



STATE ELECTION COMMISSION, HARYANA
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URGENT

No. SEC/1ME/2021/3057-3088

Dated: 17.08.2021

To

1. All the Deputy Commissioners
in the State of Haryana
2. The President/General Secretary of the recognized
National/State Political Parties

- Sub:- (i) Judgment of the Hon'ble Supreme Court of India on the
petition regarding people with criminal antecedents
contesting elections; and**
- (ii) Amendment in Form-1C (Format of affidavit by
candidates.).**

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Sir/Madam,

I have been directed to refer to the above subject and to say that candidates contesting elections of Chairpersons (Mayors of Municipal Corporations and Presidents of Municipal Councils & Municipal Committees) and Members of Municipal Corporations, Councils and Committee are required to file an affidavit in Form-1C, along with the nomination paper, declaring therein information about their criminal cases, assets, liabilities, educational qualifications etc. Form-1C, which pertains to the elections of Municipal Corporations and Municipal

Councils/Committees has been amended by the State Government vide Notification Nos. S.O.55/H.A. 16/1994/S.32/2020 dated 24th November, 2020 and S.O. 24/H.A. 24/1973/Ss. 257 and 276/2020 dated 8th June, 2021, respectively. The amendments made in Form-1C are in pursuance of the directions issued by the Hon'ble Supreme Court of India in Writ Petition (C) No. 784 of 2015 (Lok Prahari Versus Union of India & Others), Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Others Versus Union of India & Another) and Form No. 26 of the Election Commission of India.

2. In the judgement in Writ Petition (Civil) No. 536 of 2011, the Hon'ble Supreme Court of India has, inter alia, given the following directions:-

- “(i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.
- (ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidates.
- (iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
- (iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.
- (v) The candidates as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filling of the nomination papers.”

3. In pursuance of the abovementioned judgement, the State Election Commission, Haryana after due consideration, hereby issues the following directions to be followed by the candidates intending to contest election of Chairperson (Mayor in Municipal Corporations and President in Municipal Councils/Committees) and Members of Municipal Corporations/Councils/Committees who have criminal cases registered/pending against them or cases in which they have been convicted in the past, and to the political parties that set up such candidates:-

- (a) Candidates at elections to the Municipal Corporation i.e. Mayor and Members of Municipal Corporation and President and Members of Municipal Councils/Committees who have criminal cases against them- either pending or in which the candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in two newspapers (at least one Hindi and one English) having wide circulation in the concerned municipal area. This declaration is to be published in **Format C-1** attached hereto, at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll. The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit.

(Illustration: If the last date for withdrawal is 10th of the Month and the date of poll is 20th of the Month, the declaration shall be published on three deferent dates from 11 to 18th of the month.

- (b) All such candidates with criminal cases are also required to publish the above declaration on local TV channels

or cable networks (If locally available) on three different dates during the abovementioned period. But, in the case of the declaration in local TV channels or cable networks, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.

- (c) The Returning Officer shall give a written reminder about the directions given herein for publishing declaration about the criminal cases in newspapers and local TV channels or cable networks (if locally available) for wide publicity to all candidates who have criminal cases as per the declaration in items (5) and (6) of Form 1C. A standard format for such reminder to the candidates is annexed as **Format C-2**. The candidates shall submit copies of the newspapers in which their declaration in this regard was published to the Deputy Commissioner or an officer authorized by the State Election Commission, alongwith their account of election expenses.
- (d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-1C in item (7).

4. The Political parties – Recognized Political parties and registered un-recognized parties, which set up candidates with criminal cases, either pending or of past conviction, are required to publish declaration giving details in this regard on their website as well as in local TV channels or cable networks (if locally available) and at least two newspapers (one


Hindi and one English) having wide circulation in the municipal area concerned. This declaration by political parties is to be published in **Format C-3**, annexed hereto. Publishing of the declaration in newspapers and in local TV channels or cable networks (if locally available) is required to be done at least on three different dates during the period mentioned in Para-3 (a) above. In the case of local TV channels or cable networks (if locally available), it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Deputy Commissioner concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cutting containing declaration published by the party in this respect. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Deputy Commissioner concerned should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

5. It may also be noted that the provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, that may have been allotted to the candidates, have now been incorporated in Form-1C itself under item (9) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall have to give the requisite declaration/particulars in this regard in item (9) of Form-1C.

6. This letter may also be circulated to all the Returning Officers / Assistant Returning Officers and concerned officers/officials in your district with the instructions to take note of the above directions and the

amendments in Form-1C and strictly comply with the same during municipal elections to be conducted in near future.

Yours faithfully,



Asstt. State Election Commissioner,
For State Election Commissioner, Haryana

Endst. No. SEC/1ME/2021/3089-3208

Dated: 17.08.2021

A copy of above is forwarded to the following with the directions to familiarize themselves and all other concerned with these guidelines and strictly comply during municipal elections to be conducted in near future.:-


1. Commissioners of all the Municipal Corporations.
2. District Municipal Commissioners of all the Municipal Councils and Committees.
3. Executive Officers (E.Os) of all the Municipal Corporations and Councils.
4. Secretaries of all the Municipal Committees.


Asstt. State Election Commissioner
for State Election Commissioner, Haryana

Endst. No. SEC/1ME/2021/3209

Dated: 17.08.2021

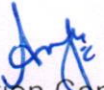
A copy of above is forwarded to the Director General, Information, Public Relations and Languages Department, Haryana, Chandigarh for publication in the leading news papers having wide circulation in the State of Haryana.


Asstt. State Election Commissioner
for State Election Commissioner, Haryana

Endst. No. SEC/1ME/2021/3210

Dated: 17.08.2021

A copy of above alongwith enclosure is forwarded to I.T.Cell of this Commission with the directions to host the notification in the official website of this Commission.


Asstt. State Election Commissioner
for State Election Commissioner, Haryana

- CC: 1 Store-Keeper (two copies for record & n.a.)
2. Librarian (two copies for record)

FORMAT C-1

(for candidates to publish in Newspapers, local TV channels or cable networks)

DECLARATION ABOUT CRIMINAL CASES

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and address of candidate: _____

Name of political party: _____

(Independent candidates should write "Independent" here)

*Name of Election: _____

I _____ (name of candidate), a candidate for the abovementioned election, declare for public information the following details about my criminal antecedents:

Sr. No.	Pending criminal cases			Details about cases of conviction for criminal offences	
	Name of Court	Case No. and status of case	Section(s) of Acts concerned and brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*If a person is contesting the election of the seat of Mayor or President, he should write Mayor or President, Municipal Corporation/Council/Committee (which is applicable) and those who are contesting the election of member should write Member from Ward No. __Municipal Corporation/Council/Committee (which is applicable).

Note: Details should be given separately for each case in separate rows.

OFFICE OF RETURNING OFFICER

Name of Corporation/Council/Committee _____

Ward No. (in case of member) _____

Name of District: _____

Name of Election: _____

(Mayor or Member of Corporation and President or Member of Council/Committee which is applicable)

It is informed that as per the judgment dated 25th September, 2018, of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr. and the directions in the State Election Commission, Haryana's letter No. SEC/1ME/2021/3057-3210, dated 17.08.2021, all candidates with criminal cases- either pending cases or cases of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and local TV channels or cable networks (if locally available) on three occasions during the period from the day following the last date for withdrawal of candidature and two days before the date of poll. Publishing declaration in of local TV channels or cable networks (if locally available) should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.

Since you, Sh./Smt./Ms. _____ (mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items (5)/(6) of Form-1C, you are required to publish information in newspapers having wide circulation in the municipal area and on local TV channels or cable networks (if locally available) on at least three occasions each as mentioned above. It is also informed that copies of the newspapers

publishing the information about criminal cases should be submitted to the Deputy Commissioner concerned or an officer authorized by the State Election Commission, Haryana along with the account of election expenses.

Date:

Signature

Name of the RO/ARO _____

Signature of Candidate _____

Note : One copy of this should be given to candidate and one copy retained with RO.

FORMAT C-3

(For political party to publish in website, newspapers, local TV channels or cable networks)

**DECLARATION ABOUT CRIMINAL ANTECEDENTS OF CANDIDATES
SET UP BY THE PARTY**

(As per the judgment dated 25th September, 2018 of Hon'ble Supreme in WP (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr.)

Name of Political Party: _____

*Name of Election: _____

Name of District : _____

1	2	3	4		5	
Sr. No.	Name of candidates	Name of Seat or Ward No.____ and Municipal Corporation/ Council/Committee	Pending criminal cases		Details about cases of conviction for criminal offences	
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*If a person is contesting the election of the seat of Mayor or President, he should write Mayor or President, Municipal Corporation/Council/Committee (which is applicable) and those who are contesting the election of member should write Member from Ward No.____Municipal Corporation/Council/Committee (which is applicable).

Note: (i) The above information shall be published municipality wise (Corporation/Council/Committee) for each district.

(ii) The matter in newspapers should be published in font size of at least 12.