

# **DELHI ELECTION WATCH**

## **ELECTION TO DELHI LEGISLATIVE ASSEMBLY 2003**

As part of the Delhi Election Watch 2003 movement, a Screening Committee has been appointed including eminent jurists, civil and police officials, media persons and activists. The Committee has adopted procedures to ensure uniform and impartial application of standards, and fair, judicious and credible determination of criminal record. These guidelines are given below:

### **Response Format :**

Public response should contain four parts.

#### **(a) The details of the Informant:**

Name \*  
Age  
Education  
Address \*  
Constituency  
Phone No.\*

(\* Optional. If name and address are given, they will be kept confidential.)

#### **(b) The details of the Potential / Prospective Candidate:**

Name  
Address  
Constituency  
Brief Bio-data  
Party

#### **(c) Criminal / Corrupt record :**

Details of cases with case numbers, police station, court etc.  
Offences of which the person is accused  
Convictions- with details, if any  
Cases pending - with details  
History sheet details  
Any other information

**(d) Enclosures :**

Documents - original or photocopy in support of the information given above

**Responses to be addressed to :**

Delhi Election Watch  
Post Box No. 5333  
Chanakyapuri  
New Delhi-110 021

**Criteria for Scrutiny**

**A. Criminal Record**

- a) Conviction for offences listed under sections 8, 8A and 9 of Representation of the People Act, 1951. (Annexure -1 )
- b) Charges framed by a competent court after preliminary enquiry - in respect of offences listed under sections 8 and 8A of RP Act, 1951 - until they are acquitted. (Annexure-1)
- c) Criminal history sheets opened against convicted persons

**B. Corruption Record**

- a) Specific allegations on the floor of the Assembly or Parliament, and the explanations of the individual concerned
- b) Specific allegations in the press with supporting evidence, and the explanations of the individual
- c) Conviction in a court of law for corruption or misappropriation or embezzlement or cheating
- d) Charges pending in respect of above offences
- e) If a public servant present or past, disciplinary action taken or pending against the person
- f) If a public servant present or past, departmental enquiries pending or completed
- g) The assets of the person before entering public office or politics and the assets now, and the known sources of income
- h) The known income, and lifestyle and expenditure

### **Guidelines for Recommendations.**

- The responses received will be carefully recorded and scrutinized by a corps of volunteers under the supervision of the screening committee.
- If specific information is provided with documentary evidence, such cases will be automatically considered by the screening committee.
- If information is specific, but no documents are enclosed, reasonable efforts will be made to obtain evidence (case records from courts, history sheets from police stations etc).
- If there are number of credible allegations by many persons against any individual, reasonable efforts will be made to gather specific evidence.
- All other cases will be ignored if there is no specific information.
- The cases in which specific information and evidence is available will be short-listed and placed before the Screening Committee with all details.
- The Screening Committee will go through the information, and will make a recommendation on the basis of facts available. The committee may seek further information if necessary.
- If the Screening Committee concludes that there is reasonable assumption of criminal or corrupt record, then such names with all details and committee proceedings will be sent to the political party and to the persons concerned.
- All recommendations will be made by consensus and if no consensus is possible, majority view will prevail.

### **Communication of Recommendations**

- In respect of cases in which the Screening Committee recommends communication to political parties, a registered Acknowledgement Due letter will be sent to the Party President at the national level with a copy each to the state party president or chief and to the individual concerned.
- The letter will outline the information received in respect of the person and the evidence to suggest a criminal or corrupt record.

- The letter will appeal to the party not to nominate such a person as a candidate for public office until charges are cleared or satisfactory evidence is produced to prove the innocence of the prospective candidate. Such evidence of innocence should be made public to clear all doubts.
- The individual should be informed that s/he has the opportunity to present her/his case personally or in writing. The Screening Committee will consider the evidence furnished by the individual and if the committee concludes that there is no evidence of criminal or corrupt record, such person's name will be cleared, and the party will be informed accordingly in writing.
- All correspondence will be signed by the Chairman of Screening Committee or any other person(s) authorized by the committee.
- The Screening Committee is only determining as a public body of reputed citizens whether there is a criminal or corrupt record. The committee is not accusing any citizen, nor does it determine the guilt of a person. The correspondence should make this clear.

### **Making Recommendations Public**

- If the party or person concerned furnishes information and evidence to establish that the person has no criminal or corrupt record, and can disprove the evidence already available to the Screening Committee, then the committee will consider such information and evidence.
- If the party or person fails to rebut evidence and prove that no criminal or corrupt record exists, and if such a person is nominated by a party for public office, then all relevant information will be sent to the Election Commission, the Chief Electoral Officer, the Returning Officer and the State Election Commission for their information and record. This information will be subsequently made public by the Screening Committee.
- Adequate copies will be made of the relevant information and documents, and they will be furnished to the media along with a brief statement. Widest possible publicity will be given to the facts of the case.
- Public should be told of the procedure, and of the fact that the Election Watch Screening Committee has informed the party in advance, and had appealed for the nomination of any other person with no criminal or corrupt record.

- Such procedure is followed in respect of all parties, and there is neither partisan interest nor prejudice in making the information public.
- The public should be appealed to reject candidates with criminal or corrupt record, irrespective of party affiliation or caste, religion and regional considerations.

### **Information storage**

- All information received will be stored in a computer. The name of the informant shall be kept secret.
  - The name of the person in respect of whom information was received will be kept secret except while informing the party upon screening committee's recommendation, and the details will be made public only if the person is nominated for public office.
  - The original information and documents will be stored for a period of three years, until the statute of limitations no longer applies.
  - In respect of persons who are politically active, the information and documents will be stored as long as Delhi Election Watch feels it is necessary in public interest.
  - Any future Election Watch Screening Committee will have unrestricted access to such records in furtherance of its objectives.
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