

No. SEC-LB-36(III)-62011-2-Municipality -C-

State Election Commission,  
Block No.9, 6th floor,  
Sardar Patel Bhavan,  
Gandhinagar.  
Date:- 28/06/2011

### **ORDER**

#### **Preface :-**

During election to local bodies in the state such as Panchayats, Municipalities and Municipal Corporations, a candidate filing nomination paper is required to furnish details of his/her criminal antecedent, assets debt along with his/her family members and his / her educational qualification. This information is required to be supplied by filling an affidavit sworn on oath on stamp paper and the same is required to be submitted to the Returning Officer by the candidate concerned.

It has been noticed by the State Election Commission from the experience gained through last several elections that the candidates in fray do not take this requirement of furnishing information with due seriousness and with a sense of responsibility. Several instances come to fore where candidates have suppressed or furnished wrong or misleading information stating wrong facts in their affidavits before the Returning Officer. Returning Officers in charge receive several complaints in this regard during the process of election and even after the election. However, they remain helpless without any further authority to take action in this regard. This not only encourages dishonest approach and inclination to conceal the necessary information on part of the candidates, but also more importantly, in ultimate analysis works adverse on the purity of elections and probity of the elected representatives in the minds of voters.

The State Election Commission is concerned about fair and free conduct of the elections in all spheres, and therefore, also wants to ensure purity of the

election process including the matter of different kinds of information required to be furnished by the contesting candidates while filing their nominations.

Section- 171 G of the Indian Penal Code 1860 provides that false statement in connection with an election shall be an offence, where as section 176 read with Section 177 of the Code provides for an offence for omission to give information to public servant by person legally bound to give it. Similarly, relevant provisions in the Gujarat Municipalities Act-1993 provides for election offences. Section 24 of the Act are regarding penalty and prosecution for such offences.

District Municipal Election Officers and Returning Officers are public servants and authorized officers for conducting of elections to local bodies in accordance with relevant provisions of Acts and rules framed their under. Hence, the SEC expects and also directs them to take necessary steps immediately.

Therefore, in exercise of powers of superintendence, direction and control of conduct of all elections and the matters relating there to as vested in the Commission under Article 243 K read with Article 243 Z A of The Constitution of India, the Commission hereby authorizes and directs the Returning Officers in charge of the elections to Municipalities as under :-

- 1 The State Election Commission hereby authorizes the Returning Officer concerned in-charge of conduct of election or bye-election to a Municipality to file the necessary criminal complaint / FIR in respect of election offences under the Gujarat Municipalities Act-1993 as may be required in the fact and circumstances.
- 2 It shall be the duty of the Returning Officer to verify,
  - (a) That various kinds of information required to be furnished under relevant law and / or rules by the contesting candidates while submitting nomination paper, are all furnished,

(b) That all these information are furnished on affidavit on oath,  
(c) that all these information are furnished within time and in  
the manner required.

- 3 The Returning Officers are required to examine to correctness of the information furnished by the contesting candidates and further that the Returning Officers may depend upon such reliable source, as may be possible to have recourse to by them, and on their own.
- 4 The Returning Officers are directed to file necessary criminal complaint under appropriate law before appropriate authority in respect of the cases where it has come to the notice that the candidate concerned has supplied wrong information or has withheld the information or has supplied misleading information and that such candidate is for such reason has committed election related offence under the law applicable.
- 5 The Returning Officer shall be responsible to file necessary FIR / Complaint immediately after primary inquiry which reports or concludes that candidates has filed wrong affidavit.
- 6 The Returning Officer shall inform the Secretary, State Election Commission about details including the details of complaints filed by him and shall forward the copies of such complaints, if any; filed by him.
- 7 The Returning Officer shall inform District Municipal Election Officer & Collector about these details including the details of complaints filed

by him and shall forward to the District Municipal Election Officer & Collector the copies of such complaints, if any filed by the him.

By an order of the State Election Commission.

Sd/-

(P.S.Shah)

Secretary,

State Election Commission,  
Gandhinagar

**To:-**

- District Municipal Election Officer & Collector all
- Parant Officer / Deputy Collector all ( Through Collector)
- Mamlatdar all ( Through Collector)
- District Development Officer all
- Dy. Development Officer all ( Through D.D.O.)
- Taluka Development Officer all ( Through D.D.O.)

**Copy forwarded :-**

- The Chief Secretary, Government of Gujarat, Sachivalaya, Gandhinagar
  - Add. Chief Secretary, Urban Development & Urban Housing Development Department Sachivalaya, Gandhinagar
  - Principal Secretary, General Administration Department Sachivalaya, Gandhinagar
  - Manager, Govt. Central Printing Press, Gandhinagar
- With a request to publish this order in the respective section of the Govt. gazette and send copies of the gazette to officers stated below State Election Commission, Gandhinagar 10 copies.
- All Collector 10 copies each.

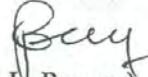
**Copy forwarded to:-**

- Joint Secretary / Deputy Election Commissioner (1) & (2) /-Asstt. Election Commissioner, SEC Gandhinagar
- Personal Secretary to State Election Commissioner Gandhinagar
- Personal Asstt. to Secretary, SEC Gandhinagar.

**Copy to :-**

All Political Parties.

issued by/-



( K.L. Parmar)

Dy. Election Commissioner,  
Gandhinagar