

# ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

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

Dated: 11<sup>th</sup> January, 2021

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 in Rajya Sabha and State Legislative Council elections- regarding.**

Sir/Madam,

I am directed to draw your attention to the Commission's letter no. 3/4/2020/SDR/VOL-III, dated 16<sup>th</sup> September, 2020, issued in pursuance of the Order dated 13<sup>th</sup> February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 in WP(C) No. 536 of 2011. As per the Commission's above directions the details of criminal cases are to be published on the following three occasions during the campaign period so that electors have sufficient time to know about the background of such candidates:

- (i) Within first 4 days of withdrawal
- (ii) Between next 5<sup>th</sup> -8<sup>th</sup> days.
- (iii) From 9<sup>th</sup> day till the last day of campaign (the second day prior to date of poll).

2. In this connection, clause (d) of Section 39 of the Representation of the people Act 1951 relating to elections to Council of States and State Legislative Councils, is read as under:-

*(1) As soon as the notification calling upon the elected members or the members of the legislative assembly of a State or the members of the electoral college of a Union territory to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint-*

*(d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the seventh day after the last date for the withdrawal of candidatures; and*

3. In view of the aforesaid provision, date of poll, in case of Rajya Sabha and State Legislative Council elections by Members of Legislative Assembly (MLAs), if required, shall be a date not earlier than the seventh day after the date of withdrawal of candidature. Accordingly, timeline for publishing the details of criminal cases on the three occasions, in

case of the aforesaid two elections i.e. Rajya Sabha and State Legislative Council elections by Members of Legislative Assembly (MLAs), shall be as under:

- (i) Within first 2 days of withdrawal
- (ii) Between next 3<sup>rd</sup> -4<sup>th</sup> days; and
- (iii) From 5<sup>th</sup> day to 6<sup>th</sup> day i.e. prior to date of poll.

4. Kindly acknowledge receipt.

Yours faithfully,



(N.T. Bhutia)  
SECRETARY

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