

STATE ELECTION COMMISSION, HARYANA
S.C.O. NO. 16-17, SECTO 20-D,
CHANDIGARH.

No. SEC/1ME/2005/16991

Dated: 16.02.2005

To

The Deputy Commissioner,
Faridabad.

Subject:- Criminalisation of Politics – Participation of Criminals in the electoral process as candidates – disqualification on conviction for offences – effect of appeal and bail regarding.

Sir,

I am directed to invite your attention to the instructions issued by the State Election Commission, Haryana, vide its communication No.SEC/ME/1997/14090-140108, dated 29.9.1997 and No.SEC/ME/1998/ 2495-2514, dated 13.2.1998 on the subject noted above and to say that the proforma of the Annexures which were prescribed and annexed with Commission's letter dated 29.9.1997 mentioned as Annexure-II, (a letter from Returning Officer to the candidate for filing affidavit and furnishing information on the proforma under Section 8 of the Representation of the People Act, 1951 and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and (m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994 and format of the Affidavit required to be filed by the candidate before the Returning Officer with the nomination papers.

2. The format of the letter (i.e. Annexure –II) by the Returning Officer to the candidate about supplying information relating to the disqualification under Section 8 of the Representation of the People Act, 1951 and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and (m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994, and the format of the affidavit filed by the candidate before the Returning Officer alongwith proforma for furnishing information under Section 8 of the Representation of the

People Act, 1951 and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and (m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994, as prescribed in the above mentioned two letters of the Commission have now been revised.

3. I have also been directed to invite your attention to the order No.SEC/E-III/2003/8831, dated 06.10.2003 issued by the Commission, requiring a candidate to file an Affidavit for disclosure of information about the conviction and equittal/ discharge in criminal cases, and details of pending criminal cases in which charge has been framed or cognizance has been taken by the Court and details of the assets, liability and educational qualification of the candidate.

2. Under these revised instructions for the Municipal elections to be held hence after, while supplying the nomination papers, the Returning Officer shall inform the intending candidates in the manner prescribed in Annexure –I attached herewith that he should file an affidavit in Annexure-II enclosed alongwith the proforma for furnishing information under Section 8 of the Representation of the People Act, 1951 and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and (m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994, and also another Affidavit in Annexure-III for furnishing information about the conviction and equittal/ discharge of criminal offences, pending criminal cases and details of assets, liability and educational qualifications as required under Commission's order No.SEC/E-III/2003/8831, dated 06.10.2003. The Returning Officer shall give copies of the Annexures II and III referred to above, to the intending candidates alongwith nomination form so that the candidate may file these affidavits alongwith the nomination form to be submitted to the Returning Officer.

3. On receipt of the nomination paper, if a candidate does not file any of the two affidavits i.e. affidavit in Annexure-II and affidavit in Annexure-III or both these affidavits, then the Returning Officer shall issue notice as in Annexure-IV to the person delivering the

nomination papers that the candidate should file the affidavit immediately and positively before 10.00 A.M. of the date of scrutiny, failing which the nomination paper of the candidate shall be rejected.

4. On receipt of the nomination paper, the Returning Officer shall also write to the candidate as prescribed in Annexure-V informing him about the serial number in the nomination register at which his name has been entered, scroll number vide which security received and the date, time and place of the scrutiny of the nomination papers as prescribed in Annexure-V.

Copies of the above mentioned Annexure I, II, III, IV and V are hereby enclosed.

Yours faithfully,

(G.K.Sachdeva)
Superintendent/E-IV
for State Election Commissioner,
Haryana.

ANNEXURE-I

Memo No. _____

Date _____

From

Returning Officer
Municipal Corporation, _____

To

(Name of the intending Candidate)

Sub:- Election to _____ from _____ Ward _____

i). You attention is invited to Section 8 of the Representation of the People Act, 1951 and sub-section (1) and sub-clause (ii) of clause (d) , clause (e) and clause(m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994, extracts whereof are endorsed for your ready reference.

ii). In order to be satisfied that you are not suffering from disqualification mentioned under the said section 8 of the Representation of the People Act, 1951, and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and clause (m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994, you are hereby required to furnish the information as asked for in the enclosed **Proforma**, which should be supported by an **Affidavit** as **Annexure-II**, duly sworn before a First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer (Civil)/Tehsildar/Naib Tehsildar (conferred with the power of Executive Magistrate) having jurisdiction to the area. This **Affidavit** in **Annexure-II** and the information in the **Proforma** attached thereto **should be filed alongwith nomination paper.**

2. Your attention is also invited to the order No.SEC/E-III/2003/8831, dated 06.10.2003 of the State Election Commission, an extract of para 10 of which is enclosed for your ready reference. You are also required to file **another Affidavit** in **Annexure-III** as required under the above order, duly sworn before a First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer (Civil)/Tehsildar/Naib Tehsildar (conferred with the power of Executive Magistrate) having jurisdiction to the area, **should also be filed alongwith the nomination paper.**

3. It should also be noted that **your nomination is liable to be rejected**, in case these above mentioned two **Affidavits** in Annexure-II (alongwith proforma for furnishing information under Section 8 of the Representation of the People Act, 1951 and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and clause (m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994 and Annexure-III **are not submitted alongwith the nomination papers.**

4. It should be noted that furnishing of any wrong or incomplete information or suppression of any material information, by you in or from the said Affidavits shall invite penal consequence under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material fact before him.

Returning Officer

Encl: Copies of :-

- i) Nomination paper in Form-1
- ii) Format of affidavit in Annexure-II
Alongwith copy of proforma attached
therewith
- iii) Format of affidavit in Annexure-III
relating to disclosure of information.

Before the Returning Officer
For Election to _____
From _____ Constituency.

AFFIDAVIT

1. _____ Son/Daughter/Wife of _____
aged _____ Years, resident of _____
_____, do hereby solemnly affirm and declare as follows :-

- (1) That I have filed my nomination paper(s) for the above election.
- (2) That, in connection with my candidature for the above election, I am submitting herewith the information, under Section 8 of the Representation of the People Act, 1951, and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and clause(m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994, in the prescribed Affidavit & proforma.
- (3) That the information furnished in the enclosed proforma is true to the best of my knowledge and belief and that nothing material has been concealed there from.

Place :-

Deponent

Date :-

Verified before me

(Signature of verifying authority
with seal)

Proforma for furnishing information under section 8 of the Representation of the People Act, 1951 and sub-section (1) and sub-clause (ii) of clause (d), clause (e) and clause(m) of sub section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994, read with sub-rule (1) of rule 23 of the Haryana Municipal Corporation Election Rules, 1994, by every candidate at an election to Municipal Corporation.

Election to the _____
From _____ Ward.

Name of the Candidate

Father/Mother/Husband's Name :

PART-I

(Information under Section 8 of the Representation of the People Act, 1951)

(1) Have you ever been convicted :
by a Court of law :-

(i) In any case specified in sub section (1) :
of the Section 8 of the Representation
of the People Act, 1951 and sub-section (1)
and sub-clause (ii) of clause (d), clause (e)
and clause(m) of sub section (2) of Section 8
of the Haryana Municipal Corporation Act,
1994, read with sub-rule (1) of rule 23 of the
Haryana Municipal Corporation Election
Rules, 1994,

(ii) In any case specified in sub section (2) :
of section 8 of the representation of the
People Act, 1951

(iii) In any other case, and sentenced to :
imprisonment for not less than 2 years.

(2) If yes, give details, (in each case
separately) as below :-

(i) Name of the Court by which Convicted :

(ii) Date of Conviction :

(iii) Were you a sitting member of the
Municipal Corporation on the date
of such conviction. : Yes/No

(iv) If yes, give exact details of such status
as Member Municipal Corporation.

(v) Nature of offence committed (with :
details of the relevant Act and Sections).

(vi) Punishment imposed :

- vii) Period for which undergone imprisonment, if any. :
- (viii) Date of release from prison :
3. Was any appeal/application for revision filed against above Conviction. : Yes/No
- (i) Reference No. of appeal/application for revision filed, if any. :
- (ii) Date of filling of such appeal/application for revision. :
- (iii) Name of the Court before which the appeal/application for revision filed. :
- (iv) Whether the said appeal/application for revision has been disposed of or is pending. : Disposed of/
Pending.
- (v) If disposed of :-
(a) date of Disposal :
(b) Nature of order passed :
- (vi) Whether any bail granted during the pendency of appeal/application for revision. :
- (vii) If yes, period during which remained on bail. :

PART-II

(Information under sub-section (1) and clause (m) of sub-section (2) of Section 8 of the Haryana Municipal Corporation Act, 1994)

4. Have you ever been disqualified by or under any law for the time being in force for the purposes of election to the Legislature of the State of Haryana. : Yes/No
5. Have you ever been disqualified by or under any law made by the Legislature of the State of Haryana. : Yes/No

Place
Date

Signature of the candidate

ANNEXURE-III

(Order No.SEC/E-III/2003/8831, Dated 06.10.2003)

Affidavit/**² to be furnished by candidate along with nomination paper before the Returning Officer.**

Note:-

1. Affidavit shall be prepared on a non-judicial stamp paper/document paper (Pucca Paper) and sworn before the First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer (Civil)/Tehsildar/Naib Tehsildar (conferred with the powers of Executive Magistrate) having jurisdiction to the area.

2. ****³

3. Please read the contents of the Annexure carefully and strike the contents not applicable to you.

-
- *1.** *** For the election to the office of Sarpanch of Gram Panchayat _____ (name),
Block _____ (name)
or
- *2.** For the election to the office of Member for Ward No. _____ of *Gram
Panchayat _____ (name) or *Panchayat Samiti _____ (name)
or *Zila Parishad _____ (name)
or
- *3.** For the election to the office of Member for Ward No. _____ of *Municipal
Corporation _____ (name) or *Municipal Council _____ (name)
or *Municipal Committee _____ (name)

I _____ S/o/ D/o/ W/o _____ aged _____ years,
resident of _____ candidate at the above election, do hereby

solemnly affirm and state on oath as under :-

(strike out whichever not applicable)

1) I have, in the past, been convicted of a criminal offence in the following case(s) and the details are as under :-

i) Case No.

a. _____ Section of the Act and description of the offence for
which convicted

Note: *** Not applicable in the case of Municipalities

****² Word Declaration has been deleted by notification No.SEC/E-III/2003/10527, dated 30.10.2003

****³ Head Note No.2 was deleted by notification No.SEC/E-III/2003/19527, dated 30.10.2003

iii) Date(s) of conviction

- iv) Court(s) by which convicted
 - v) Punishment imposed (indicate period of imprisonment awarded and/or quantum of fine imposed)
 - vi) Details of appeals/revision etc. filed against above conviction (s).
- 2) That I have in the past been discharged/acquitted in the following cases :-
- i) Section of the Act and description of the offence with which charged.
 - ii) Case No.
 - iii) Name of the Court by which acquitted/discharged
 - iv) Date of acquittal/discharge
 - v) Details of appeal(s)/application(s) for revision/review, if any, filed against above acquittal/discharge.

3) That I have, in period ending six months prior to the date of filing the present nomination, been accused of the following offences, punishable with imprisonment with two years or more, and in which a charge has been framed or cognisance taken by the Court as indicated hereunder :-

(Note:- This excludes the cases mentioned in (1) and (2) above)

- i) Section of the Act and description of the offence with which charged/cognisance taken:
- ii) The Court which has framed the charge/taken cognisance:
- iii) Case No.
- iv) Date of the order of the Court framing charge/taking cognisance.
- v) Details of appeal(s)/application(s) for revision etc. if any, filed against above order framing charge/taking cognisance.

* strike out which is not applicable

4) That I give herein below the details of the assets (immovable, movable, balance etc.) of myself, my spouse and dependents*:

A. Details of movable assets.

(Assets in joint name indicating the extent of joint ownership will also have to be given)

Sr. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 Name
(i)	Cash					
(ii)	Deposits in Banks, Financial Institutions and Non-Banking Financial Companies					
(iii)	Bonds, Debentures and Shares in Companies					
(iv)	Other Financial instruments NSS, Postal Savings, LIC Policies etc.					
(v)	Motor Vehicles (details of make, etc.)					
(vi)	Jewellery (give details of weight and value)					
(vii)	Other assets, such as values of claims/interests					

Note: Value of Bonds/Shares/Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given.

*Dependent here means a person substantially depends on the income of the candidate

B.**Details of Immovable assets**

[Note: Properties in joint ownership in indicating the extent of joint ownership will also be indicated]

Sr. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 Name
(i)	Agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -current market value					
(ii)	Non-Agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -current market value					
(iii)	Buildings (commercial and residential) -Location(s) -Survey/door number(s) -Extent (Total measurement) -current market value					
(iv)	Houses/Apartments, etc. Buildings (commercial and residential) -Location(s) -Survey/door number(s) -Extent (Total measurement) -current market value					
(v)	Others (such as interest in property)					

5) I give here in below the details of my liabilities/overdues to public financial institutions and government dues :-

[Note: Please give separate details for each items]

Sr.No.	Description	Name and address of Bank/Financial Institution(s) /Department(s)	Amount outstanding as on _____
(a)(i)	Loans from Banks		
(ii)	Loans from financial institutions		
(iii)	Government dues (other than income tax and wealth tax) (No Due Certificate to be enclosed in case holding or having held any public office)		
(b)(i)	Income Tax including surcharge [Also indicating the assessment years upto which Income Tax Return filed. Give also Permanent Account Number (PAN)]		
(ii)	Wealth Tax [Also indicate the assessment year upto which Wealth Tax return filed.]		
(iii)	Sales Tax [only in case of proprietary business]		
(iv)	Property Tax		

6) My educational qualifications are as under :-

(GIVE DETAILS OF SCHOOL AND UNIVERSITY EDUCATION)

(Name of School/University and the year in which the course was completed should also be given)

PLACE

DATED

DEPONENT

Name in full _____.

Address _____

VERIFICATION

I, the deponent abovenamed, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief; no part of it is false and nothing material has been concealed therefrom.

Verified at _____ this the _____ day of _____, 200_____.

PLACE

DATED

DEPONENT

Name in full _____.

Address _____

_____.

ANNEXURE-IV

Memo.No. _____

Dated _____

From: Returning Officer for _____

To,

(Name of the candidate)

Subject: Election to Ward No. _____ of Municipal Corporation _____
(name)-filing of the required affidavit.

You have filed your nomination papers for the above mentioned election today, but **you have not filed**, alongwith your nomination paper the **Affidavit in Annexure-II** and information in the Proforma attached thereto prescribed by the State Election Commission vide its letter No.SEC/ME/98/2495-2514, dated 13.02.1998 read with letter No.SEC/1ME/2005/16991, dated 16.02.2005 and **Affidavit in Annexure-III** as prescribed by the State Election Commission i.e.order No.SEC/E-III/2003/8831, dated 06.10.2003. Copies of the format of both the Affidavits (alongwith Proforma attached to Annexure-II) were supplied to you alongwith the nomination paper.

5. You are, therefore, required hereby to furnish the requisite information in the prescribed Affidavit/s duly sworn before the First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer (Civil)/Tehsildar/Naib Tehsildar (conferred with the powers of Executive Magistrate) having jurisdiction to the area immediately and positively before _____ hrs. on _____ (date) i.e. time and date fixed for scrutiny of nomination papers.

6. You may also note that non submission of above mentioned Affidavit/s shall result in rejection of your nomination papers.

(Returning Officer)

ANNEXURE-V

From

Returning Officer,
For Municipal Corporation, Ward No. _____

To

(Name of the candidate)

Sub :- Election to _____ from _____ Ward _____

Reference your nomination paper received today the _____, your name has been entered at Serial No. _____ in the nomination register. Your security has been received vide scroll No. _____ date _____ of _____ (name of the bank) or vide receipt No. _____ date _____ issued to you separately. Scrutiny of nomination shall be done on _____ (_____) (date _____) at (_____) (time _____) place (_____).

You shall have to maintain the election expenditure account in the register prescribed by the State Election Commission and shall have to be produced for inspection as and when required during the election process. The election expenditure account shall have to be submitted to the Deputy Commissioner within one month after the declaration of election result.

Returning Officer