

STATE ELECTION COMMISSION
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ORDER

No.1944/SEC-B2/2013

Date:07.10.2013.

Sub:- State Election Commission – Elections to Rural and Urban Local Bodies - Disclosure of information relating to Criminal antecedents, assets and liabilities and educational qualifications along with nomination papers by the candidates – filing of false information – Regarding.

Ref:- 1) This Office Lr.No.419/SEC-B2/2011, dated 25.04.2013.
2) SEC Order No.588/SEC-F1/2011, dated 20.12.2011.

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Under sub-Rule (2) of Rule 4 of A.P.Municipal Corporations (Conduct of Election of Members) Rules, 2005, stipulate that every candidate contesting for the office of the Member, Municipal Corporation shall along with the nomination paper also file an affidavit with regard to criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format sworn before a Notary Public or a Magistrate of the First Class.

Under sub-Rule (9) of Rule 8 of A.P. Municipalities (Conduct of Election of Members) Rules, 2005, stipulate that every candidate contesting for the office of the Member, Municipality/Nagar Panchayat shall along with the nomination paper also file a declaration with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.

Under Sub-rule 3 of Rule 9 of Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006, every candidate contesting for Local Body elections shall along with the nomination paper also file a declaration with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.

In the reference cited, the State Election Commission issued instructions and also prescribed the formats in which the contesting candidates in the Urban and Local Body elections have to file Affidavit / Declaration as specified under the said rules. The

Affidavit / Declaration is in the format prescribed in Annexure-I & II of the order cited.

The State Election Commission has received complaints that in many cases, the candidates do not give the correct information in the affidavits, especially in the part relating to the assets. Section 177 of Indian Penal Code contains penal provision for furnishing false information to a public servant in general. Under Section 195 of the Code of Criminal Procedure, 1973, no Court shall take cognizance of any offence punishable under section 177 of the Indian Penal Code, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.

In view of the above, the State Election Commission, directs that where any complaint regarding furnishing of false information by any candidate is submitted by anyone, supported by some documentary evidence, the Returning Officer concerned should initiate action to prosecute the candidate concerned by filing formal complaints before the appropriate authority.

Sd/-P.Ramakanth Reddy
State Election Commissioner.

To
All the Collectors & Dist. Election Authorities,
All the Chief Executive Officers of Zilla Parishads.
All the Commissioners, Municipal Corporations.
All the Municipal Commissioners of Municipalities/Nagar Panchayats.
All the District Panchayat Officers.
Copy to The Commissioner of Panchayat Raj & Rural Employment.
Copy to The Commissioner & Director of Municipal Administration.

//Attested //


Asst. Secretary