

MINISTRY OF LAW AND JUSTICE**(Legislative Department)****NOTIFICATION**

New Delhi, the 18th May, 2009

S.O. 1263(E).—The following Order made by the President is published for general information :—

ORDER

16th May, 2009

Whereas a petition dated the 7th May, 2007 under sub-clause (d) of clause (1) of article 102 of the Constitution of India regarding alleged disqualification of Smt. Sonia Gandhi, Member of Parliament (Lok Sabha) has been submitted to the President by Shri P. Rajan, Convenor, Yogam'19, Cochin, Kerala (hereinafter referred to as the petitioner);

2. And whereas the petitioner has averred in his petition referred to in preceding paragraph that Smt. Sonia Gandhi, Member of Parliament, by accepting the title of 'Grand Officer of the Order of Leopold' from the Government of Belgium on the 11th November, 2006, incurred disqualification under sub-clause (d) of clause (1) of article 102 of the Constitution;

3. As whereas the President made a reference on the 25th June, 2007 to the Election Commission seeking its opinion under clause (2) of article 103 of the Constitution on the question of alleged disqualification of Smt. Sonia Gandhi, Member of Parliament (Lok Sabha) in the petition referred to in the first paragraph;

4. And whereas the Election Commission, after considering the petition, the supplementary documents submitted by the petitioner, the written statement filed by Smt. Sonia Gandhi, Member of Parliament (Lok Sabha), the documents furnished by the Ministry of External Affairs, and the rejoinder filed by the petitioner, tendered its opinion stating therein that the petition dated the 7th May, 2007 (the opinion annexed as Annexure to this order) of the petitioner referred to in first paragraph is devoid of any merit and Smt. Sonia Gandhi, Member of Parliament (Lok Sabha) cannot be said to have incurred disqualification under sub-clause (d) of clause (1) of article 102 of the Constitution of India, as alleged in the petition and returned the reference referred to in third paragraph to the President;

5. Now, therefore, I, Pratibha Devisingh Patil, President of India, in exercise of the powers conferred on me under clause (1) of the article 103 of the Constitution, do hereby decide that Smt. Sonia Gandhi has not incurred any disqualification under sub-clause (d) of clause (1) of article 102 of the Constitution, on the grounds alleged in the present petition.

PRESIDENT OF INDIA

BEFORE THE ELECTION COMMISSION OF INDIA

Reference Case No. 10 of 2007

[Reference from the President under Article 103(2) of the Constitution of India]

P. RajanPetitioner

Vs.

Smt. Sonia GandhiRespondent

OPINION

The opinion of the Election Commission was sought under Article 103(2) of the Constitution, on the question of alleged disqualification of Smt. Sonia Gandhi, Member of Parliament (Lok Sabha), under sub-clause (d) of Clause (1) of Article 102 of the Constitution of India, on the petition dated 7th May, 2007, filed by Shri P. Rajan, Convenor, 'Yogam 19', Cochin, Kerala.

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After considering the petition, the supplementary documents submitted by the petitioner, the written statement filed by the respondent, the documents furnished by the Ministry of External Affairs, and the rejoinder filed by the petitioner, the Commission has tendered opinion as follows:

OPINION : PER Shri Navin B. Chawla, Election Commissioner and Dr. S. Y Quraishi, Election Commissioner (Majority)

Opinion has been tendered to the effect that the aforementioned petition is devoid of any merit and the respondent abovenamed cannot be said to have incurred disqualification under Article 102(1)(d) of the Constitution, as alleged in the petition, and the Reference is returned to the President with the opinion to this effect.

PER : Shri N. Gopaldaswami, Chief Election Commissioner

Opinion has been tendered to the effect that the Reference may be returned to the President with the observation that the inquiry as contemplated under the Constitution could not be made in this case.

FINAL OPINION OF THE ELECTION COMMISSION

Having regard to the provisions of sections 9 and 10 of the Election Commission (Conditions of Service of Election Commissioners and

Transaction of Business) Act, 1991, the Election Commission, by majority, hereby tenders the opinion of the Election Commission that the petition dated 7th May, 2007 of the petitioner abovenamed is devoid of any merit and the respondent abovenamed cannot be said to have incurred disqualification under Article 102(1)(d) of the Constitution, as alleged in the petition. The Reference is returned to the President with the opinion of the Election Commission under Article 103(2) of the Constitution of India to the above effect.

Sd/-

(Dr. S. Y. Quraishi)
Election Commissioner

Sd/-

(N. Gopaldaswami)
Chief Election Commissioner

Sd/-

(Navin B Chawla)
Election Commissioner

New Delhi

Dated : 13th April, 2009

[F. No. H-11026 (1)/2009-Leg-II]

T. K. VISHWANATHAN, Secy.