

To,  
Election Commission of India,  
New Delhi.

Date: 08/01/2024

**Sub:** Subject: Request for an immediate action against political parties and their office bearers for willful disobedience and blatant disregard of the lawful directions of the Election Commission of India issued in pursuance to the Supreme Court judgments in (2019) 3 SCC 224 and 2014 (3) SCALE 563 in the light of **discrepancies found in Forms C7 and C8 during Gujarat State Assembly elections 2022.**

**Ref:**

- 1) RTI reply received by ECI giving copies of C8 forms.
- 2) Supreme Court judgments in (2019) 3 SCC 224 and 2014 (3) SCALE 563 ECI's guidelines dated 6th March 2020 & 10th October 2018.
- 1) ECI & CEO – Gujarat Guidelines dated 07/11/2022 & 16/11/2022

Respected Sir,

In context with above mentioned subject and references we would like to draw your attention towards following important issues regarding implementation of the Hon'ble Supreme Court's directions and subsequent ECI guidelines to be followed by political parties contesting elections during Gujarat State Assembly Elections held in Dec 2022.

- 1) Mahiti Adhikar Gujarat Pahel has been associated with Association for Democratic Reforms (ADR) since last 15 years and have been actively conducting various activities in Gujarat for "Voter's Awareness" & also disseminating information regarding criminal antecedences of candidates, CVIGIL, NOTA etc as part of Gujarat Election Watch.
- 2) Alpesh Bhavsar & Santoshsinh Rathod, both are active citizens who are voluntarily working for monitoring of expenses declared by candidates and voter awareness.
- 3) We had sought copies of C8 forms under RTI and had done audit of these forms. During the analysis of these forms we identified some serious lacunas, which are in contravention of the mandatory directions issued by the Hon'ble Supreme Court regarding widely publishing the details of criminal cases pending against the candidates selected by political parties along with reasons for such selection and why other individuals without criminal antecedents could not be selected as candidates.
- 4) During Gujarat Elections many parties had published C7 forms only in "English" language. Even in **Vernacular newspaper**, C7 forms were published in **"English" language**. This has deprived lakhs of Voters about crucial background information about the candidates selected by the political parties as they were not able to read the information published in English. It is to be noted that ECI guidelines clearly stipulate publishing of criminal antecedents of the candidates selected by political parties in vernacular newspaper along with other English newspapers.
- 5) In compliance with Supreme court orders dated 25th September, 2018 and 13th February, 2020, the Election Commission through its letters dated 6th March 2020 & 10th October 2018 had also issued guidelines titled 'Guidelines on publicity of criminal

antecedents by political

parties and candidates’.

It is placed that guideline no. IV clearly stipulates that;

*“IV. 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 & Twitter.”*

- 6) The sole objective of the Hon Supreme Court’s directions dated 13th February, 2020 and 25th September, 2018 in the WP (C) 536/2011, WP (C) 784/2015 & Contempt Petition (C) 2192/2018 was threefold; a) Make voters aware of the criminal antecedents of the candidates selected by political parties; b) Make political parties choose candidates on the basis of qualifications, achievements, and merit of the candidate rather than the winnability factor or other fallacious and unsubstantiated grounds such as popularity, no other choice etc and c) Help voter play their role in a participatory democracy by making an informed choice.
- 7) The Hon’ble Supreme Court while calling ‘*criminalisation in politics as a bitter manifest truth, which is a termite in the citadel of democracy*’ had expressed immense anguish over the hard-hitting truth that our Law makers have complete failed in taking any concrete step/action against growing criminalization in Indian elections. The Hon’ble Supreme court in Brajesh Singh vs. Sunil Arora and others, Contempt Petition (C) No. 656 of 2020 had thus observed:  
*“17. The nation continues to wait, and is losing patience. Cleansing the polluted stream of politics is obviously not one of the immediate pressing concerns of the legislative branch of government.”*
- 8) The terms “**wide publicity**” and “**reasons**” mentioned in the aforementioned judgments were solely aimed at at reducing the criminality in elections by not only making political parties conscious of their actions while selecting candidates but also compelling them to take necessary steps to stop the entry of candidates charged with criminal cases. . The Apex Court had repeatedly emphasized that “criminal background of the candidates selected by political parties along with the reasons of such selection” should be given “**wide Publicity**” and had further clarified that wide publicity meant publishing it **at least three times in the newspaper, social media, and TV etc.**
- 9) It won’t be out of place to put on record the seriousness of the Hon’ble Supreme Court when on 10th August, 2021 the Hon’ble Supreme Court in Brajesh Singh vs. Sunil Arora and others, Contempt Petition (C) No. 656 of 2020 had reprimanded political parties for failing to publish the details of criminal cases pending against the candidates selected by them with reasons for selection of such individuals. the Hon’ble court had penalised 10 political parties that had contested the Bihar Assembly Elections, 2020 for not complying with its orders dated 13th February, 2020 and 25th September, 2018. As a final warning the court was forced to impose a penalty of Rs 1 lakh and Rs 5 lakh respectively to these 10 political parties for flouting its 13/02/2020 order during Bihar Assembly Election which was held in Oct-Nov 2020 and had also warned them that they should be cautious in future and ensure that the directions issued by this court as well as the Election Commission of India are followed in letter and spirit.

**10) Issues found in C7 and C 8 forms during Gujarat Assembly elections.2022 and Recommendations:**

Through this application, we would like to place on record following issues that were seen while analyzing Forms C7 and C8 submitted by the political parties. In addition, we would also like to take this opportunity and place appropriate recommendations regarding the issues that cropped up while analyzing these forms.

## I) Language ambiguity in C7 forms to be published in Vernacular Newspapers:

11) We had discussed this matter with officials at CEO, Gujarat and they too agreed with the fact that there is an **ambiguity about the language used in C7 forms** published in the **Vernacular Newspapers**. During 2022 Gujarat Assembly elections, Bhartiya Janata Party had published C7 form in English language in “Sandesh” Newspaper on 16/11/2022.

The image shows a C7 form from the Bhartiya Janata Party, pasted onto a page from the 'Sandesh' newspaper. The newspaper's masthead is at the top, with the title 'સંદેશ' (Sandesh) and the date 'WEDNESDAY, 16-11-2022'. The form is titled 'FORMAT C-7' and contains the following information:

- Name of Political Party:** BHARTIYA JANATA PARTY
- Name of the Election:** GENERAL ELECTION TO GUJARAT STATE ASSEMBLY
- Name of State/UT:** GUJARAT
- Name of the Constituency:** 35-GANDHINAGAR SOUTH
- Name of the candidate:** ALPESHKUMAR KHODAI THAKOR
- Signature of the candidate:** ALPESHKUMAR KHODAI THAKOR
- Signature of the office bearer of the Political Party:** CHANDRANATH RAGHUNATH PATIL (C. R. PATIL)

The form also contains a section for 'Criminal antecedents' and a section for 'Other information required to be given'. The form is signed by 'CHANDRANATH RAGHUNATH PATIL (C. R. PATIL)' and is dated '16-11-2022'.

## II) Ambiguity regarding font and format of c7 form published:

12) Aam Admi Party had published C7 form in very small font that are very small and hardly can be read with naked eye. (See pic below). We had even discussed this issue with CEO – Gujarat wherein it was stated that the guidelines did not mention about font for C7 forms and therefore the parties did not publish the information in “12

font". ECI in its guidelines has suggested C7 form. It is expected that political parties will publish the C7 format without changing its format. However, Aam Admi Party has not only published C7 form in very small font, as mentioned above, but also **changed in format/structure itself**. The uniform format for all the parties will help voters to identify this information. Thus, it is very important that all parties follow same format for publishing C7 forms. (See pic below)

13)

### Recommendations:

- ECI should constitute an **Audit team** for examining compliance of C7, C8 forms by political parties in **Gujarat Assembly Elections held in Dec 2022**.
- ECI should constitute a mechanism for **ongoing monitoring or Audit C7 and C8 forms** to minutely check for the **compliance for of the guidelines under C7 AND C8 forms including** strict and constant reminders by ROs to the defaulters.
- ECI should issue modified guidelines specifically clarifying the ambiguities regarding **font size, language to be used in the for vernacular newspaper, format etc**. The guidelines need to mention that the format C7 should be published in the same format as given by ECI's guidelines 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.
- Such **guidelines** should to be entirely translated in **Gujarati language** and circulated among all political parties in the state where elections are being conducted and should also be made available to the citizens through newspapers, T.V Channels, social media platforms etc



### **III) Regarding non-publishing of C7 forms for some of the candidates**

As per audit conducted by us after receiving copies of C8 forms, we found that Indian National Congress did not published C7 form for one of the candidate named Shri Deepak Barot (Navsari Constituency). It is to be noted that Shri Deepak Barot has 1 case pending against him. Aam Admi Party has also not published C7 forms for 14 out of 61 its candidates with Criminal Antecedents

14)

**\*\* We would like to say that we have analysed the copies of C8 forms and annexures given under RTI Act by PIO, ECI**

Sr. No	Name	Constituency	Party	C7 form
1	Dipak Barot	Navsari	INC	Not Published
2	Rajeshbhai Patel	Valsad	AAP	Not Published
3	Jayendrsingh Laxman Raj	Vagra	AAP	Not Published
4	Hitendrakumar Bhagwanbhai	Vadhvan	AAP	Not Published
5	Rahul Bhuka	Rajkot East	AAP	Not Published
6	Pankajbhai Tayade	Limbayat	AAP	Not Published
7	Rathva Radhikaba	Jetpur	AAP	Not Published
8	Takhatsinh Solanki	Shahera	AAP	Not Published
9	Amarisnh Patel	Umreth	AAP	Not Published
10	Prof Arjun Rathwa	Chota Udepur	AAP	Not Published
11	Dinesh ji	Kheralu	AAP	Not Published
12	Bhemabhai Chaurdhary	Deodar	AAP	Not Published
13	Rameshkumar Khemrajbhai	Palanpur	AAP	Not Published
14	Govindbhai Parmar	Fatepura	AAP	Not Published
15	Manishbhai Patel	Borsad	AAP	Not Published

#### **Recommendation:**

- **ECI should constitute a monitoring team to check/verify/cross verify the compliance of C7 and C8 forms by political parties during elections and appropriate actions should be taken immediately for such non-compliance.**

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**Suggestive C8 form with modification is as follows:-**

Format C-8

**Report of the political party as required under the Commission's directions issued in the pursuance of the order dated 13-02-2020 of Hon'ble Supreme Court in the Contempt Petition (C) No. 2192 of 2018 in WP 536 of 2011.**

Name of the political party: -----

Details of Social Media Accounts of the party (i)  
(ii)  
(iii)

Name of the Election  
Gen Elections/ Bye Elections to Lok Sabha/Leg. Assembly/Biennial Election / Bye elections to council of States/Leg. Council

Name of the state:-----

Sr. No	Phase of Elections	Total candidates with criminal antecedents	No of candidates about whom details was published	News paper Name and Editions & Date		Total Expenses
				Local	Vernacular	
	Phase I					
	Phase 2					

**Declaration :**

I hereby declared that there are total ----- candidates with criminal antecedents of the total -----candidates contesting above elections. I declare that the C7 forms have been published for ----- candidates along with reason for selection of their names has been declared three times as per ECI guidelines and letter number ----- in the following media.


Sign \_\_\_\_\_ Date: \_\_\_\_\_

11. At this juncture, we would also like to request the Commission to consider taking following steps in view of powers conferred upon Commission under Article 324 of the Indian Constitution and in the light of '*Participatory democracy, Level playing field and Free and fair elections*': **This is in addition to the recommendations given above, in each points.**

- I. **Show cause notice:** A "show cause notice" should be sent to those political parties who failed to follow the mandatory Supreme Court directions dated 25th September 2018 and 13th February 2020 orders. In addition, the Commission should also

- II. immediately take a strict contempt action against political parties, their office bearers and candidates for blatantly bypassing these directions.
- III. 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 RNP Act, 1951.
- IV. III. 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.
- V. Annual filing of information on criminal antecedents of their Office Bearers: 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 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 and should be displayed outside each polling booth during elections
- VI. List of defaulting political parties to be prepared and shared by ECI: The Commission should religiously prepare a list of such defaulting political parties 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.
- VII. 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.
- VIII. Imposing fine: The Commission should also consider imposing a fine for the said violation.

  
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