

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:4000

ANSWERED ON:19.02.2014

KNOW YOUR CANDIDATE

Shankar Alias Kushal Tiwari Shri Bhisma

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the details of existing system to `Know-Your-Candidate` (KYC) under the Representation of Peoples Act, 1951;
- (b) whether the existing KYC initiative of the Election Commission place the information on candidate`s financial and criminal background in public domain only in the post nomination period;
- (c) if so, the details thereof;
- (d) whether the Government has received suggestions to give more time to voters to enable them to familiarize themselves with the financial and criminal background of those in the fray; and
- (e) if so, the details thereof along with the action taken by the Government on such suggestions so far?

Answer

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) to (c): The Election Commission has intimated that as per section 33A of the Representation of the People Act 1951 and in pursuance of the Hon`ble Supreme Court`s Judgment dated 13.3.2003 in the W.P. No 490 of 2002 and connected petitions, a candidate has to give information regarding his criminal antecedents, details of assets, liabilities (including assets/liabilities of spouse and dependent children) and educational qualifications in the form of an Affidavit along with nomination paper, in Form 26 of the Conduct of Election Rules, 1961. The Election Commission has further informed that for wider dissemination of the declarations made by a candidate in that Affidavit, a copy is displayed on the notice board of Returning Officer (RO)/Assistant Returning Officer (ARO). In case office of both RO and AROs are outside the boundary of constituency, one set of copies of affidavits is displayed in a prominent public place within constituency limits. Copies are also supplied free of cost to whoever requests for it. Apart from this a scanned copy of the affidavit filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents, is put up on the website soon after the candidates file the same and within 24 hours in any event. If anyone files a counter affidavit pointing out false statements in any affidavit of a candidate, that also is displayed on the notice board.

The Election Commission has intimated that as per an order of the Delhi High Court, details of dues, if any, to departments for Govt. accommodation, water supply, electricity, telephones and transport, mentioned by candidates have to be published in two newspapers. Accordingly, the Election Commission has directed that such information should be published in the format prescribed by it in two newspapers having local circulation, one of which should be in vernacular newspaper. This is required to be done within two Says of finalization of list of contesting candidates. When the information on government dues is published in the newspaper, a note mentioning the places, including the path of Chief Electoral Officer`s website, where the other details / viz.i criminal background, assets, liabilities and educational qualifications of all the contesting candidates can be found, is given.

(d) and (e): There is no suggestion under consideration of the Government to amend the Representation of the People Act, 1951 in order to give more time to enable electors to familiarize themselves with backgrounds of candidates in fray.