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Special Messenger

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/CR/COMP/2017/PPEMS/643

Dated: 11th September, 2018

Notice

Whereas, the Election Commission, vide its circular 76/PPEMS/Transparency/2013 dated 29th August, 2014, had, inter alia, instructed all political parties to maintain their annual accounts as per the provisions of the Income Tax Act, 1961, and to give correct information as sought in Form 24A appended to the Conduct of Election Rules, 1961. Further, the Commission clarified vide its Circular No. 76/PPEMS/Transparency/2013 dated 19th November, 2014 to all political parties that the said instructions issued by the Commission on 29th August, 2014 had been issued under Article 324 of the Constitution and would be constituted as its lawful direction violation of which may entail action, as envisaged under para 16A of the Election Symbols (Reservation and Allotment) Order, 1968.

Whereas, the Aam Aadmi Party submitted the original Contribution Report for Financial Year 2014-15 which was received in the Commission on 30th September, 2015 and later submitted a revised report which was received in the Election Commission on 20th March, 2017. The original report contains a list of 2696 donors with the total donations amounting to Rs. 37,45,44,618 and the revised Contribution Report shows the total amount as Rs.37,60,62,631 received from 8264 donors; and

Whereas, a report has been received from the office of the Chairman, CBDT, on 5th of January, 2018 regarding the concealment of donations received by the Aam Aadmi Party (AAP) during Financial Year 2014-15 and other discrepancies as discussed hereunder:

1. **Concealment of donations**— It is stated that the bank account of the AAP has recorded total credits of Rs.67.67 Crores, including Rs.64.44 Crores from donations in excess of Rs.20,000/-. However, the party has disclosed total income of Rs.54.15 Crores from donations in its audited accounts for the year. Therefore, it has been held by the Assessing Officer that Rs.13.16 Crores have not been accounted for by the party and these donations have been held to be from unknown sources.

2. **Entries from Hawala dealers**- The report states that the party has taken accommodation entries from hawala operators to the tune of Rs. 2 crores. These have also been wrongly disclosed as voluntary donations.

3. **Incorrect disclosures on website and to the ECI**- The report states that the party has made wrong disclosures on its official website and also furnished incorrect information

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under Section 29C of the RP Act. It details how the party has changed/revised its Contribution Report once the correctness of the same was questioned. In conclusion, it is stated that its disclosures to the Election Commission in the form of the Contribution Report are incorrect; and

Whereas the report of CBDT relating to the accounts of Aam Aadmi Party for the Financial Year 2014-15 has been examined with reference to the transparency guidelines issued by the Commission; and

Whereas it is apparent from the report of the CBDT that Aam Aadmi Party has not observed the aforesaid transparency guidelines of the Election Commission in view of the fact there are several discrepancies in the Contribution Report for Financial Year 2014-15, as brought out in the Assessment Order for the relevant assessment year; and

Whereas, Aam Aadmi Party has prima facie, violated the lawful direction of the Election Commission within the meaning of para 16A of the Election Symbols (Reservation and Allotment) Order, 1968:

Now, therefore, the Election Commission hereby directs you to show cause as to why action should not be taken against Aam Aadmi Party under Para 16A of the Election Symbol (Reservation & Allotment) order 1968 for failure to follow its lawful directions and instructions as stated above. Your representation should reach the office of the Commission within 20 days from the date of receipt of the notice, failing which the matter will be decided on merits based on information available on record.



Vikram Batra
(Director)

To,

The National Treasurer,
Aam Aadmi Party,
206, Rouse Avenue, DDU Marg,
New Delhi – 110002

