

ELECTION COMMISSION OF INDIA  
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2017/SDR/Vol.II

Dated: 10<sup>th</sup> October, 2018

To,

The Chief Electoral Officers of  
All States and Union Territories.

Sub:- (i) Supreme Court's Judgment on the petition regarding people  
with criminal antecedents contesting elections;

(ii) Amendments in Form-26 (Format of affidavit by candidates).

Sir/Madam,

The candidates at all elections are required to file affidavit in Form-26, along with nomination paper, declaring information about criminal cases, assets, liabilities and educational qualifications. Form-26 has now been amended vide Ministry of Law, & Justice Notification No. H.11019(4)/2018-Leg.II, dated 10<sup>th</sup> October, 2018. The amendments made in Form-26 are in pursuance of the directions in the judgements of the Hon'ble Supreme Court in Writ Petition(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). A copy of the said notification along with a copy of the updated Form-26 is enclosed herewith. The candidates are now required to file the affidavit in the amended Form-26.

2. In the judgement in Writ Petition (Civil) No. 536 of 2011, the Hon'ble Supreme Court 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 candidate.
- (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 candidate 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 filing of the nomination papers."

3. In pursuance of the abovementioned judgement, the Commission, after due consideration, has given the following directions to be followed by candidates at elections to the Houses of Parliament and Houses of State Legislatures who have criminal cases against them, either pending cases or cases of conviction in the past, and to the political parties that set up such candidates :-

(a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them – either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in newspapers with wide circulation in the constituency 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 10<sup>th</sup> of the Month and poll is on 24<sup>th</sup> of the Month, the publishing of declaration shall be done between 11<sup>th</sup> and 22<sup>nd</sup> of that Month).*

(b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.



(c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form-26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as **Format C-3**. The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.

(c) 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-26 in the newly inserted Item (6A).

4. The Political Parties – recognized parties and registered un-recognised parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in **Format C-2**, annexed hereto. Publishing of the declaration in newspapers and TV channels is required to be done atleast on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, 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 Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of

election. Thereafter, within the next 15 days, the Chief Electoral Officer 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-26 itself under Item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26. Accordingly, the candidates are now not required to file the additional affidavit prescribed under the Commission's Order No. 509/11/2004-JS-I, dated 3<sup>rd</sup> February, 2016, as the provisions are now part of Form-26 itself.

6. This letter may be circulated to all DEOs, ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all the political parties based in the State, i.e. the State Units of the recognized Parties and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instructions to take note of the above directions and the amendments in Form-26.

7. Please acknowledge receipt and confirm action taken.

Yours faithfully,



(K.F. WILFRED)

Sr. PRINCIPAL SECRETARY

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110 001

No. 3/4/2019/SDR/Vol-I

Dated: 19<sup>th</sup> March, 2019

To,

The Chief Electoral Officers of  
All States and UTs

Subject: - FAQs on Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court Judgment dated 25/09/2018 in W.P.(C) No. 536 of 2011- regarding.

Sir/Madam,

I am directed to invite your reference to the Commission's directions in letter of even No. dated 10/10/2018 issued in pursuance of Hon'ble Supreme Court Judgment dated 25/09/2018 in W.P.(C) No. 536 of 2011. In view of the various queries raised in this regard, a set of FAQs and clarifications in this regard is enclosed.

2. The FAQs may be circulated to all DEOs, Returning Officers, officers connected to elections and the Political Parties based in your State, for their information.

3. In the Commission's abovementioned letter, it has been inter alia, directed that after the election the candidates shall submit a report about publishing of declaration to the DEO and the Political parties to the CEO of the State. The Commission has provided formats C-4 and C-5 for this purpose. The formats are also enclosed. These shall also be circulated to the DEOs, ROs and all political parties based in the State.

Yours faithfully,

(N.T. Bhutia)  
Secretary

Copy to: All Recognized National and State Political Parties



FAQs : Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court judgement dated 25-09-2018 in WP (Civil) No. 536 of 2011.

**Q.1 Which newspapers are to be chosen for publicity by such candidates?**

Ans. As per direction in the judgement of the Hon'ble Supreme Court, the declaration is required to be published in newspapers with wide circulation in the area concerned. The CEO may get an indicative list of various newspapers which have wide circulation in the various district/different constituency areas in the State prepared by the State DIP. This indicative list should be shared with the political parties and the candidates.

**Q.2 When has it to be publicised?**

Ans. It has already been clearly mentioned in the Commission's letter dated 10-10-2018 that the publishing has to be during the period starting from the day following the last date for withdrawal of candidature and up to two days before the date of poll.

**Q.3 There is no column for signature. Who will authenticate it?**

Ans. The format contains column for mentioning the name and address of the candidate and the name of the political party on the top portion of the format. Thus, the name of the publisher will be clear from the declaration. There is no need for publishing the information with the signature of the publisher.

**Q.4 What if someone publishes false information about criminal cases of another candidate?**

Ans. There are already provisions to deal with any case of publication of false statement in relation to a candidate [Section 123 (4) of the RP Act, 51 and Section 171G of IPC].

**Q.5 Which TV channel the declaration has to be publicised?**

Ans. Please refer to the answer against Q.1 above. It has to be done in TV channels which are available/popular in the areas concerned.

**Q.6 What will be the font size and duration of publicity in TV?**

Ans. Font size should be the standard size used for displaying printed material on TV. Its duration may not be less than 7 seconds.

**Q.7 If a candidate does not have any criminal record, whether he/she is required to publicise?**

Ans. No. Only those candidates who have either pending criminal cases or who have been convicted in the past are required to publish the declaration.

Q.8 Whether FIR cases have to be published by the concerned candidates and political parties?

Ans. Yes. Under the heading 'Case No. and status of case', details regarding FIRs, mentioned in Item-5 of Form-26, are required to be mentioned.

Q.9 If after filing nomination, status of criminal case changes, whether candidate can revise the details?

Ans. It will be open to the candidate concerned to notify the revised status to the Returning Officer and to publish that revised status only. If it is NIL, the candidate is not required to publish it.

Q. 10 Who will bear the expenses for publishing?

Ans. Expenses, if any, will be borne by the candidate and the political parties in respective cases.

Q. 11 Whether expenditure on this account will be accounted for?

Ans. Yes. This being an expenditure in connection with the election, if expense is incurred in this regard, the same will be counted for the purposes of election.

Q.12 Can RO act on any discrepancy in such details if pointed out?

Ans. No. RO is not supposed to enquire into correctness of declarations published by candidate/political parties.

Q.13 In what manner, such candidates will submit the information about publicity of cases to the DEO?

Ans. Separate formats have been specified by the Commission for the candidates and the political parties to submit report about publishing of the declaration. These are Format-C-4 for candidates and Format-C-5 for political parties.

✓ Q.14 What happens if such candidates or such political parties do not publicise in the manner prescribed?

Ans. Such failure may be a ground for post-election action like election petition or contempt of Hon'ble Supreme Court.

Q.15 What are the Hours during which the information on TV channels is to be displayed?

Ans. Information should be published on TV channels during the period between 8AM and 10PM.

Q.16 What will be the language in which the information is to be published on TV channels?

Ans. The information should be published in vernacular language or in English.

Report by Candidate about publishing of declaration regarding criminal cases

Name and address of candidate: \_\_\_\_\_

Name of political party: \_\_\_\_\_  
(Independent candidates should write 'Independent' here)

Name of Election : \_\_\_\_\_

\*Name of Constituency: \_\_\_\_\_

I \_\_\_\_\_ (name of candidate), a candidate for the above mentioned election, certify that I have published the declaration about my criminal antecedents in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Newspaper			Television			Mode of Payment (electronic/cheque/DD/ Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & time of insertion/telecast	Expenses that may have been incurred (in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date:-

Name &amp; Signature of Candidate

Note: - (i) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted alongwith the account of election expenses.

(ii) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.



Report by Political Party about publishing of declaration regarding criminal cases

Name of political party: \_\_\_\_\_

Name of Election : \_\_\_\_\_

It is certified that \_\_\_\_\_ (name of political party) has published the declaration about the candidates with criminal antecedents on the website of the party, in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:-

Sl. No	Website	Newspaper			Television			Mode of Payment (electronic/ cheque/ DD/Cash) (Pl. specify)
	Period during which displayed	Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of channel	Date(s) & time of insertion/ telecast	Expenses incurred (in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date:-

Signature of office bearer .....

Name &amp; designation .....

Note:- This report shall be submitted to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 6<sup>th</sup> March, 2020

To

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

**Sub: Order dated 13<sup>th</sup> 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 10<sup>th</sup> October, 2018 and 19<sup>th</sup> March, 2019 respectively in compliance of the Hon'ble Supreme Court's judgement dated 25<sup>th</sup> 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.*

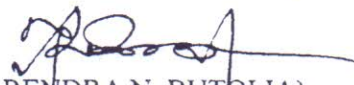
*(6) If a political party fails to submit such compliances report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions."*

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 10<sup>th</sup> October, 2018 and 19<sup>th</sup> 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.

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19/5/19

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2019/SDR – Vol.I

Dated: 17<sup>th</sup> May, 2019

To,

The Chief Electoral Officers of  
all States and Union Territories.

Addl. CEO (Sh. BM)

DyCEO (BNKS) 19/5  
20/5

DyCEO (AP)  
20/5/2019

**Sub: (i) Supreme Court's Judgment on the petition regarding people with criminal antecedents contesting elections;  
(ii) Amendments in Form-26 (Format of Affidavit to be filed by candidates).**

Sir/Madam,

I am directed to invite your attention to the Commission's letter No. 3/4/2017/SDR/Vol.II dated 10.10.2018 and letter dated 19.03.2019 whereby in pursuance of the decision of the Hon'ble Supreme Courts in the judgment in WP(c) No. 784 of 2015 (Lok Prahari Vs. UoI & Ors) and WP(C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI and Anr.), the Commission had issued a direction that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and to the political parties that set up such candidates shall publish a declaration in newspapers and TV Channels in the manner prescribed in our letters referred to above.

However, it has been reported that the candidates and the political parties are not complying the Commission's above direction and thus, violating the direction of the Hon'ble Supreme court.

In view of the above, you are requested to submit a report about compliance of directions regarding publishing of information about criminal cases, both by individual candidates and political parties to the Commission at the earliest. It may be noted that this report is apart from the report which is required to be submitted under Para 4 of the Commission's letter dated 10.10.2018.

It may also be noted that the candidates are required to submit details regarding publishing of declaration about their criminal cases at the time of filing of submission of their account of election expenses before the District Election Officer.

Yours faithfully,



(Binod Kumar)  
Under Secretary



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By Speed Post

# ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

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

Dated: 19<sup>th</sup> March, 2020

To

✓ The Chief Electoral Officers of  
All States and UTs

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*20/4/2020*

**Subject: - Order dated 13<sup>th</sup> 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,

I am directed to refer to the Commission's letter of even No. dated 06.03.2020, on the above subject and addressed to recognized political parties, a copy of the letter endorsed to CEOs and to say that in pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020, if a political party fails to submit compliance 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 the court's order. Accordingly, the political parties shall publish information regarding candidates with criminal antecedents with the reason for selection of such individuals in Format C-7 within the given time and a compliance report shall be sent in Format C-8 to the Commission within 72 hours of the selection of the candidates.

The CEOs are requested to obtain information with regard to the individuals with criminal antecedents, selected as candidates by the political parties, in the elections being held in their states, from the ROs concerned and furnish the same in compiled form, in the enclosed Format CA. The information shall be sent to the Principal Secretary/Secretary of the concerned Territorial Zone/Biennial Election Division in the Commission by the last date of making nominations for the said election so that information of non-compliance by the political parties may be submitted to the Supreme Court, in time.

Yours faithfully

*(Signature)*  
(N.T.Bhutia)  
Secretary

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Format- CA

Statement showing details of Candidates with criminal antecedents, sponsored by the political parties in election to House of People/Legislative Assembly/ Council of States/ Legislative Councils to be held in \_\_\_\_\_ 20

(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)

S.No	Name of State	No. & Name of Constituency	No. of seats	Party affiliation	Name of Candidates	Whether the candidate has declared anything about pending criminal case(s) against him/ her in item 5 of Form 26 (Yes/ No)	Whether the candidate has declared anything about cases(s) of conviction(s) for criminal offence(s) in item 6 of Form 26 (Yes/No)	If the information given in column no. 7 & 8 is yes, whether the political party has sent report in Format C8 (Yes/ No)
1	2	3	4	5	6	7	8	9

Signed by RO of the Constituency \_\_\_\_\_

Date:

Countersigned by CEO \_\_\_\_\_ State

**Format C-1**

*(for candidate to publish in Newspapers, TV)*

**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:.....

\*Name of Constituency:.....

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

Sl. 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

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

**Note:** (i) Details should be given separately for each case in separate rows.

(ii) The matter in newspapers should be in font size of atleast 12.



**Format C-2**

(for political party to publish in website, newspapers, TV)

**Declaration about criminal antecedents of candidates set up by the party**

(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 Political Party:.....

\*Name of Election:.....

Name of State/UT:.....

1	2	3	4		5	
Sl. No.	Name of candidate	Name of constituency	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

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

**Note:** (i) The above information shall be published State wise for each State/UT.

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

## Office of Returning Officer

Name of Constituency:.....

Name of State:.....

Name of Election:.....

It is informed that as per the judgement 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 Commission's letter No. 3/ER/2018/SDR, dated 10.10.2018, 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 TV channels 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 TV channels 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-26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on atleast three occasions each as mentioned above. The Format for publishing the information is enclosed herewith. It is also informed that copies of the newspapers publishing the information about criminal cases should be submitted to the District Election Officer along with the account of election expenses under Section 78 of Representation of the People Act, 1951.

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-6

Statement regarding publishing of criminal cases against candidates set up by political parties as per directions in the Commission's letter No. 3/4/2017/SDR/Vol. II, dated 10th October, 2018-Report regarding compliance by Political Parties

Name of State/UT.....

Name of the Election.....

(General/Bye-election, Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council)

Date(s) of Poll.....

No. & Name of Assembly/Parliamentary Constituency	Name of the Political Party	Whether submitted Report in Format C-5 by the party (Yes/No)  If yes, then date of submission	Whether declaration has been published on the website of the party as per direction (Yes/No)	Publishing Newspaper by the party		Publishing on Television by the party	
				Name(s) of Newspaper	Date(s) of publishing	Name(s) of Channel	Date(s) & time of insertion/telecast
01-abc	ABC						
	...						
	...						
	...						
02-def	DEF						
	...						
	...						
	...						
and so on							

Note 1- Only such Political Parties which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to submit Report in this regard to the CEO concerned.

Chief Electoral Officer

Name of the State.....