

Date: 16/11/15

To,
Dr. Varesh Sinha,
State Election Commissioner,
Block No. 9, 6th Floor,
Sardar Patel Bhavan, Gandhinagar,
Gujarat-382010.

Subject: Appeal regarding timely uploading of affidavits of the Candidates Contesting Gujarat Local Body elections on Gujarat State Election Commission's website for dissemination of the information to voters

Dear Sir,

We are writing to you on behalf of the **Gujarat Election Watch (GEW)** and **Association for Democratic Reforms (ADR)**. **GEW** is the Gujarat wing of **National Election Watch (NEW)** which is a congregation of over 1200 Civil Society groups across the country, and **ADR** is a citizen led, non-political and non-governmental organization. **NEW** and **ADR** have been working for around 15 years with the objective of bringing electoral and political reforms, so as to improve democracy and governance in India.

On the lines of Parliamentary and Assembly elections, affidavits with nomination papers should also be taken from candidates contesting local body elections containing information about their criminal antecedents, assets and liabilities, and educational qualifications. And the scanned copy of these affidavits should be put up on the website within 24 hours of filing of the affidavit.

The voters' right to know the antecedents of the candidates is based on interpretation of Article 19(1)(a) which provides that all citizens of this country would have fundamental right to "freedom of speech and expression" and this phrase is construed to include fundamental right to know relevant antecedents of the candidate contesting the elections. Also, in March 2003, in **ADR vs Union of India** case, the Supreme Court, in a landmark judgement, made it mandatory for candidates contesting Lok Sabha and Assembly elections to declare their criminal antecedents, assets and liabilities and educational qualifications.

In keeping with the spirit of the judgement, at the **All India State Election Commissioners' (SEC) Conference** held in July 2003, all the State Election Commissions had unanimously resolved to implement the disclosure rules in local body elections.

On 28th June 2011, Gujarat SEC had also issued an order in this regard (**soft copy is attached**). SECs of almost all the big states have also issued the similar orders (**soft copies of some of these orders are attached**). In the recently concluded UP Panchayat elections and Maharashtra Municipal body elections as well, we have conducted Election Watch or analysis of the background details of candidates for the benefit of the general public. (**Link of some of these reports are here:** <http://adrindia.org/research-and-report/election-watch/local-bodies/maharashtra/2015/analysis-criminal-and-financial>, <http://adrindia.org/research-and-reports/local-bodies/analysis-criminal-financial-other-details-candidates-contesting-municipal-corporation-delhi>) The affidavits of the candidates contesting local body elections in these states were readily available on their SEC's website.

We appeal to you to make the affidavits of candidates contesting in Gujarat Local Body Elections readily available on Gujarat SEC's website for wider dissemination and voter awareness, only then the voters will be able to make an informed choice.

Yours faithfully,

Gujarat Election Watch/Association for Democratic Reforms:

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