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Press Release

Analysis of Format C7 - Publication of Reasons Given for Selection of Candidates with Criminal Cases by Political Parties

Maharashtra and Jharkhand Assembly Elections 2024

Association for Democratic Reforms

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Introduction

On 13th February 2020 the Supreme Court had directed political parties **to list out reasons on their website including their social media platforms for nominating candidates with criminal background within 72 hours of the selection of such candidates**. This direction of the Apex Court had come in the light of a contempt petition filed against the non-implementation of its earlier order dated **25th September, 2018** on publication of criminal cases by candidates and political parties which clearly were not taken very seriously. Consequently, the Supreme Court had reprimanded political parties for failing to widely publish the details of criminal cases pending against the candidates selected by them. Going one step further, the Supreme Court in its directions had also specifically instructed political parties **to give reasons for such selection and why other individuals without criminal antecedents could not be selected as candidates**. As per these mandatory guidelines, the reasons for such selection have to be with reference to **qualifications, achievements, and merit of the candidate** concerned. Sadly, even these directions of the Supreme Court have had no effect on the political parties in selection of candidates as they have again followed their old practice of giving tickets to candidates based on **'Muscle and Money power'**. On 15th July 2021 and 20 July 2021, the Supreme Court again considered the contempt by political parties against the wilful disobedience of the Apex Court's order dated 13th February 2020. While observing the egregious default by political parties, the Supreme Court also stated **that neither the Legislature nor the Political Parties will ever be keen on taking steps to stop the entry of candidates charged with criminal cases**.

In order to curb this blatant practice of giving tickets to candidates with criminal background, the SC has, lately given four orders; **10th March, 2014 (Trial within one year); 1st November, 2017 (Special 11 fast-track courts); 25th September, 2018 (Publication of criminal cases); 13th February, 2020 (Reasons for giving tickets to candidates with criminal cases)**. Unfortunately, none of these orders have been able to dissuade parties from giving tickets to candidates with criminal background rather than entry to **clean, credible and honest candidates**.

¹ https://main.sci.gov.in/supremecourt/2020/24482/24482_2020_32_11_28409_Order_15-Jul-2021.pdf

² https://main.sci.gov.in/supremecourt/2020/24482/24482_2020_32_1_28730_Order_20-Jul-2021.pdf

³ https://adrindia.org/sites/default/files/Supreme_Court_10-03-2014_daily_order_in_PFI_vs_UOI_0.pdf

⁴ https://adrindia.org/sites/default/files/Order_dated_01_-_Nov_-_2017_Ashwini_Upadhaya_case.pdf

⁵ https://adrindia.org/sites/default/files/judgment_on_de-criminalization_25-Sep-2018.pdf

⁶ https://adrindia.org/sites/default/files/Supreme_Court_judgement_dated_13th_Feb_2020_in_Contempt_petition_No_2192_of_2018.pdf

EC's directions (in its letters dated 6th Mar'20 & 10th Oct'18) in compliance with SC orders dated 25th September 2018 and 13th February 2020 on Publication of Criminal Cases by Candidates and Political Parties including recording of reasons for selection

ECI's Letter dated 6th March 2020 in compliance with Supreme Court directions dated 13th February 2020 stated:

- 1) It is mandatory for **political parties** at the Central and State election level to upload on their **website detailed information regarding candidates with pending criminal cases including the nature of offences, relevant particulars like whether charges have been framed, the concerned court, the case number etc.**
- 2) **Political parties** will also have to give reasons for such selection and why other individuals without criminal antecedents could not be selected as candidates.
- 3) 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.
- 4) 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 and Twitter.
- 5) 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. For ensuring periodic awareness of electors during the campaign, ECI has now prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and up to 48 hours before ending with the hour fixed for conclusion of poll,
 - Within first 4 days of withdrawal of nominations,
 - Between next 5th - 8th days.
 - From 9th day till the last day of campaign (the second day prior to date of poll) the day

6) 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.

7) If a **political party fails to submit such a 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 this court's orders/directions

ECI's Letter dated 10th October 2018 in compliance with Supreme Court directions dated 25th September 2018:

For Candidates:

1. 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.
2. It shall state, ***in bold letters, with regard to the criminal cases pending against the candidate.***
3. 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.***

For Political Parties:

1. The concerned political party shall be ***obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.***

Both Political Party and Candidates:

1. It is mandatory for **political parties** and **candidates** with criminal antecedents to publish the declaration ***atleast on three different dates from the date following the last date of withdrawal of candidatures and up to 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 newspapers. In case of ***declaration in TV Channels, the same should be completed before a period of 48 hours ending with hours fixed for conclusion of poll.*** There is a format provided by ECI for such a declaration by the candidates and political parties.

2. In case of non-compliance of the direction by the ***candidate/political parties, the returning officers will give a written reminder*** to them and in the event of non-compliance till the end of the elections, ***the returning officer will report to the state's Chief Electoral Officer who will intimate ECI. ECI will take a final decision in the matter.*** The standard format for such a reminder to the candidates and political parties is also annexed in the letter.
3. ***All political parties; recognized parties and registered unrecognized parties shall submit a report to the CEO of the concerned state stating that they have fulfilled the requirements of the directions and enclosing herewith the paper cuttings containing the directions.*** This shall be done within 30 days of the completion of elections. Thereafter, within the next 15 days, the CEO should submit a report to the ECI confirming compliance and pointing out cases of defaulters.

Format/Forms issued by ECI in pursuant to the aforementioned SC directions

It is to be noted that **Form C7 and C8** should be ***duly signed by the office bearer of a political party with proper name and designation.*** Form C8 shall also bear ***seal of the concerned political party.***

Format/Form	Action to be taken by	Platform
C1	Candidates	To publish information regarding criminal background in Newspapers and TV
C2	Political Parties	To publish information regarding criminal background in Newspapers, TV and Political party's website
C7	Political Parties	To publish information regarding criminal background <i>along with reasons</i> in Newspapers, social media platforms, website of political parties
C8	Political Parties to the Election Commission of India	Compliance Report with respect to the SC judgment dated 13th Feb, 2020

Summary and Highlights

Association for Democratic Reforms (ADR) has analysed Format C7 of 1286 candidates, who contested in the Maharashtra and Jharkhand Assembly Election 2024:

This data has been compiled from political parties' websites as well as social media handles that were functional before and during the period of the above-mentioned State assembly elections. Most political parties published details as per form C7 on their social media handles such as Twitter. It must be noted that in some cases, parties may have published these details elsewhere and it may not have appeared in our records.

S.No.	Elections	Total Contesting Candidates	Number of Political Parties Analysed	Contesting Candidates from Shortlisted Political Parties	Number of Candidates Analysed with Declared Criminal Cases	No. of Candidates with Criminal Cases having a Published Format C7
1	Maharashtra Assembly 2024	4136	11	1052	503	355
2	Jharkhand Assembly 2024	1211	9	234	105	84
Total		5347	20*	1286	608	439

20*

No. of Political Parties Analysed

439

No. of Candidates with Criminal Cases having a Published Format C7 (72%)

169

No. of Candidates with Criminal Cases whose Format C7 is not Published (28%)

**Some political parties are common in all the states*

Analysis of Format C7 – Maharashtra Assembly Elections, 2024

Political parties analysed:

In the **Maharashtra Assembly Elections 2024**, out of **158** political parties which contested the election, the following **11** political parties have been analysed for this report.

1. Bharatiya Janata Party
2. Bahujan Samaj Party
3. Indian National Congress
4. Maharashtra Navnirman Sena
5. Nationalist Congress Party
6. Nationalist Congress Party-Sharadchandra Pawar
7. Shiv Sena
8. Shiv Sena (Uddhav Balasaheb Thackeray)
9. Rashtriya Samaj Paksha
10. Samajwadi Party
11. All India Majlis-E-Ittehadul Muslimeen

Criminal Background

- **Candidates with Criminal Cases:** Out of **1052** contesting candidates analysed, **503 (48%)** candidates belonging to the aforementioned political parties have declared criminal cases against themselves.
- **Candidates with Serious Criminal Cases:** Out of **1052** contesting candidates analysed belonging to the aforementioned political parties, **335 (32%)** have declared serious criminal cases against themselves.
- **Reasons furnished for nominating candidates with criminal antecedents:**
 - Out of **503** candidates with criminal cases, reasons have been furnished for **355 (71%)** candidates.
 - Out of **335** candidates with serious criminal cases, reasons have been furnished for **243 (73%)** candidates.

- For **148 (29%)** candidates with criminal background, no reasons for their selection have been provided by political parties.
- Format C7 has been published for **1 candidate** even though no criminal cases have been reflected in the affidavit filed by him. This demonstrates carelessness, insincerity and extremely casual approach on the part of the political parties in adhering to the directions of the Supreme Court and ECI

S.No.	District	Constituency	Candidate	Party	No. of cases	Serious IPC counts	Reasons for selection of candidate with criminal cases pending	Reasons as to why other individuals without criminal antecedents could not be selected
1	Pune	Khadakwasala	Wanjale Mayuresh Ramesh	MNS	0	0	Candidate Mayuresh Ramesh Wanjale has very strong administrative capacity. And looking at his experience he has been chosen.	All other names who were aspirants, did not have any relevant experience in public life to hold such a senior post.

- **Reasons given for top 5 candidates** with highest number of total criminal cases pending:

S.No.	District	Constituency	Candidate	Party	No. of cases	Serious IPC Counts	Serious BNS Counts	Reasons for selection of candidate with criminal cases pending	Reasons as to why other individuals without criminal antecedents could not be selected
1	Pune	Baramati	Ajit Anantrao Pawar	NCP	40	20	0	A Dynamic leader and visionary, he has been in touch with farmers and others. He is known for his straightforward and down to earth approach. He has held many positions and is a problem solver who first understands how his decisions will affect the people at all levels. He is dedicated to the development of Maharashtra and its people.	All other names who were, aspirants did not have any relevant experience in public life to holds such senior post.
2	Sindhudurg	Kankavli	Nitesh Narayan Rane	BJP	38	31	35	Candidate Nitesh Narayan Rane is Senior Legislator. He has very strong administrative capacity. Looking at his experience he has been chosen.	All other names who were, aspirants did not have any relevant experience in public life to holds such senior post.

S.No.	District	Constituency	Candidate	Party	No. of cases	Serious IPC Counts	Serious BNS Counts	Reasons for selection of candidate with criminal cases pending	Reasons as to why other individuals without criminal antecedents could not be selected
3	Satara	Phaltan (Sc)	Digamber Rohidas Agawane	Rashtriya Samaj Paksha	35	79	0	Digamber Rohidas Aagwane is a very influential leader & social worker. Always stand for the poor people and are always ready to serve them and raise their voice for justice and rights. He has done a lot of social work due to which he has gained immense respect and popularity in mass. Rashtriya samaj Paksha has made him its candidate from 255 Phaltan (SC).	Because Digamber Rohidas Agawane is better than other applicants.
4	Pune	Purandar	Sanjay Chandukaka Jagtap	INC	27	0	1	Shri Sanjay Chandukaka Jagtap is representing 202 Purandar Vidhan Sabha as MLA since 2019 and is the Pune District President of Indian National Congress Party and has been selected because of his long experience in administration and cooperative sector.	This candidate has been selected as all other aspirants have less experience in public works. Enjoys good administrative and work experience in public life.
5	Nagpur	Nagpur Central	Bunty Baba Shelke	INC	26	8	0	The candidate is a young and dedicated social worker, who has done good work in social justice and upliftment of poor and downtrodden people of his constituency specially during COVID-19 and is serving in the constituency from more than last 20 years. The candidate has served the party on different posts such as National General Secretary of Indian Youth Congress, In-charge of Karnataka Youth Congress amongst others	The majority cases registered against the candidate are politically motivated cases. The candidate enjoys popularity among the youth, has been dedicated to the organization and enjoys support from within the party and among common people. The candidate is also a former Corporator from Nagpur Municipal Corporation, Nagpur.

Table: Reasons given for top 5 candidates with highest number of total criminal cases pending

- **Most commonly stated reasons by political parties for selection of candidates with criminal cases pending:**

Reasons for selection of candidate with criminal cases pending	Reasons as to why other individuals without criminal antecedents could not be selected
The candidate is Senior Legislator. He has very strong administrative capacity. Looking at his experience he has been chosen.	All other names who were, aspirants did not have any relevant experience in public life to holds such senior post.
In comparison to the other candidates and their history, it was found to be suitable being the candidate has stated that false FIR has been lodged against him	The offences are not grave one seems to be based on political Vendetta. His image supported by the local office bearers of the party as clean and good.
The candidate comes from a background in public service and has been committed to the ideals of the party. Has been dedicated to the party organization for a long time and has been working for the people of the constituency.	Candidate has a good image in the constituency and is a promising face among the masses.
Candidate has very strong administrative capacity. and looking at his experience he has been chosen.	All other names who were aspirants, did not have any relevant experience in public life to hold such a senior post.
The candidate is the young and energetic leadership of the district. Growing up in a middle-class family, one is aware of the struggle of living in a middle-class family.	All the cases against the candidate have been registered due to the agitation for public questions. A candidate who is popular among the masses and has the ability to stand up and lead by himself has not been found. Therefore, no other candidate was selected.

Table: Most commonly stated reasons by political parties for selection of candidates with criminal cases pending

- **Political parties that did not publish reasons for selection of candidates with criminal cases pending*:**

Political Party	Total no. of contesting candidates with criminal cases pending	No. of Candidates without Format C7	Percentage of candidates without Format C7
NCP-Sharadchandra Pawar	51	51	100%
Shiv Sena (Uddhav Balasaheb Thackeray)	63	63	100%
Rashtriya Samaj Paksha	24	19	79%
NCP	32	3	9%
All India Majlis-E-Ittehadul Muslimeen	13	1	8%
Shiv Sena	52	3	6%
BSP	26	1	4%
BJP	102	3	3%
INC	59	2	3%
MNS	76	2	3%
SP	5	0	0%

Table: Political parties that did not publish Format C7 for candidates with criminal cases pending

*At the time of making this report, format C7 data of some political parties was not available on the websites and social media handles. However, it may have been posted earlier by the parties and removed later.

- **Top 3 candidates with highest criminal cases whose reasons for selection have not been published:**

S.No.	Constituency	Candidate	Party	Total Cases
1	Ulhasnagar	Omie Pappu Kalani	NCP-Sharadchandra Pawar	15
2	Malegaon Outer	Advay (Aaba) Prashant Hiray	Shiv Sena (Uddhav Balasaheb Thackeray)	14
3	Sangola	Dipakaba Bapusaheb Salunkhe	Shiv Sena (Uddhav Balasaheb Thackeray)	14

Table: Top 3 candidates with highest criminal cases whose reasons for selection have not been published

- **Other discrepancies in Format C7 of some candidates:**

Name of the Party	Remarks
BJP	For all candidates with cases against them the party has given the same word to word reason in the both sections for selection of candidate with criminal background and reason as to why other individuals without criminal antecedents could not be selected as candidates. Refer Party Website Link Given Here: https://maharashtra.bjp.org/
BSP	For all candidates with cases against them the party has given the same word to word reason in the both sections for selection of candidate with criminal background and reason as to why other individuals without criminal antecedents could not be selected as candidates. Refer Party Website Link Given Here: https://bahujansamajparty.net/format-c7
SP	For 99% candidates with cases against them the party has given the same word to word reason in this section "reason as to why other individuals without criminal antecedents could not be selected as candidates". Refer Party Website Link Given Here: https://samajwadiparty.in/prees-releases
	<ul style="list-style-type: none"> • Details of criminal cases for Mangesh Ramesh Chavan (BJP candidate) are different in Format C-2 (8 cases) and Format C-7 (7 case) • Details of criminal cases for Choughule Mahesh Prabhakar (BJP candidate) are different in Format C-2 (4 cases) and Format C-7 (5 case) • Details of criminal cases for Dhangekar Ravindra Hemraj (INC candidate) are different in Format C-2 (9 cases) and Format C-7 (12 case) • Details of criminal cases for Rajesh Gangaram Yerunkar (INC candidate) are different in Format C-2 (1 case) and Format C-7 (2 case)

Financial Background

- **Crorepati Candidates:** Out of the **503** candidates with declared criminal cases, **418 (83%)** are crorepatis.
- **High Assets Declared:** Highest declared total assets of **top 3 candidates**, along with details of their criminal cases pending:

S.No.	Candidate	Party	District	Constituency	Cases Total	Serious IPC/BNS Counts	Total Assets (Rs.)
1	Prashant Ramsheth Thakur	BJP	Raigad	Panvel	10	0	4,75,85,39,330 475 Crore+
2	Mangal Prabhat Lodha	BJP	Mumbai City	Malabar Hill	2	1	4,47,09,23,931 447 Crore+
3	Pratap Baburao Sarnaik	Shiv Sena	Thane	Ovala Majiwada	9	5	3,33,32,95,113 333 Crore+

Table: Top 3 candidates having highest declared assets with criminal cases pending

Analysis of Format C7 – Jharkhand Assembly Elections, 2024

Political parties analysed:

In the **Jharkhand 2024** Assembly Elections, out of **73** political parties which contested the election, the following **9** political parties have been analysed for this report.

1. Bharatiya Janata Party
2. Indian National Congress
3. Bahujan Samaj Party
4. Communist Party of India (Marxist–Leninist) Liberation
5. Janata Dal (United)
6. Jharkhand Mukti Morcha
7. Rashtriya Janata Dal
8. Samajwadi Party
9. All India Majlis-E-Ittehadul Muslimeen

Criminal Background

- **Candidates with Criminal Cases:** Out of **234** contesting candidates analysed, **105 (45%)** candidates belonging to the aforementioned political parties have declared criminal cases against themselves.
- **Candidates with Serious Criminal Cases:** Out of **234** contesting candidates analysed belonging to the aforementioned political parties, **82 (35%)** have declared serious criminal cases against themselves.
- **Reasons furnished for nominating candidates with criminal antecedents:**
 - Out of **105** candidates with criminal cases, reasons have been furnished for **84 (80%)** candidates.
 - Out of **82** candidates with serious criminal cases, reasons have been furnished for **66 (80%)** candidates.
 - For **21 (20%)** candidates with criminal background, no reasons for their selection have been provided by political parties.

• **Reasons given for top 3 candidates** with highest number of total criminal cases pending:

S.No.	District	Constituency	Candidate	Party	Cases Total	Serious IPC Counts	Serious BNS Counts	Reasons for selection of candidate with criminal cases pending	Reasons as to why other individuals without criminal antecedents could not be selected
1	Giridih	Dhanwar	Babu Lal Marandi	BJP	15	29	9	Shri Babulal Marandi is a dedicated individual with deep understanding and relentless efforts in social service. They have built strong relationships, earned trust, and achieved significant positive changes in the community, making them the best choice to represent the constituency.	As a dedicated party worker, he had an edge over other individuals, considering the fact that whatever charges were alleged in the FIR has no substance and were purely with a vindictive approach and personal vendetta being waged by his political opponents. The concerned 17 cases are registered with reason of waging public protest and the party believes that there will be no adverse outcome against the alleged accused.
2	Hazaribagh	Barhi	Manoj Kumar Yadav	BJP	12	4	13	Shri Manoj Kumar Yadav is a highly dedicated individual who has tirelessly devoted their time and efforts to social service in the constituency for many years. They have a deep understanding of the needs and challenges of the people and have worked tirelessly to improve the quality of life for all members of the community. They have built strong relationships with the voters, establishing a genuine and positive rapport with them, and have earned their trust and respect. Their unwavering commitment to the betterment of the community is reflected in their track record of achievements and the numerous positive changes they have brought about. We are confident that they are the best choice to represent the constituency and will continue to serve the people with passion, dedication and integrity.	As a dedicated party worker, he had an edge over other individuals, considering the fact that whatever charges were alleged in the FIR has no substance and were purely with a vindictive approach and personal vendetta being waged by his political opponents. The concerned 11 cases are registered with reason of waging public protest and the party believes that there will be no adverse outcome against the alleged accused.
3	Palamu	Bishrampur	Rajesh Mehta	BSP	10	15	0	In comparison to the other candidates and their history, it was found to be suitable being the candidate has stated that false FIR has been lodged against him	The offences are to be based on political Vendetta. His image supported by the local office bearers of the party as clean and good.

Table: Reasons given for top 3 candidates with highest number of total criminal cases pending

- Most commonly stated reasons by political parties for selection of candidates with criminal cases pending:**

Reasons for selection of candidate with criminal cases pending	Reasons as to why other individuals without criminal antecedents could not be selected
In comparison to the other candidates and their history, it was found to be suitable being the candidate has stated that false FIR has been lodged against him	The offences are to be based on political Vendetta. His image supported by the local office bearers of the party as clean and good.
He is a dedicated individual with deep understanding and relentless efforts in social service. They have built strong relationships, earned trust, and achieved significant positive changes in the community, making them the best choice to represent the constituency.	The Party has carefully chosen the current candidate as the most qualified to represent the constituency, believing in their skills and dedication to serve the people and uphold BJP values. With confidence in their ability to bring about positive change, the party stands by its decision to field this candidate for the betterment of the constituency.
He stays connected with the people of the constituency and attends their problems. He is meritorious and had achievements during his tenure as Social Worker. He is well qualified.	We found no other party functionary more meritorious and people friendly who listens to people and solves their problem so quickly.
The selected candidate is young, earnest, educated, sincere and dedicated towards the party as well as the candidate has a very good reputation in the society as he is doing social work at large scale in his area.	Better than other applicant.

Table: Most commonly stated reasons by political parties for selection of candidates with criminal cases pending

- Political parties that did not publish reasons for selection of candidates with criminal cases pending*:**

Political Party	Total no. of contesting candidates with criminal cases pending	No. of Candidates without Format C7	Percentage of candidates without Format C7
JMM	16	16	100%
SP	7	3	43%
All India Majlis-E-Ittehadul Muslimeen	3	1	33%
BJP	34	1	3%
BSP	16	0	0%
CPI(ML)(L)	4	0	0%
INC	18	0	0%
JD(U)	2	0	0%
RJD	5	0	0%

Table: Political parties that did not publish Format C7 for candidates with criminal cases pending

*At the time of making this report, format C7 data of some political parties was not available on the websites and social media handles. However, it may have been posted earlier by the parties and removed later.

- **Top 3 candidates with highest criminal cases whose reasons for selection have not been published:**

S.No.	Constituency	Candidate	Party	Total Cases
1	Silli	Amit Kumar	JMM	8
2	Barhait (ST)	Hemant Soren	JMM	5
3	Baghmara	Suraj Mahato	SP	4

Table: Top 3 candidates with highest criminal cases whose reasons for selection have not been published

- **Other discrepancies in Format C7 of some candidates:**

Name of the Party	Remarks
INC	For 90% candidates with cases against them the party has given the same word to word reason in the both sections for selection of candidate with criminal background and reason as to why other individuals without criminal antecedents could not be selected as candidates. Refer Party Website Link Given Here: https://inc.in/c-7-vidhan-sabha
BJP	For 90% candidates with cases against them the party has given the same word to word reason in this section “reason as to why other individuals without criminal antecedents could not be selected as candidates”. Refer Party Website Link Given Here: https://bjpjharkhand.org/wp-content/uploads/33-CANDIADATE-C7-FORM.pdf
<ul style="list-style-type: none"> • Details of criminal cases for Babu Lal Marandi (BJP candidate) are different in Format C-2 (15 cases) and Format C-7 (16 cases) 	

Financial Background

- **Crorepati Candidates:** Out of the **105** candidates with declared criminal cases, **80 (76%)** are crorepatis.
- **High Assets Declared:** Highest declared total assets of **top 3 candidates**, along with details of their criminal cases pending:

S.No.	Candidate	Constituency	Party	Cases Total	Serious IPC Counts	Total Assets
1	Krishna Nand Tripathi	Daltonganj	INC	4	1	70,91,26,167 70 Crore+
2	Ajoy Kumar	Jamshedpur East	INC	1	2	43,76,26,439 43 Crore+
3	Munna Singh	Hazaribagh	INC	3	0	41,38,90,063 41 Crore+

Table: Top 3 candidates having highest declared assets with criminal cases pending

Observations by ADR

I. General:

Functioning of our political parties can only be regulated by adopting stringent measures which are enforced by concerned agencies like the ECI and the law and order machinery. Mere warnings issued to political parties will not help the cause. In 2015, the Supreme Court had left it to the wisdom of the Prime Minister and Chief Ministers of the states to not appoint ministers in their cabinet with criminal backgrounds. However, since 2015, the crime rate in the legislative offices has only escalated further. On 30th August, 2020 the Madras High Court had not only asked the Central Government to ***“enact a law to prohibit candidates with criminal background contesting the elections to the Parliament as well as State legislatures”*** but had also emphasized that ***“the Central Government has to come out with a comprehensive legislation to prohibit persons with criminal background from contesting elections to Parliament, State Legislatures and local bodies”***.

The stipulation that more people who are ***honest, fair, credible, capable and men of character and integrity***, should contest elections and be the key policy makers, holds no ground in the Indian Political System. Over the years, political establishments have completely disregarded or intentionally sidelined the reforms suggested by various committees, citizens and civil societies. It is on record that various recommendations given by several committees dating as far back as 1999, are lying un actioned.

In the Format C7, under the column where ***“Reasons as to why other individuals without criminal antecedents could not be selected”***, it is noticed that in most cases, instead of giving cogent answers to the question, justification is given as to why the candidate in question has been selected.

How casually political parties take the SC and ECI directions is evident from the list of C7 format available on the websites of BJP, INC, BSP, SP, NCP, Shiv Sena, RJD and others for the Maharashtra and Jharkhand state assembly elections 2024. While giving reasons for fielding candidates with criminal cases, the exact same reasons have been replicated for all candidates.

II. Blatant contempt of the Supreme Court directions:

ADR's analysis of publication of criminal antecedents by political parties reveals major shortcomings in the implementation of the SC judgement. Several political parties, regardless of their current political outreach and popularity, **did not have a functional website** to publish details of candidates with criminal background along with reasons, or they were not uploaded on the websites and on social media platforms which made it difficult to access these forms. There were yet others that had a separate section dedicated for election information, but they either **failed to upload necessary documents or had dysfunctional website tabs**. Notably, even among the few political parties that published Format C7's within the stipulated time period, there were some grave problems which emerged upon analysis of the information provided through these affidavits. These included a) **justifying fielding of tainted candidates with unfounded and baseless reasons like chances of winning, popularity of the person, does good social work, offences not being grave in nature, cases are politically motivated**, b) **repetition of reasons** outlined through forms, not just for candidates within a single political party, but also for those contesting on behalf of other parties; and c) **publication of Format C2 (information with particulars on criminal cases pending against candidates) but not Format C7 (information regarding pending criminal cases along with reasons)**.

Other discrepancies include **omission of crucial information** on affidavits, such as name of candidate and reason for selection (which is the primary purpose of Format C7), as well as **submission of data in incorrect (letter) format**. This is especially of concern in light of the total number of pending cases against the candidates in question, and their categorisation under 'serious criminal cases'. **It is also important to note that for all the State Assembly elections, reasons for inclusion of independent candidates with criminal background has not been provided on any public platform.**

III. Strong muscle and money nexus cannot be reprimanded by mere pious hopes:

Criminal elements have been playing a major role in the electoral process in India both as candidates for elections and as party workers. The nexus between politicians, bureaucrats, and criminal elements in our society has been on the rise, the adverse effects of which are increasingly being felt on various aspects of social life in India. **Such a strong criminal political bureaucratic nexus in our electoral and political process has to be confronted with resolve and determination by ECI and law enforcement agencies.**

The present law i.e. section 8 of the Representation of People's Act, 1951 and the repeated orders issued by courts have not been able to deter politicians with criminal backgrounds from occupying high offices as MPs, MLAs and Ministers. Conviction rate under our judicial system has been falling over the years. More importantly, the time taken for trials is unduly long. In addition, politicians do not even diligently or properly furnish each

and every information as required under Form 26 or without constant reminders and warnings by the Election Commission of India. The result is that the law breakers have become law makers.

IV. Absence of Law, Rules, and Regulations:

There is no well-defined process in the selection of candidates by the political parties. There is no law for regulating the functioning of political parties. There is no way to penalise the office bearers of the political parties in case of any conflict or contravention with rules or laws. Political parties have blatantly refused to come under RTI law. Tickets are given to the candidates for contesting elections on the sole basis of winnability factor. Historically, it has been observed that muscle power and money power make a winning combination. Candidates with criminal background quietly make their way into the Lok Sabha and State Assembly elections as political parties do not hesitate in giving tickets to such candidates.

V. How and when will the contempt action be taken?

In view of the Supreme Court's orders dated 25th September, 2018 and 13th February, 2020 and as per the ECI's letter dated 6th March, "***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***". However, there is no information available about any such contempt action having been taken against these political parties. In reality, citizens are not sure whether the ECI has reported to the Supreme Court the non-compliance of its directions by some political parties in the recently held elections. It is also not clear if the ECI even keeps a tab over the submission and maintenance of these forms.

VI. Steps taken by ADR:

- a) ADR had pursued this deliberate act of contempt by political parties of the directions dated 13th February, 2020 and 25th September, 2018 before the Hon'ble Supreme Court wherein the Hon'ble court in its directions dated 17th March 2023 had directed ADR to, "***pursue its remedies before the Election Commission of India***".
- b) On **19-06-2023** ADR had filed an application before the Election Commission of India against political parties regarding the wilful disobedience and violation of these mandatory directions highlighting the fact that in spite of the repeated requests and reminders given by the Hon'ble Supreme Court and other main stakeholders including the Election Commission of India, political parties had completely failed to follow the aforementioned directions during the Assembly Elections held in the years 2023, 2022 and 2021.

- c) The application filed by ADR had sought strict action to be initiated against the defaulting political parties which **had contested 2023 Assembly Elections held in Tripura, Meghalaya, Nagaland, Karnataka, Rajasthan, Madhya Pradesh, Chhattisgarh and Telangana; 2022 Assembly elections held in Gujarat, Himachal Pradesh, Uttar Pradesh, Uttarakhand, Goa, Manipur and Punjab and 2021 Assembly Elections held in the States of West Bengal, Tamil Nadu, Kerala, Assam and UT of Puducherry.**
- d) On **21-11-2023**, a **reminder letter** was sent by ADR to the Commission to inquire about the status of the action taken in the light of application dated 19-06-2023. The letter was sent to the ECI during the 2023 State Assembly elections held in the States of **Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana.** Through its letter, ADR had requested the Election Commission to follow directions of the Supreme Court in its letter and spirit by taking immediate and concrete steps so as to ensure that political parties contesting elections not only publish correct and useful details about candidates selected by them but in doing so parties are also forced to select credible and honest candidates due to necessary public glare because of the availability as well as accessibility of such crucial background information about criminal antecedents amongst voters. However, **no response regarding any action taken by the Commission nor any acknowledgment of the application filed was received.**
- e) On **08-01-2024** ADR along with Gujarat Election Watch had written to the Election Commission highlighting the discrepancies found in C7 and C8 forms during the Gujarat State Assembly Elections, 2022. The letter highlighted the serious discrepancies found while publishing Form C7 and C8 by political parties and candidates. To name a few **publishing of Form C7 in English language only and not in the vernacular language depriving lakhs of voters from crucial background information about the candidates, unfounded reasons while fielding candidates with criminal background, smaller font size, lack of wide publicity as stipulated in the judgment, disparity and ambiguity in publishing of Form C7, no mechanism of cross verification of Form C7 and non-compliance of the Supreme Court judgment.** In spite of the gravity of the situation and in spite of highlighting the serious glitches found while furnishing of crucial criminal details against candidates contesting **Gujarat State Assembly Elections**, no response or acknowledgement was received by the ECI.

Recommendations by ADR

There is no dearth of solutions to curb the ever-growing problem of criminality in politics. ***What is required is the courage and will to do the same. Lawmakers will not frame laws that ban the unimpeded and unchecked entry of politicians with criminal cases. Constitutional bodies and institutions will continue to take refuge under reasons like 'lack of power'.*** In fact, on 20th July, 2021 while hearing the contempt petition against publication of reasons for selection of candidates with criminal cases by political parties, the Bench headed by Justice R.F Nariman and Justice B.R Gavai had added, ***"We are certain that the legislative branch will not take this forward, not only in the foreseeable future, but at any time in the future"*** Given the current situation, where all political parties stand united and determined to stall any attempts to bring accountability, transparency, and fairness in our electoral process, it becomes imperative to remind the key duty holders of their role duties in preserving, protecting, and defending the Constitution. The only way to remedy the existing problem of criminalization is to immediately act upon the plausible solutions offered by the judiciary, various committees, civil society, and citizens.

Until and unless these trends are not reined in, our current electoral and political situation is bound to deteriorate further. It is after all the electorate, who has to suffer on account of criminalization and often can do little but helplessly participate in the election of the mighty and moneyed criminal elements. ADR, therefore, proposes following recommendations that need to be acted upon immediately ***without further delay and damage to our Participatory democracy and Rule of Law.***

A) Case specific recommendations:

- a. **Show cause notice:** The Election Commission should take note of the current situation and reprimand political parties and politicians for failure to abide by the lawful directions of the Commission, complete lack of will, reprehensible predilection and absence of required laws. ***A "show cause notice"*** should be sent to those political parties who failed to follow the mandatory directions. In addition, the Commission should also immediately take a strict contempt action against political parties, their office bearers and candidates for blatantly bypassing its 25th September 2018 and 13th February 2020 orders.
- b. **De-registration of Political parties:** The Commission should deregister those political parties who are found guilty of such violation by invoking its powers under Article 324 of the Constitution read with Section 29(A)(5) of the RP Act, 1951.
- c. **De-recognition of political parties:** Failure to abide by the lawful directions of the Election Commission and the Hon'ble Supreme Court should be treated as a serious breach under Paragraph 16A of the Election Symbols (Reservation and Allotment) Order, 1968 and therefore, the Election

Commission of India should invoke its powers under Paragraph 16A read with Article 324 of the Constitution and suspend or withdraw recognition of a recognized political party for its incessant failure and disobedience of the SC directions.

- d. **Officer bearers of a Political Party to file annual information on criminal antecedents:** Under the ‘*Guidelines and Application Format for Registration of political parties*’ under Section 29A of the Representation of the People Act, 1951 and ‘*Registration of Political Parties (Furnishing of Additional Particulars) Order, 1992*’ Election Commission of India should not only ask for the information regarding criminal antecedents of the Office Bearers such as President, Secretary, General Secretary, Chairperson, Convenor, Treasurer etc only at the time of registration but also ask each political party to annually file information on criminal antecedents of their Office Bearers. This information should also be made available to the public ***including NIL records*** and should be displayed outside each polling booth during elections.
- e. **List of defaulting political parties to be prepared and shared by ECI:** Election Commission of India is expected to implement the 25th September, 2018 and 13th February, 2020 SC orders in its letter and spirit. The Commission should immediately submit a list of such defaulting political parties to the Supreme Court after each election. It should also list out names of such tainted candidates selected by the political parties along with such reasons for such selection. These lists should be religiously prepared and submitted to the Supreme Court after every election and the same should be uploaded on ECI’s website for public inspection.
- f. **Reporting of such contempt to the Supreme Court of India:** The Election Commission should immediately report such default to the Supreme Court during each election. In addition, ECI must ensure that the Supreme Court’s directions are being truly implemented by political parties by taking concrete steps in the light of reasons given by political parties in Form C7 and C8, diligent publication of reasons in newspapers, T.V channels, party website etc and strict and constant reminders by ROs to the defaulters.
- g. **Contempt action against its orders by Supreme Court:** The Supreme Court of India being the ultimate custodian of “Justice and Rule of Law” should take note of the current situation and ***reprimand political parties and politicians for such contempt, complete lack of will, reprehensible predilection and absence of required laws***. In addition, the Supreme Court should also ***immediately take a strict contempt action against political parties, their office bearers and candidates for blatantly bypassing its 25th September 2018 and 13th February 2020 orders***.
- h. **Parties must face consequences for breach:** Political Parties must realize that the aforementioned ***SC directions are mandatory and therefore the compliance is not optional***. Parties should be held accountable for brazenly defying the Supreme Court’s order dated 25th September, 2018 and 13th February 2020. ***There should be a heavy financial penalty levied on them for making insufficient disclosures,***

invalid and common reasons, selection of candidates based on winnability, failing to submit the Compliance Report on time etc. Officer in-charge of a political party pertaining to submission of a compliance report should also be held accountable for such a breach.

- i. **Creation of separate cell to monitor compliance:** ECI should constitute a **separate cell for monitoring and audit of C7 and C8 forms** submitted by parties during elections in order to minutely check/verify/cross verify the compliance of these forms and appropriate actions should be taken immediately to ensure such compliance. This should also include strict and constant reminders by ROs to the defaulters. **Para 73 of the Supreme Court judgment in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors** already requires the Commission to take requisite action against defaulting parties as contemplated under the judgment including creation of a separate cell to monitor the required compliances and to promptly apprise the Hon'ble Supreme Court of such non-compliance by any political party.
- j. **Clarification guidelines:** ECI should issue modified guidelines specifically clarifying the ambiguities regarding format, font size, language etc to be used in the newspapers including the vernacular newspapers in the states. **These guidelines need to mention that the format C7 should be published in the same format as given by ECI in its directions dated 6th March, 2020 & 10th October, 2018 and political parties cannot change it or club it together based on their preference.** Uniform format will make it easier for the voter to identify C7 forms in any newspaper.
- k. **A dedicated mobile application:** The Supreme Court had also directed ECI 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.**
- l. **Extensive awareness campaign:** The Supreme Court had also directed 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. In its judgment, the Supreme Court had ordered ECI to create a fund for this purpose within a period of 4 weeks into which fines for contempt of Court may be directed to be paid.

B) Other key recommendations on decriminalisation:

- I. **Criteria for selection of candidates:** There should be a strict criterion for selection of candidates by political parties. As per the **Supreme Court judgment** dated **13th February 2020**, **political parties** are already required to give **reasons for selection** of candidates and **why other individuals without criminal antecedents could not be selected as candidates**. As per the judgment 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.
- II. **Disqualification on charges framed:** Problem of criminalization can be tackled if such tainted candidates are outrightly banned from entering the electoral process based on both stage and degree of crime. This can be achieved by **disqualifying candidates from contesting elections to the public offices against whom ‘charges have been framed by court’ for having committed serious criminal offences punishable by imprisonment of at least 5 years, and the case is filed at least 6 months prior to the election in question**.
- III. **Permanent disqualification for heinous offences:** It is reprehensible to have a Lawmakers charged/convicted of heinous crimes making laws for citizens and policies for the nation. **There should be a permanent disqualification of candidates convicted for heinous crimes like murder, rape, smuggling, dacoity, kidnapping, robbery etc.**
- IV. **Prior announcement of candidates contesting elections:** **List of candidates** contesting elections should be **announced at least 3 months prior to elections** and they should be required **to submit affidavits stating specific reasons for changing/joining a particular party and approximate amount to be spent by them in the next elections and of the source thereof**. All this information should be placed in the public domain.
- V. **False affidavit should lead to immediate disqualification:** Furnishing of false information in the affidavits by candidates should not be taken lightly by the ECI. **It is after all, the first and foremost step in the direction of ‘free and fair elections.’** Section 125A of the RP Act,1951 has not been able to deter candidates from furnishing wrong/incorrect information as it only leads to a six months imprisonment or fine or both, and therefore doesn’t attract disqualification. **There should be an immediate disqualification of candidates who furnish misinformation, no information false, information in the election affidavit.**
- VI. **More power to NOTA:** The Supreme Court judgment dated 23rd September, 2013 on provision of NOTA buttons on the EVMs needs to be implemented in its letter and spirit by ensuring a) **if NOTA gets more votes than any of the candidates, none of the candidates should be**

declared elected, and a fresh election should be held; b) in the fresh election, none of the candidates in the earlier election, in which NOTA got the highest number of votes, should be allowed to contest.

- VII. **Fast tracking of cases for MLAs/MPs:** All pending cases against MPs and MLAs should be fast tracked and brought to conclusion ***within a period of one year as mandated by the Supreme Court orders dated 10th March 2014 and 1st November 2017.*** This will also help in ensuring that the arbitrary and unbridled power given under Section 321 of the Cr.P.C is not misused by the governments of the day by ordering withdrawal of cases pending against powerful politicians, ministers and other rich and powerful people.
- VIII. **Declare Political parties as Public Authorities:** It is the political parties that form the government, man the Parliament, and run the governance of the country. Where bringing political parties under the ambit of Right to Information Act,2005 will usher transparency and accountability in the functioning of political parties and party leaders at one hand, on the other, it will also give a chance to the citizens to play their part in a democracy by acting as a watchdog. ***Bringing parties under RTI law will not only empower the citizens to question, audit, review, examine, and assess information like inner party elections, criteria for ticket distribution but it will also allow people to seek definite and direct answers from the office bearers for the kind of candidates being fielded by our political parties. Therefore, it is high time that the Supreme Court of India takes note of this current predicament and upholds and implements the 3rd June 2013 CIC order by bringing the parties under the ambit of RTI Act.***
- IX. **A comprehensive law to regulate political parties' affairs:** Political parties are the ultimate repository and guardian of our whole constitutional, democratic, social-economic set up, but ***we don't have a single comprehensive law entirely dealing with political parties. In absence of a comprehensive law, citizens cannot question, appraise and audit the functioning of political class and politicians.*** Therefore, there is a dire need for a comprehensive legislation ***regulating the functioning of political parties, recognition of their party constitution, election at various levels of party organs, conditions for registration and de-registration, compulsory maintenance of accounts, women representation at organisational positions,*** as recommended in the '170th Law Commission Report, Part III, Chapter I' and Chapter 8 of the NCRW report.
- X. **Introduce provisions for inner-party democracy within political parties:** In spite of being one of the largest democracies in the world, our political parties which run this democracy are painfully undemocratic in their functioning. Political parties have miserably failed in their 'Code of conduct' and self-initiated reforms for themselves. Therefore, mandatory provisions should be made to ***introduce inner-party democracy, transparent decision-making, ticket distribution, elections of office bearers, financial transparency and stronger organisational discipline***

within the political parties. This should include ***mandatory secret ballot voting for all elections for all inner party posts and selection of candidates, as suggested by the 170th Law Commission Report.***

- XI. ***Annual Report by MPs and MLAs:*** Elected MPs and MLAs should be required to submit an ***'Annual Report' to their constituency giving details of their accomplishments for previous year and the plan for the next year.*** This report should be made available at the Lok Sabha/Rajya Sabha/ State Assembly website and on the Election Commission's website.
- XII. ***First-past-the-post, "50%+1 of the registered votes cast":*** As per the recommendations given by various committees, Law Commission and NCRWC, ***'no candidate should be declared elected unless he or she secures more than 50% of the votes cast'***. In the case when no candidate gets the required number of votes, ***there should be a runoff between the top two candidates getting maximum votes.*** It is worth noting that 50%+1 of the *votes cast* is an easier requirement for being declared elected, a more stringent requirement, and the ideal to ensure appropriate and proper representation.

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