

**BEFORE THE CHIEF ELECTORAL OFFICER AT
THIRUVANANTHAPURAM**

AFFIDAVIT

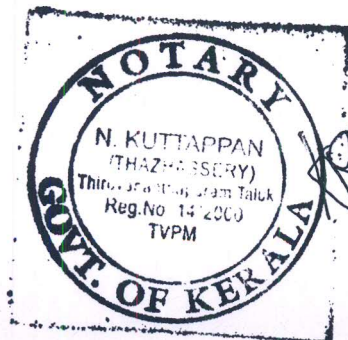
I K.M.Shahjahan, son of Late K.B.Mohammed Ali, aged 53 years, residing at Bhavana, TC 6/1514, Thuruvekkal P.O., Medical College, Thiruvananthapuram 11, do hereby solemnly affirm and sincerely state as follows:-

1. I am interested in exposing public issues affecting our democratic system. This affidavit is to bring to the notice of the empowered officer in respect of the willful suppression of facts by the CPI(M) candidate who is contesting for election to the Kerala Legislative Assembly from the Aruvikkara Constituency, Sri M.Vijayakumar. I have been able to get a copy of the nomination submitted by Sri M.Vijayakumar. The following details stated in the nomination are not true and the candidate has sworn to a false affidavit.

2. In Part A, clause 4 relating to details of the Permanent Account Number (PAN), the candidate has stated that he has no PAN Number and that he has not filed any income tax returns. I understand that Sri Vijayakumar is drawing MLA Pension and this fact is not seen stated. It is a requirement to have a PAN number for persons drawing government pension. Sri Vijayakumar has bank accounts and deposits for which he is required to pay tax for the interest income he is receiving. Therefore he should have a PAN number. As such the affidavit sworn to otherwise is wrong.

3. The value of the property held by Sri Vijayakumar is shown as Rs.7.88 lakhs in page 4 of the nomination paper. It may be brought to your notice that even going by the lowest amount of fair value fixed by the Government for the area in 2010, the value of the 3.94 acres of land comes to more than Rs. 23 lakhs, almost 3 times the value shown by the candidate. The details of the property given in the nomination and the value of the same by adding 50 % value to the fair value fixed by the government in 2010, which is the norm followed for assessing the fair value, are shown below in the form of a table for easy reference.

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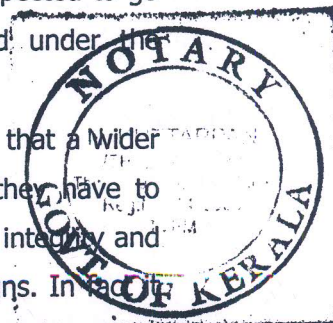
Sl.No.	Panchayat/ Village	Sy.No.	Extent (Cents)	Fair Value(2010) (per are)	Fair Value + 50% (per are)	Value (Rs.)
1	Tholikkode	817	42	13000	19500	3,31,578/-
2	Tholikkode	818	58	12000	18000	4,22,672/-
3	-do-	2263	37	14000	21000	3,14,574/-
4	-do-	2757	42	5000(assumed)	7500	1,27,530/-
5	Uzhamalakal	244/6,13	53	12500	18750	4,02,327/-
6	-do-	244/10	31	5000	7500	94,129/-
7	-do-	244/2	91	5000	7500	2,76,315/-
8	-do-	243/18	10	5000(assumed)	7500	30,364/-
9	-do-	244/11	30	18750	28125	3,41,599/-
			394			23,41,088

The present value of the lands shown above comes to more than Rs.50,000/- per cent. Even if a moderate value of Rs.25,000/- per cent is applied the value of the land will be almost Rs.1 crore(Rs.98,50,000/-).

4. The value of 20 cents of land shown as the property of the candidate's spouse is also not true. It may be pointed out that the said 20 cents in Pangappara village is situated in the Thiruvananthapuram Corporation between Chavadi Mukku and Karyavattam. The value shown as Rs.25 lakhs is nothing but gross undervaluation. When it is impossible to get land for less than Rs.5 lakhs per cent anywhere in Thiruvananthapuram Corporation, the value shown by the candidate is a mere Rs.1.25 lakhs per cent. As a matter of fact, going by the importance of Karyavattam area, the value of land in Karyavattam is at present about Rs.10 lakhs per cent. Even if a very moderate value of Rs.5 lakhs per cent is applied, the value of 20 cents will be Rs.1 crore. Therefore the false declaration given is obviously to create an impression that the candidate is not a crorepati. The declaration given is excluding several undisclosed assets of Sri Vijayakumar.

5. The above statements can be substantiated by the details of the fair value of land given in the website of the Government. The scrutiny of nominations is not an empty formality to be carried out. The returning officer is bound to consider the correctness of the contents of the affidavit submitted by a candidate. It is open to him to reject the objection but to say that he is not expected to go into the objections in detail is shrugging off responsibility fixed under the

Constitution of India. I understand that the Hon'ble Supreme Court has held that a wider responsibility has been imposed on the Election Commission and they have to ensure that the persons who contest elections maintain high level of integrity and honesty and that the voting public are not duped by their evil designs. In fact,



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was only after the Hon'ble Supreme Court directed that the people have a right to know the antecedents of a candidate and details of his assets, that necessary amendments were brought in the law, requiring the candidates to disclose such information. The very purpose of the judgment of the Hon'ble Supreme Court and the amendments in the law, regarding the details to be stated by a candidate, is lost, if the empowered officers do not scrutinize the nomination paper with the due care that is required, to find out whether there is any misinformation. It is true that such aspects can be raised after the election in an election petition. But is such a course of action required and should the public be driven to an election and should the money with the exchequer be wasted, when there are sufficient materials to show that the information submitted by a candidate is not true. It is in this context that I request your good self to look into the matter and take necessary action at your end.

In the above circumstances, it is prayed that your good self may be pleased to call for the records relating to the nomination submitted by Sri.M.Vijayakumar from the Returning Officer, and to scrutinize the same as required by law, and pass appropriate orders thereon.

The above facts are true to the best of my knowledge, ability and belief.

Dated this the 22nd day of June, 2015.


Deponent.

Solemnly affirmed and signed before me by the deponent on this the 22nd day of June, 2015, at my office at Thiruvananthapuram.


Advocate

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