

GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (ELECTIONS.F) DEPARTMENT

Memo. No.257/Elec.F/2013-19

Dated:29.01.2013.

**Sub:-Biennial Elections to A.P.L.C. - Affidavits filed by the
candidates with their nomination paper – ECI instructions – Reg.**

- Ref:-**
1. E.C.I. Letter No.3/ER/2004/JS-II,dt.9.03.2004.
 2. E.C.I., Letter No. 3/ER/2009/SDR, dt:21.3.2009.
 3. E.C.I., Letter No. 3/ER/2011/SDR, dt:8.2.2011.
 4. E.C.I., Letter No. 3/ER/2011/SDR, dt:11.1.2012.
 5. E.C.I., Letter No. 3/ER/2011/SDR, dt:20.7.2012.
 6. E.C.I., Letter No. 3/4/2012/SDR, dt:10.9.2012.
 6. E.C.I., Letter No. 3/4/2012/SDR, dt:26.9.2012.
 7. E.C.I., Letter No. 3/ER/2011/SDR, dt.12.10.2012.

The attention of the Collectors & DEOs of the Dist. Collector & DEOs of East Godavari, Guntur, Karimnagar, Visakhapatnam & Nalgonda is invited to the references cited wherein the Election Commission of India has issued instructions regarding display of copies of Affidavits filed by the candidates with their nomination paper in the offices of ROs / AROs and placing the affidavits on the CEO's website. Copies of the same have already been communicated to all District Election Officers. However, copies of same are once again enclosed.

The District Election Officers are, informed that in the reference 7th cited, the Commission has informed that the Affidavit filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put up on the website soon after the candidates file the same and within 24 hours in any event. Therefore, the DEOs are requested to send the **scanned copies of affidavits (Revised format in Form-26) furnished by the candidates on daily basis to up load on 'C.E.O's website as per ECI instructions through e-mail to ceo_andhrapradesh@eci.gov.in or so_gad@ap.gov.in.** The affidavits should be **scanned with high resolution** for legible reading.

The DEOs are also requested to take necessary action on publication of information on government dues duly following the ECI's instructions in the references cited.

BHANWAR LAL,
CHIEF ELECTORAL OFFICER &
E.O. PRINCIPAL SECRETARY TO GOVERNMENT

To
The Dist. Collector & DEOs of East Godavari, Guntur, Karimnagar,
Visakhapatnam & Nalgonda (w.es.)

Copy to:

The Returning Officers of 3 Graduates' & 3 Teachers' Constituencies
Through the D.E.O's concerned (w.es.).

Sri Ravi, Dy. Project Manager, C.M.C. (SLA) with a request to upload the
Affidavits on C.E.O's website **on daily basis.**

// FORWARDED: BY ORDER //


SECTION OFFICER

INSTRUCTION SI. No. 3

Election Commission's letter No.3/ER/2004/JS-II, dated 09.03.2004 addressed to the Chief Electoral officers of, all States and Union Territories

Subject: -Affidavit to be filed by candidates along with nomination paper -modification of format in the light of Delhi High Court's order.

I am directed to invite a reference to the order No. 3/ER/2003 JS-II, dated 27th March, 2003 of the Commission, relating to right to information of electors regarding the background of the candidates. The Commission had prescribed a format in which the candidates are required to submit information about criminal background, assets, liabilities and educational qualifications. In item (3) (a) (iii) relating to "government dues", it was mentioned that 'No Due Certificate' was to be enclosed in case of persons holding or having held public office. In view of representations received from various individuals and departments regarding difficulty in obtaining the said certificate, the Commission has decided that "No Due Certificate" is not required to be submitted along with the affidavit.

In C.W.P. No. 4912 of 1998 (Kushra Bharat Vs. Union of India & Others), the Delhi High Court has directed on 1st March, 2004 that information relating to government dues owed by candidates to the departments dealing with government accommodation, electricity, water, telephone and transport (including aircrafts and helicopters) and any other dues, should be furnished by the candidates and this information should be published by the election authorities under the Commission in at least two newspapers having local circulations for information of electors. Accordingly, the Commission has modified item (3) (a) (iii) of the format of the affidavit, relating to "government dues". A copy of the revised format of the said item (3) (a) (iii) is enclosed. There is no change in any other item of the affidavit.

The Commission has directed that the information furnished by the contesting candidates in relation to the dues to the departments mentioned above [in item (3) (a) (iii) of the affidavit], should be published by the Returning Officers concerned in at least two newspapers having local circulation, one of which should be a vernacular newspaper. This should be published by the Returning Officer within two days after preparing the list of contesting candidates. A format in which the Returning Officers may publish the information is also enclosed.

If there is more than one constituency in a District, the District Election Officer may publish the above information in a consolidated form in respect of all constituencies (constituency-wise) in that district, by suitably modifying the above-referred format.

The above instructions may be immediately brought to the notice of all election authorities and political parties in your State.

Kindly acknowledge receipt.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/ER/2009/SDR

Dated : 21st March, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

Sub: Affidavits filed by the candidates alongwith nomination paper.

Sir/Madam,

Your attention is invited to the Commission's letter No. 3/ER/2004/J.S.-II, dated 1st April, 2004 (copy enclosed). In the said letter, it has been directed that all entries in the two affidavits filed by the candidates at the time of filing of nomination, should be preferably typed out, and if hand-written, the entries should be clearly and legibly written. Further, no columns are to be left blank. If there is no particulars to be indicated against any item, 'NIL', or 'NOT APPLICABLE' as may be appropriate, should be written.

There have been complaints that in many cases, the affidavits filed by the candidates contain vague and illegible entries, and some columns are even left blank. It is requested that the above instructions may be brought to the notice of all concerned including the Returning Officers and all the political parties based in your State, for strict compliance.

The scanning and uploading of the affidavits on the website should be done as early as possible after the nomination is received, and in any case, not later than 24 hrs., so that it serves the intended purpose of providing information to the electors to enable them to make an informed choice. Copy of affidavits should also be made available to anyone desiring it.

Kindly acknowledge the receipt of this letter and direct the Returning Officers to follow it scrupulously.

Yours faithfully,


(K.F. WILFRED)
SECRETARY

Copy to:-

All recognized National and State political parties.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

Dated : 8th February, 2011

To

The Chief Electoral Officers of all
States and Union Territories.

Sub: Affidavits filed by the candidates with their nomination paper.

Sir/Madam,

Please refer to the Commission's order No. 3/ER/2003/JS-II, dated 27th March, 2003, and the subsequent instructions issued from time to time regarding filing of affidavits by candidates about their criminal background, assets, liabilities and educational qualifications, and the dissemination of the affidavits for information of the electors.

2. As per the existing instructions, copies of the affidavits are to be displayed on the notice board of the Returning Officer immediately after the affidavit is filed and copies of the affidavit are to be supplied free of cost to any person who asks for the same. The affidavits are also required to be scanned and uploaded on the CEO's website, so that the affidavits of all contesting candidates are available immediately after the list of contesting candidates is finalized. In accordance with extant instructions and practice, the information about government dues as given in the affidavit (under the heading 'liabilities') is also published in two newspapers with local circulation.

3. For wider dissemination of information contained in the affidavits to the electors, the Commission has given the following further directions:

- (i) In cases where the offices of the AROs are outside the headquarters where the RO's office is situated, but within the boundary of the constituency, copies of the affidavits should also be displayed in the offices of such AROs.
 - (ii) In those cases where the offices of the ROs and AROs are both situated outside the boundary of the constituency, one set of copies of affidavits should be displayed on the notice board of the RO and another set should be displayed in some public premises accessible to the general public within the constituency.
 - (iii) When the information on government dues is published in the newspaper, there should be a note added therein mentioning the places where the other details viz. criminal background, assets, liabilities and educational qualifications of all the contesting candidates can be found. The note should also mention that the affidavits can be viewed on the website of the CEO and the path to the website should also be mentioned.
 - (iv) It should be ensured that the complete set of affidavits in respect of all contesting candidates is available on the website within 24 hours after finalization of the list of contesting candidates. Special care should be taken to ensure that no part of any affidavit is left out while scanning is carried out.
4. Please communicate these instructions to all officers concerned in the State, and also acknowledge receipt of this letter and confirm action being taken.

Yours faithfully,



(K.F. WILFRED)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

F. No.3/ER/2011/SDR

Dated:-11th January, 2012

To,

The Chief Electoral Officers of
all States and Union Territories,

Sub: - Affidavits filed by the candidates with their nomination paper.

Sir/ Madam,

In continuation of the Commission's letter of even no. dated 08.02.2011 containing instructions for wider dissemination of information contained in the affidavits filed by the candidates, I am directed to inform you that it has been decided by the Commission that the affidavits filed by candidates of recognized political parties shall be put up on the website **within 24 hours of filing of the affidavit**. Thus, affidavits filed by those candidates who claim to be set up by recognized National or State Parties should be uploaded within 24 hours. The instructions contained in Para 3 (iv) of letter dated 08.02.2011, referred to above, may be treated to have been amended to that extent.

2. Kindly acknowledge receipt and also bring the above instruction to the notice of all officers concerned in the State for compliance.

Yours faithfully,

(Ashish Chakraborty)
Secretary

ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

F. No.3/ER/2011/SDR

Dated:- 20th July, 2012

To,

The Chief Electoral Officers of
all States and Union Territories,



Subject:- Affidavits filed by the candidates with their nomination paper clarification – regarding.

Sir/ Madam,

Kindly refer to the instructions issued vide the Commission's letter of even no. dated 08.02.2011 regarding dissemination of the affidavits filed by the candidates for information of the electors. The instructions contained in para 3 (iv) of the said letter was slightly amended vide letter dated 11.01.2012 to the effect that the affidavits filed by the candidates of recognized political parties shall be put up on the website within 24 hours of filing of the affidavit.

2. Clarification has been sought regarding uploading of affidavits filed by the other candidates, i.e. candidates of registered political parties and independents.

3. It is hereby clarified that the affidavits filed by all the contesting candidates must be available on the website within 24 hours after finalization of the list of contesting candidates. However, the affidavits filed by the candidates of recognized political parties shall be put up on the website within 24 hours of filing of the affidavit without waiting for the preparation of the list of contesting candidates after the last date for

withdrawal of candidature. In such cases, even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed from there. The affidavits filed by the other candidates (i.e. candidates set up by registered unrecognized political parties and independents) shall be put up on the website within 24 hours after finalization of the list of contesting candidates.

The above clarification may be brought to the notice of all concerned.

Kindly acknowledge receipt.

Yours faithfully,


(Ashish Chakraborty)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2012/SDR

Dated: 10th September, 2012

To,

Chief Electoral officers of-

1. Uttarakhand
2. West Bengal

Sub:- Affidavit filed by the candidates with their nomination paper- regarding.

Sir,

The Commission has announced on 05.09.2012 the schedule for bye-elections to fill the casual vacancies in the Parliamentary constituencies of 1-Tehri Garwal of Uttarakhand and 9- Jangipur of West Bengal. The process of nominations for these bye-elections is scheduled to commence on 15.09.2012. These bye-elections are being conducted after the Ministry of Law & Justice have notified in the Gazette of India on 01.08.2012 the revised format of Form- 26 to be filed by a candidate at elections to Parliament and State Legislatures together with the nomination paper. The revised format of Form-26 was circulated to all CEOs with the Commission's letter of even no. dated 24.08.2012. You are, therefore, requested to ensure that affidavit in any format other than the revised Form-26 is not accepted by the RO for the bye-elections. In order to avoid any mistake, in the set of documents that are handed over to persons seeking to contest the elections, the pre-revised format of Affidavit in Form-26 and the one prescribed by the Commission vide letter of even number dated 25.02.2011 shall be replaced with the revised Form-26 by the RO.

2. In order to avoid any confusion, it is also clarified that in Item (5) (ii) of the revised affidavit in Form -26, details of all pending cases in which cognizance has been taken by the Court, irrespective of the quantum of punishment, and framing of charges will have to be disclosed by the candidates.

3. This may be brought to the notice of all candidates when they file their nomination paper.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Copy to the Chief Electoral Offices of all State and Union Territories (Except Uttarakhand and West Bengal) for taking similar action whenever the next general/bye-election election is conducted in the state.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2012/SDR

Dated:-26th September, 2012

To,

The Chief Electoral Officer
Of all State / UTs

Sub: Affidavit to be filed by the candidates with their nomination paper- regarding.

Sir,

Kindly refer to the Commission's letter of even number dated 24th August, 2012, forwarding a copy of the Gazette of India No. 1433 dated 01.08.2012 publishing the notification S.O. 1732 (E) dated 01.08.2012 issued by the M/o Law and Justice to substitute the "Form 26" appended to C.E. Rules, 1961.

2. Item 5 of Part A and Part B of the revised Form 26 relates to information regarding criminal antecedents to be furnished by the candidates. It is clarified that in item (5)(ii) of the said Part A & Part B of Form-26 the details of all pending cases in which cognizance has been taken by the Court, irrespective of the quantum of punishment or framing of charges will have to be disclosed by the candidate. This may be brought to the notice of all candidates when they file their nomination at all future general/bye-elections in the State. A copy of this letter may be forwarded to all ROs in the State/UT, including ROs for election to the Rajya Sabha and State Legislative Council (wherever applicable).

3. You are also requested to bring the aforesaid clarification to the notice of every political party (including registered unrecognized parties) having headquarters in your State/UT, including the State Units of recognized national and State political parties.

Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

Dated: 12th October, 2012

To

The Chief Electoral Officers
Of all States / Union Territories

Sub: Affidavits filed by the candidates with their nomination paper-uploading on website- regarding

Sir,

Attention is invited to the Commission's letter of even number dated 20th July, 2012 regarding uploading of the affidavits filed by the candidates on the website for dissemination of the information to the electors.

2. In the above mentioned letter, it was instructed that the scanned affidavits filed by the candidates of recognized political parties shall be put up on the website within 24 hours of filing of the affidavit and the affidavits filed by the other candidates (I.e. candidates set up by registered unrecognized political parties and independents) within 24 hours after finalization of the list of contesting candidates.

3. Now the Commission has reviewed the above instruction and has decided that the affidavit filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put up on the website soon after the candidates file same and within 24 hours in any event. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.

4. These instructions shall be followed at all elections, i.e. general/biennial election and all bye-elections.

Please acknowledge receipt.

Yours faithfully,



(Ashish Chakraborty)
Secretary