

कार्यालय मुख्य निर्वाचन अधिकारी, उत्तर प्रदेश

चतुर्थ तल विकास भवन, जनपथ मार्केट, लखनऊ-226001

संख्या: 265/सीईओ-2-67/2-2007
सेवा में,

लखनऊ

दिनांक: 12 मार्च, 2020

अध्यक्ष/महामंत्री,
समस्त मान्यता प्राप्त राष्ट्रीय व राज्यीय दल एवं
रजिस्ट्रीकृत अमान्यता प्राप्त राजनैतिक दल,
उत्तर प्रदेश।

विषय: Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition(C) No. 2192 of 2018 in WP(C) No. 536 of 2011- Requirement of publishing details regarding candidates with pending criminal cases-regarding.

महोदय,

उपरोक्त विषय पर इस कार्यालय के पत्र सं0-1584/सीईओ-2-67/2-2007, दिनांक 16 अक्टूबर, 2018 तथा 529/सीईओ-2-67/2-2007, दिनांक 22 मार्च, 2019 द्वारा प्रेषित भारत निर्वाचन भारत निर्वाचन आयोग के निर्देश सं0-3/4/2017/SDR/Vol.II, दिनांक 10 अक्टूबर, 2018 एवं 3/4/2019/SDR/Vol.I, दिनांक 19 मार्च, 2019 का सन्दर्भ ग्रहण करने का कष्ट करें।

2- आयोग के उक्त निर्देश दिनांक 10 अक्टूबर, 2018 द्वारा रिट याचिका सं0-536 ऑफ 2011 में मा0 सर्वोच्च न्यायालय द्वारा पारित आदेश के क्रम में रिटर्निंग ऑफिसर, उम्मीदवार तथा राजनैतिक दलों द्वारा की जाने वाली कार्यवाही के सम्बन्ध में विस्तृत दिशा-निर्देश जारी किये गये थे। मा0 सर्वोच्च न्यायालय द्वारा पारित आदेश एवं आयोग के निर्देशों के क्रम में की गई विभिन्न पृच्छाओं के सम्बन्ध में आयोग के निर्देश दिनांक 19 मार्च, 2019 द्वारा स्पष्टीकरण एवं FAQ भी जारी किये गये थे एवं निर्वाचन की समाप्ति के पश्चात् उम्मीदवारों द्वारा प्रारूप-सी-4 पर जिला निर्वाचन अधिकारी को व प्रारूप-सी-5 पर मुख्य निर्वाचन अधिकारी को राजनैतिक दलों द्वारा अपनी रिपोर्ट प्रेषित करने के निर्देश दिये गये थे।

3- मा0 सर्वोच्च न्यायालय में रिट याचिका सं0-536 ऑफ 2011 के सम्बन्ध में दायर कन्टेम्प्ट पिटीशन (सी) नं0-2192 ऑफ 2018 में मा0 सर्वोच्च न्यायालय द्वारा पारित आदेश दिनांक 13 फरवरी, 2020 के क्रम में भारत निर्वाचन आयोग के निर्देश सं0-3/4/2020/SDR/Vol.III, दिनांक 06 मार्च, 2020 के माध्यम से राजनैतिक दलों द्वारा की जाने वाली कार्यवाही के सम्बन्ध में विस्तृत निर्देश जारी किये गये हैं, जिसकी प्रति संलग्न कर आपको सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

संलग्नक : यथोक्त।

भवनीय,

(अवनीश सक्सेना)

संयुक्त मुख्य निर्वाचन अधिकारी

संख्या: (1)/सीईओ-2, तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- समस्त जिला निर्वाचन अधिकारी, उ0प्र0 को इस अनुरोध के साथ कि जिन रजिस्ट्रीकृत अमान्यता प्राप्त राजनैतिक दलों के कार्यालय आपके जनपद में अवस्थित हैं, उन राजनैतिक दलों को आयोग के उपरोक्त निर्देश सं0-3/4/2020/SDR/Vol.III, दिनांक 06 मार्च, 2020 की प्रति अपने स्तर से भी उपलब्ध कराने का कष्ट करें।
- 2- प्रभारी, कम्प्यूटर कक्ष को इस आशय से कि आयोग के उक्त निर्देश को वेबसाइट पर अपलोड कराने का कष्ट करें।

(अवनीश सक्सेना)

संयुक्त मुख्य निर्वाचन अधिकारी

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2020/SDR/Vol.III

Dated: 6th March, 2020

To

The President/General Secretary/Chairperson/Convener,
of all recognized National and State Political Parties.

Sub: Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011 - Requirement of publishing details regarding candidates with pending criminal cases- regarding.

Sir/Madam,

I am directed to bring to your notice of the Hon'ble Supreme Court's Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011.

2. In this connection your attention is drawn to the Commission's instructions contained in letters no. 3/4/2017/SDR/Vol.II & 3/4/2019/SDR/Vol.I dated 10th October, 2018 and 19th March, 2019 respectively in compliance of the Hon'ble Supreme Court's judgement dated 25th September, 2018, in *Public Interest Foundation & Ors. V. Union of India & Anr.* [WP (Civil) No. 536 of 2011].

3. The Hon'ble Supreme Court in its Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011, referred to above, has given the following directions: -

"4. We have also noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. We therefore issue the following directions in exercise of our constitutional powers under Articles 129 and 142 of the Constitution of India:

(1) It shall be mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.

(2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.

(3) This information shall also be published in :

(a) One local vernacular newspaper and one national newspaper;

(b) On the officials social media platforms of the political party, including Facebook & Twitter.

(4) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.

(5) The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.

(6) If a political party fails to submit such compliances report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions."

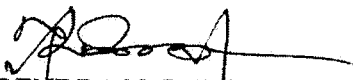
4. In pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 and in addition to the Commission's earlier instructions dated 10th October, 2018 and 19th March, 2019, the Commission, after due consideration has directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction shall scrupulously follow each of the above directions in all future elections to the Houses of Parliament and State Legislatures. Information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates shall be published by the political party in the newspapers, social media platform and website of the party in the enclosed **Format C-7 within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**

5. A compliance report in the enclosed **Format C-8 shall be sent to the Commission within 72 hours of the selection of the candidate.**

6. The party may note that failure to abide by the abovementioned directions will render the party liable to contempt proceedings before the Hon'ble Supreme Court.

7. It is clarified that failure to abide by the above directions will also be treated as failure to follow a lawful direction of the Commission for the purposes of Paragraph-16A of the Elections Symbols (Reservation & Allotment) Order, 1968.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

Copy to: -The Chief Electoral Officers of all States and UTs with the request that a copy of this letter may be sent to all registered political parties with headquarters in the State/UT including the State Units of the recognized National and State Parties.

Format C-7

(for political parties to publish in
the newspapers, social media platforms
& website of the party)

Information regarding individuals with pending criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition(C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

Name of Political Party: _____

*Name of the Election: _____

Name of State/UT: _____

(1) Name of the Constituency-.....

Name of the candidate-.....

Sl.no.	
1.	Criminal antecedents
a.	Nature of the offences
b.	Case no.
c.	Name of the Court
d.	Whether charges have been framed or not (Yes/No)
e.	Date of conviction, if any
f.	Details of punishment undergone, if any
g.	Any other information required to be given
2.	The reasons for the selection of the candidate. Selection shall be with reference to the qualifications, achievements and merit of the candidate, and not mere "winnability" at the polls (not more than 100 words)
3.	Reasons as to why other individuals without criminal antecedents could not be selected as candidates (not more than 100 words)

(2) Name of the Constituency-.....

Name of the candidate-.....

.....and so on

* In the case of election to Council of States or States or election to Legislative Council by MLAs, mention the election concerned in place of name of Constituency.

Signature of office bearer of the Political Party
Name and designation.....

Note:-

- (1) Political parties (at the Central and State election level) shall upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.
- (2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.
- (3) This information shall also be published in:
 - (a) One local vernacular newspaper and one national newspaper;
 - (b) On the official social media platforms of the political party, including Facebook & Twitter.
- (4) The matter in newspapers shall be published in font size of at least 12.
- (5) The above information shall be published State wise for each State/UT.
- (6) **These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**
- (7) **The political party concerned shall then submit a report of compliance in Format C-8 with the Election Commission within 72 hours of the selection of the said candidate.**

Format C-8

Report of political party as required under the Commission's directions issued in pursuance of the Order dated 13-02-2020 of Hon'ble Supreme Court in Contempt Petition(C) No. 2192 of 2018 in WP (C) No. 536 of 2011.

Name of political party : _____

Details of Social Media Accounts of the party: (i)

(Facebook, Twitter etc.) (ii)

(iii)

Name of Election: _____

Gen Election/ Bye –election to Lok Sabha/Leg Assembly/Biennial election/ Bye election to Council of States/Leg Council

(Write the appropriate alternative)

Name of State: _____

It is certified that _____ (name of political party) has published detailed information regarding the persons with pending criminal cases in the Format prescribed by the Commission (Format C-7) as per the directions in the Commission's letter No. _____, dated _____ in the following media:

Sl.no.		Date of publication & cost of publication to be mentioned in column below	
		Date	Cost
1.	One National Newspaper (copy to be furnished)		
2.	One Local Vernacular Newspaper (copy to be furnished)		
3.	Social Media Platforms of the party (print to be furnished)		

4.	Website of the party (printout of the material enclosed)		
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Declaration

It is declared that full information, explanation and details have been published in respect of each of the persons with pending cases who have been selected to be the candidates of the party in the abovementioned election, as per the directions in the Order dated 13-02-2020 of the Hon'ble Supreme Court referred to above, and nothing has been concealed.

Place:

Signature of office bearer of the Political Party

Name and designation.....

Date:

(seal of the Party)

Note:-This report shall be furnished at least two weeks before the date on which nomination is proposed to be filed or within 48 hours of selection of the candidate, whichever is earlier.