

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 3/4/2021/SDR/VOL.III

Dated: 26th August, 2021

To,

The President/General Secretary
of recognized National/State political parties
(As per the list)

Subject: Publication of criminal antecedents by contesting candidates and political parties – Hon'ble Supreme Court order dated 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors. - regarding.

Sir,

I am directed to refer to the subject cited and to state that the Hon'ble Supreme Court vide its judgment dated 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors. has given the following directions:

“73. In furtherance of the directions issued by the Constitution Bench in Public Interest Foundation (supra) and our Order dated 13.02.2020, in order to make the right of information of a voter more effective and meaningful, we find it necessary to issue the following further directions:

- (i) *Political parties are to publish information regarding criminal antecedents of candidates on the homepage of their websites, thus making it easier for the voter to get to the information that has to be supplied. It will also become necessary now to have on the homepage a caption which states “candidates with criminal antecedents”;*
- (ii) *The ECI is directed to create a dedicated mobile application containing information published by candidates regarding their criminal antecedents, so that at one stroke, each voter gets such information on his/her mobile phone;*
- (iii) *The ECI is directed to carry out an extensive awareness campaign to make every voter aware about his right to know and the availability of information regarding criminal antecedents of all contesting candidates. This shall be done across various platforms, including social media, websites, TV ads, prime time debates, pamphlets, etc. A fund must be created for this purpose within a period of 4 weeks into which fines for contempt of Court may be directed to be paid;*
- (iv) *For the aforesaid purposes, the ECI is also directed to create a separate cell which will also monitor the required compliances so that this Court can be apprised promptly of non-compliance by any political party of the directions contained in this*

Court's Orders, as fleshed out by the ECI, in instructions, letters and circulars issued in this behalf;

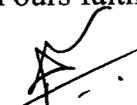
(v) We clarify that the direction in paragraph 4.4 of our Order dated 13.02.2020 be modified and it is clarified that the details which are required to be published, shall be published within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations; and

(vi) We reiterate that if such a political party fails to submit such compliance report with the ECI, the ECI shall bring such noncompliance by the political party to the notice of this Court as being in contempt of this Court's Orders/directions, which shall in future be viewed very seriously."

2. In compliance of the Hon'ble Supreme Court directions the Election Commission of India has created a Fund in which fines for contempt of court can be deposited. The fines can be deposited by way of cheque in the name of PAY AND ACCOUNTS OFFICER or through electronic mode in the Punjab National Bank receipt accounts i.e. A/c No. 0153002100000180 (Name of the account "Collection A/c Election Commission of India") IFSC code PUNB0015300. In case the payment is made through electronic mode the details of the transaction namely UTR No., Bank Name, Date of transaction etc. may be intimated to the Commission, immediately.

The above may be noted for future compliance.

Yours faithfully,



(Ashwani Kumar Mohal)
Secretary

Copy to: - The Chief Electoral Officers of all States and UTs.