India made a recommendation to the Hon'ble President of India, under Article 324 of the Constitution read with Section 21 of the General Clauses Act, 1897, to rescind the Election to 8-Vellore Parliamentary Constituency, Tamil Nadu vide its proceedings no.464/ECI/LET/TERR/TN/SS-I/2019 dated 14.4.2019.

The decision of the ECI to make this recommendation was based on detection of a systematic design to influence voters in 8- Vellore Parliamentary Constituency during the election process. Thereport of the DGIT(Inv.), Chennai, Sh. B. Murali Kumar, dated 5th of April 2019, details the search and seizure operations u/s 132 of the I.T. Act carried out on 29th and 30th of March, 2019 at the residence of Sh. Durai Murugan, MLA and Treasurer of DMK Party and Sh. Kathir Anand, s/o Sh. Durai Murugan and contesting candidate for Vellore Parliamentary Constituency and at Kingston medical College, run by the Durai Murugan Educational Trust. The search team observed that evidently there was prior rummaging of the premises and removal of material including the control panel of the CCTV as well as the hard disks of the computers. Further discreet surveillance resulted in the confirmation that a large amount of cash and other incriminating material had indeed been shifted out of the college premises while the teams were being denied entry.

Further as per DGIT report, based on the intelligence gathered during the discreet surveillance, certain premises of close associates of the candidate Shri Kathir Anand and their relatives were identified and fresh searches u/s 132 of the Income Tax Act, 1961, at Katapadi Taluk, Vellore District were initiated on

01.04.2019 at the residence of Sh. Damodaran, brother in law of Sh.Srinivasan, a DMK functionary. The search operations of the Income Tax Department on 1.4.2019 yielded a total cash seizure of Rs.11.48 Crores, most of which was packed in plastic packets with ward wise details. In addition, unused labels, loose sheets with details of ward-wise breakup of voters and documents related to Kingston Engineering College were found from the residence of Sh. Damodaran. Sh.Srinivasan claimed the ownership of Rs.11.48 Crores and in his statement recorded u/s 131 of IT Act stated that the cash was meant to influence voters in favour of DMK's candidate. The fact that the claimant does not have any explained source of income and that the documents found with the cash pertain to an institution run by the family of the DMK candidate lays bare the nexus between the candidate and the sums so found.


The Special Expenditure Observer, Ms. Madhu Mahajan, filed a report on 8.4.2019 stating that the searches had unearthed a systematic design to influence voters through inducements and that such activities come under the ambit of "corrupt practices" as per Section 123 of the RP Act, 1951. The Special Expenditure Observer was of the opinion that the situation is not conducive for the conduct of free and fair elections.

The CEO Tamil Nadu filed his report on the 12.4.2019, wherein he has stated that the cash seizure of Rs. 11.48 Cr. along with evidence in the form of computer printouts detailing proposed assembly segment, ward and booth wise money distribution suggests a clear-cut pattern and design to induce the electors at a large scale across the Vellore Parliamentary Constituency. This organised way of inducement of voters had vitiated the electoral environment which was now not conducive for conducting inducement free, ethical election in Vellore Parliamentary Constituency at this juncture.

After taking into account all relevant facts and circumstances of the present case, the Commission was fully satisfied that the current electoral process in the said 8-Vellore Parliamentary Constituency in Tamil Nadu has been seriously vitiated on account of the above-mentioned unlawful activities on behalf of the candidate, Sh. Kathir Anand, and some members/ workers of the political party in question. In the Commission's considered opinion, allowing the current electoral process to proceed and conducting the poll in the

constituency on 18thApril, 2019, as scheduled, in such a vitiated atmosphere would have severely jeopardised the conduct of free and fair election in the said 8-Vellore Parliamentary Constituency.

The Hon'ble President, accepting the recommendation of the Election Commission of India, made in this regard, is pleased to partially rescind Notification No.1389(E) dt.19th March 2019 in so far as it relates to calling upon the said 8-Vellore Parliamentary Constituency in Tamil Nadu to elect a member to the Lok Sabha.


(PAWAN DIWAN)
Under Secretary