

"Bye- Election, 2019" /
"Most Immediate"

"By e-mail/Post"

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA

South 'H' Block, Secretariat, Hyderabad.

Memo. No.7006/Elecs.D/2019-4

Dated:21.09.2019.

Sub:- Bye-Election to the Telangana State Legislative Assembly
 from 89-Huzurnagar Assembly Constituency - Certain
 Instructions on Nominations etc., – Reg.

The Collector & District Election Officer, Suryapet is informed that ECI has announced the schedule for Bye-Election to the Telangana State Legislative Assembly from 89-Huzurnagar Assembly Constituency. The Notification will be issued **on 23.09.2019 (Monday)**. The Returning Officer should issue public Notice of Election on the same day i.e. **23.09.2019** as prescribed under section 31 of the representation of the people act, 1951 read with rule 3 of the Conduct of Elections Rules 1961 in **Form-I** appended to the said rules. Nominations shall be accepted from **23.09.2019** onwards between 11.00 a.m. to 3.00 p.m. and arrange to send a report regarding publication of **Form-I** Notice by 13.00 hours on **23.09.2019 (Monday)** along with a copy of **Form-I** Notice both in English and Telugu issued by the R.O. to this office through e-mail and WhatsApp.

2. The District Election Officer, Suryapet is informed that at the time of filing nominations by the candidates, the Returning Officer should follow the instructions as mentioned in the Hand Book for Returning Officer, 2019 as detailed below:

Public Holiday – Effect on Election Programme:

3. As per the Hand Book for R.O., 2019 at para **5.3.1**, a candidate may present his nomination paper on the very day of the public notice, or on any of the following days fixed for filing of nominations, which is not a public holiday. 'Public holiday' is defined in section 2(h) of the R.P Act, 1951 to mean a day which is a Public Holiday for the purpose of Section 25 of the Negotiable Instruments Act, 1881. The R.O., should not receive any nomination papers on 2nd and 4th Saturdays, which have been declared as holidays under the Negotiable Instrument Act, 1881 by the Finance Ministry. On the other Saturdays, filing of nomination papers will be open unless there is a holiday for government offices under the Negotiable Instruments Act, 1881, falling on such holidays. Similarly, local holidays observed in a State are also not public holidays.

Number of proposers for Nomination:

4. As per para 5.6.1 of the H.B. for R.O., 2019, Under Section 33 of the Representation of the People Act, 1951, the nomination of a candidate at election to the House of the People or a State Legislative Assembly shall be required to be subscribed by-

- i. One elector of the constituency, as proposer, if the candidate has been set up either by a recognized National party or by a recognized State party in the State or States in which it is recognized as State party (see Part-I of Forms 2B.)
- ii. Ten (10) electors of the constituency, as proposers, if the candidate has been set up by a registered un-recognized political party or if he is an independent candidate (see Part-II of the Forms 2B).

5. As per para 5.6.2 of the H.B. for R.O., 2019 if a State Party recognized in one State contests election in another State in which it is not so recognized, the nomination of candidate(s) set up by that party in such other State will also be required to be subscribed by ten (10) electors of the constituency, as proposers, even if the Party is granted concession under Para 10 of the Symbol Order to use its reserved symbol.

Affidavit in Form-26 to be submitted by Candidates:

6. As per para 5.16.1 of the H.B. for R.O., 2019, along with the nomination paper, every candidate is required to file an affidavit in Form 26, declaring information about criminal cases, assets, liabilities and educational qualifications. Form 26 has been amended vide 3/4/2019/SDR/Vol.I, dated 28.02.2019 (copy enclosed). The Affidavit in Form 26 should be sworn before a Magistrate of the First Class or before a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned. Each page of the Affidavit should be signed by the deponent concerned or the affidavit should bear on each page the stamp of the Notary/ Oath Commissioner /Magistrate before whom the Affidavit is sworn. The duly sworn affidavits should be on stamp paper of such denomination as prescribed under the state law of the state concerned. It would be for the Returning Officer to decide the validity of the affidavit in Form 26. The same was already communicated by this office to all the DEOs.

7. As per para 5.16.3 of the H.B. for R.O., 2019, if any candidate fails to file the said affidavit along with his nomination paper, Returning Officer should bring to his notice this requirement through the check list handed over to the candidates or proposers. The candidate should be asked to file duly sworn affidavit latest by 3.00 p.m. on the last date of filing nominations.

8. As per para 5.16.4 of the H.B. for R.O., 2019, no column of the affidavit should be left blank or filled by just tick/dash marking. The Hon'ble Supreme Court has held that in the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, Returning Officer has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the Returning Officer shall give a notice to the candidate to submit a fresh affidavit complete in all respect. The Hon'ble Court has held that if there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the Returning Officer at the time of scrutiny of nomination papers. (ECI No. 576/3/2013/SDR dated 30.9.2013 and 576/3/2017-SDR dated 26.07.2017) (copies enclosed).

9. As per para 5.16.5 of the H.B. for R.O., 2019 the amendments made in Form 26 are in pursuance of the directions in the Judgement of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr.). In pursuance of the above mentioned judgement, the Commission has given following directions to be followed by candidates at elections to the House of Parliament and House of State Legislatures who have criminal cases against them, either pending cases or cases of conviction in the past, and to the political parties that set up such candidates:

- a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them – either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in newspapers with wide circulation in the constituency area. This declaration is to be published in **Format C-1 (Annexure-51 at HB of RO 2019)**, at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll. The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit.
- b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the above mentioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.

- c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form 26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as **Format C-3 (Annexure 51 at HB of RO 2019)**. The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.
- d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted Item (6A).

10. As per para 5.16.6 of the H.B. for R.O., 2019, the political Parties – recognized parties and registered un-recognised parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in **Format C-2, (Annexure 51 at HB of RO 2019)**. Publishing of the declaration in newspapers and TV channels is required to be done at least on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

11. As per para 5.16.7 of the H.B. for R.O., 2019, it may also be noted that the provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, that may have been allotted to the candidates, have now been incorporated in Form-26 itself under Item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26.(ECI No. 3/4/2017/SDR/Vol. II dated 10.10.2018) (copy enclosed).

PRESENTATION OF NOMINATION PAPERS:

12. As per para **5.7.1.** of the H.B. for R.O., 2019, a candidate may present his nomination paper on the very day of the Notification or on any of the following days fixed for filing of nominations, which is not a public holiday.

DEPOSIT: (Para 5.21.1 of H.B. for R.O., 2019)

13. According to Section 34 of the Representation of the People Act, 1951, **Security deposit** for the candidates contesting for **Assembly elections** is **Rs.10,000/-** and for candidates belonging to SC/ST, the rate being half of the above amount.

Time and place of filing nomination papers:

14. As per para **5.7.2** of the H.B. for R.O., Nomination papers may be presented either before Returning Officer or before the Assistant Returning Officer specified in the public notice, on any of the notified days at the place or places specified in the notice at any time between 11.00 a.m. and 3.00 p.m., and not at any other place and not at any other time. Nomination can be filed by the Candidate himself or by one of the proposers. If a candidate or his proposer seeks to present a nomination paper either before 11.00 a.m. or after 3.00 p.m., Returning Officer or Assistant Returning Officer should not accept the nomination paper saying that under the provisions of the law neither the candidate has the right to deliver, nor the Returning Officer has the right to accept, a nomination paper outside the hours prescribed for the purpose. Returning Officer or the Assistant

Returning Officer may, however, point out that if he so desires, he may present it within the prescribed hours the following day, provided it is one of the days notified for presenting nomination papers.

15. As per para 5.7.6. of the H.B. for R.O., 2019, Arrangements in the room specified for filing of Nomination papers:

- (i) Arrangements for 360 degrees CCTV coverage shall be made inside the room specified for filing nominations as well as at the exit gate of the room to cover the proceedings related to filing of nomination.
- (ii) The recording of the CCTV footage shall be ensured with uninterrupted power supply.
- (iii) If CCTV arrangement cannot be made, then there should be videography done with time stamping facility. The videography should cover the entire room. The entire process of receiving of each nomination should be captured. As per the standing instructions, uninterrupted/unedited videography should be done in the room from 2 PM onwards on the last date for making nomination till the process is completed.
- (iv) The clock inside the room must be set to that of IST, in the AM/PM mode and it should be ensured that the clock is in perfect working condition.
- (v) The clock of the video camera should also be adjusted to IST and should tally with the clock set by RO in the room.
- (vi) The observer shall mention in his/her report about proper arrangement for CCTV/ Videography.
- (vii) The recording must be preserved appropriately to ensure easy retrieval.
- (viii) In case of any requirement to send the recording to the Commission, the DEO must make the transfer of the footage along with print details of timeline indicating the details of the characters appearing in the footage.
- (ix) Arrangements for receiving security deposit made in case at the time of filing nomination should be made in the same room in which nomination are received. Candidates should not be made to leave the room for making such deposit.
- (x) Door of the room shall be closed exactly at 3 PM as per the clock in the room.
- (xi) On the last date for making nominations after 2.30 PM, frequent announcements should be made outside the room that the room will not be permitted after 3 PM.
- (xii) Slips signed by RO/ARO shall be distributed to candidates inside the room at 3 PM. No Person should be allowed to enter the room once the door is closed at 3 PM.
- (xiii) The Commission's instructions regarding the number of persons who may accompany a candidate for filing nomination should be strictly enforced to ensure smooth proceedings in the room.

RESTRICTIONS ON NUMBER OF VEHICLES AND PEOPLE AT THE TIME OF NOMINATION

16. As per para 5.8.1. of the H.B. for R.O., 2019, large number of vehicles and people accompanying some of the candidates at the time of filing nominations were causing serious concern about general law and order in the Offices of the Returning Officers. Keeping this in view, the **maximum number of vehicles** in the convoy of a candidate or accompanying him to be **allowed to come** within a periphery of 100 meters of **Returning Officer's or the Assistant Returning Officer's Office** has been **restricted to three** and the **maximum number of persons** who can be **allowed to enter the Office of Returning Officer or the Assistant Returning Officer at the time of filing nomination has been limited to five (including the candidate)**. The periphery of 100 meters should be clearly demarcated. It is also to be ensured that only one door shall be kept open for entry of candidate plus four other authorized persons and all other doors should be closed. A CCTV camera should be placed at the entry door to record actual time of entry.

17. As per para 5.8.2. of the H.B. for R.O., 2019, Police Officer not below the rank of a Deputy Superintendent of Police should be appointed as a Nodal Officer for not more than two constituencies, provided the headquarters of both the Returning Officers are stationed in a single office building, to ensure strict adherence to the above instructions on restricting the number of vehicles and persons accompanying the candidates. If the offices of Returning Officers are situated in different compounds or if there are more than two Returning Officers whose headquarters are in a single office building, the Commissioner of Police or SP shall make suitable arrangements to ensure strict adherence to these instructions. The nodal officer shall be given adequate support personnel to ensure that the instruction is complied with. The enforcement of this is especially important as it is intricately related to the expense of the candidate at the elections. Any violation of this instruction at time of filing nomination papers will be seriously viewed by the Commission and actions will be taken against DEO/Returning Officer or such other person including candidate and/or his party responsible for violation.

Who can file Nomination Papers:

18. As per para 5.9.1. of the H.B. for R.O., 2019, all nomination papers are required to be presented in person before the Returning Officer or of the specified Assistant Returning Officer either by the candidate or by his proposer or any one of the proposers of his nomination paper and by no one else at the place specified in the public notice between 11 a.m. and 3 p.m. on any of the notified days other than a public holiday.

Number of nomination papers:

19. As per para 5.10.1. of the H.B. for R.O., 2019, under sub-section (6) of section 33 of the RP Act 1951, maximum of four nomination papers only can be presented by candidate or on behalf of any candidate or received by the Returning Officer or Specified Assistant Returning Officer for election in the same constituency. The Returning Officer or Specified Assistant Returning Officer must, therefore, ensure that the same candidate does not file more than 4 set of nomination papers. If a candidate seeks to present any nomination paper or papers in excess of this number, the Returning Officer or Specified Assistant Returning Officer must not receive such nomination paper or papers saying that under the provisions of the law neither the candidate has the right to present, nor the Returning Officer has the right to receive, any nomination paper or papers in excess of four. These nomination papers can be filed either together or separately.

20. As per para 5.10.2. of the H.B. for R.O., 2019, no candidate can be nominated from more than two Parliamentary/ Assembly constituencies at a General Election to the House of the People or a State Legislative Assembly. The same embargo applies in relation to bye-elections to any House held simultaneously, and not more than two bye-elections can be contested to the same House if called upon simultaneously by the Election Commission.

21. As per para 5.10.3. of the H.B. for R.O., 2019, if a candidate violates this provision and files nomination papers for election from more than two constituencies of the same class, his nomination papers in the third, fourth and all such subsequent constituencies going by the date and time of filing should be rejected by the Returning Officers concerned for non-compliance with the provisions of section 33(7) of the RP Act 1951. However, the Returning Officers must be fully satisfied about the fact of the candidate having violated the law on this point before rejecting any of his nomination papers on this ground.

PRELIMINARY EXAMINATION OF NOMINATION PAPERS:

22. As per para 5.11.1 of the H.B. for R.O., 2019, as each nomination paper is filed, Returning Officer or the Specified Assistant Returning Officer, as the case may be, is required by law to examine it then and there from the technical stand point as required under Section 33 (4) of the Act of 1951. But Returning Officer is not required to hold any formal scrutiny of any nomination papers at this stage. This preliminary examination is restricted to entries relating to the name and electoral roll details relating to the candidate and the proposer(s) as given in the nomination paper (s) and those as entered in the electoral roll. The following aspects may be examined at this stage:

- i) If the candidate is an elector in Returning Officer's constituency, he should compare the entries in the nomination paper with the entries in the electoral roll relating to the serial number and name of the candidate and his proposer/s.
- ii) If he comes from another constituency, Returning Officer or the Specified Assistant Returning Officer should compare the entries in the nomination paper with the entry relating to the candidate's name in the electoral roll of the constituency or the relevant part thereof or certified copy of such entry filed by him. The candidate is required by law to produce before Returning Officer or the Specified Assistant Returning Officer such electoral roll or the relevant part thereof or a certified copy of relevant entries thereof [Section 33 (5)].
- iii) Make sure that the electoral roll with which Returning Officer or the Specified Assistant Returning Officer makes such comparison is the one currently in force for the constituency in either case.
- iv) Check whether the affidavit in **revised Form 26** is duly filled up and attached along with the nomination paper. If not attached, Returning Officer or the Specified Assistant Returning Officer should bring it to his notice this requirement through a notice by way of the check list.
- v) Check whether all columns of the affidavit are filled up, as incomplete affidavits are liable to be rejected leading to rejection of nomination paper. In case any of the columns are left blank by the candidate, Returning Officer or the Specified Assistant Returning Officer will mention it in the checklist and hand it over to the candidate against proper receipt. In such cases the candidate will have opportunity to file a fresh affidavit complete in all respects by the time fixed for commencement of scrutiny.

23. As per para 5.11.2 of the H.B. for R.O., 2019, in respect of each candidate, Returning Officer or the Specified Assistant Returning Officer should maintain in duplicate, the check list of the documents or requirements to be fulfilled by the candidates.

PHOTOGRAPH OF THE CANDIDATE:

24. As per para 5.12.1 of the H.B. for R.O., 2019, at every election, the candidates shall be required to submit their photograph conforming to the requirements and specifications along with their nomination papers and, in any case, latest by the date fixed for scrutiny of nominations. The photograph should bear the signature of the candidate/election agent on the reverse side of the photograph. The specifications for the photograph are as follows:

- i) Candidates are required to submit their recent photograph (taken during the preceding period of 3 months before the date of notification)
- ii) Photograph should be of stamp size 2 cm X 2.5 cm. (2 cm in breadth and 2.5 cm in height) in white/off white background, with full face view directly facing the camera, neutral facial expression with eyes open. The photo may be in colour or black and white as may be convenient for the candidate.
- iii) Photograph should be in normal clothing. Photograph in uniform is not permitted. Caps/ hats should be avoided. Dark glasses should also to be avoided.

25. As per para 5.12.2 of the H.B. for R.O., 2019, when the photograph is submitted, the candidate / election agent/proposer submitting the photograph shall be asked to give a declaration stating that the photograph being submitted is that of the candidate (mentioning the name and address) taken during the period of preceding 3 months.(ECI Instruction 576/3/2015/SDR dated 16.03.2015 & 576/3/ 2015/SDR Vol II dated 21.05.2015).

26. The Returning Officer is requested to collect the (6) sets of photographs from the candidates as per specifications given in the ECI instructions in their Lr. Nos.576/3/2015/SDR, dt.16.03.2015 & 576/3/2015/SDR, dt.19.01.2016 along with nomination paper.

27. The District Election Officer /Returning Officer are further informed that information on the following stages of the election should be communicated to the Chief Electoral Officer by **e-mail and WhatsApp**.

- A. Daily Report:** Every day from **23.09.2019 to 30.09.2019** immediately after 3.00 p.m. the names of all those who filed nominations on the day (if, no nominations are filed 'Nil' report) should be communicated in the proforma prescribed i.e., in **Form-3A** by 4.00 p.m.
- B. Report of Nominations:** On the Last date for filing nominations i.e., on **30.09.2019** in addition to daily report immediately after 3.00 p.m., the names of all those who have filed nominations should be communicated in the prescribed form appended at page 92 of the Hand Book for Returning Officers, 2019 duly following the guidelines mentioned at paras from 5.25.1 to 5.25.5 of Chapter-V of the Hand Book for Returning Officers, 2019.
- C. List of Valid Nominations:** On the day of Scrutiny of Nominations i.e., on **01.10.2019** the names of all those whose nominations are found valid should be communicated in **Form-4**. The list of names of all those whose names have been rejected by the Returning Officer with the reasons for rejection, should also be enclosed. The names shall be arranged in alphabetical order in Telugu under three categories as in the case of Form-7A.
- D. List of withdrawals:** On the Last date of withdrawals of candidatures i.e., on **03.10.2019**, the list of candidates who have withdrawn their candidatures should be communicated in **Form-6**.
- E. List of contesting candidates:** On the Last day of withdrawal of candidatures i.e., on **03.10.2019 (Thursday)**, the names of contesting candidates with party affiliations, if any, and symbols allotted with correct spelling in Form-7A should be communicated. The names of contesting candidates in Form-7A have to be arranged under three categories i.e., (i) Candidates of recognized National and State Political Parties; (ii) Candidates of registered, un-recognized political parties and (iii) other (independent) candidates. The names of candidates have to be arranged in the said list and also on the ballot papers in the same order under these categories and the names have to be arranged in Telugu alphabetical order in each of the above mentioned three categories separately. Translated version of Form-7A in English shall also be communicated.

28. The list in Form-7A has to be prepared both in Telugu and English and other language prescribed if any by ECI for displaying on the notice board of the office of the Returning Officer and at other places where it is considered necessary by the Returning Officer.

29. The ECI vide Lr. No. 576/3/2017/SDRJ, dated: 18-10-2017 (copy enclosed) has invited their Letter No. 576/3/2015, dated 16th March, 2015, regarding directions for printing Photographs of candidates also in the ballot papers and directed that, photographs of candidates shall also be printed against their names in the list of contesting candidates in Form-7A as per Commission directions vide ECI Lr. No. 576/3/2017/SDRJ, Dated: 18-10-2017, as the case may be. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the form in the gazette as well as for displaying copies thereof in the polling stations.

30. The ECI has also stated that a clarification was sought as to whether 'NOTA' is to be printed in Form-7A. The ECI has clarified that since Form-7A denotes list of contesting candidates, 'nota' is not to be printed therein.

31. Six copies of Form-7A each in Telugu & English and other language prescribed if any by ECI in original (Ink signed) and also a soft copy shall be sent through a responsible officer to reach the Chief Electoral Officer's office on the same night and one copy in English to the E.C.I. The names of the political parties and symbols shall be correctly indicated in the said form. It is also necessary to prepare the list of contesting candidates even in the case of un-contested election and publish it on the notice board of the Office of the Returning Officer and ensure that the complete

addresses of the candidates are indicated correctly in the list of validly nominated and contesting candidates. Intimate the total number of voters and polling stations in the constituency as on the last date of filing of nominations.

32. The District Election Officer / Returning Officer are hereby requested to arrange to furnish all the reports and returns promptly on due dates. The above instructions are not exhaustive. For detailed instructions, the Hand Book for Returning Officers, 2019 other Hand Books, Mannuals and latest instructions of the E.C.I. issued from time to time and also available on ECI website should be referred and followed scrupulously.

DR. RAJAT KUMAR,
CHIEF ELECTORAL OFFICER &
E.O. PRINCIPAL SECRETARY TO GOVERNMENT

To
The Dist. Collector & D.E.O. Suryapet. (w.es.)

Copy to :
The Returning Officer of 89-Huzurnagar Assembly Constituency
through concerned D.E.O (w.es.)

// FORWARDED: BY ORDER //


SECTION OFFICER


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

No.576/3/2015/ SDR

Dated: 16th March, 2015

To,

The President/General Secretary/Chairperson/Convenor,
All recognized National & State Parties.

Sub: Printing of ballot papers- photograph of candidate to be also printed alongwith the other particulars on the ballot paper.

Madam/Sir,

I am directed to inform that the Commission has directed that for the elections to be held from 1st May, 2015 onwards, the ballot papers at all elections to the Houses of Parliament and State Legislatures shall contain, in addition to the existing particulars, the photograph of the candidate also printed thereon. The photograph will be printed on the right side of the name of the candidate in between his name and his symbol (where applicable). A copy of the instructions issued in this regard, vide letter dated 16-03-15 addressed to the Chief Electoral officers, is enclosed for your information.

2. It may be seen that for the purpose of printing the photograph of candidate on the ballot paper, the candidates are required to submit their latest photograph (stamp size- 2 cm in breadth and 2.5 cm in height) to the Returning Officer along with their nomination paper and, in any case, latest by the date fixed for scrutiny of nominations. The specifications for the photograph have been prescribed in the instructions referred to above.

3. You are advised to communicate these instructions to all the lower level units of the party for briefing the candidates of the party appropriately for compliance in elections to be held from 01-05-2015.

Yours faithfully,



(K.F. WILFRED)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.576/3/2015/SDR

Dated: 16th March, 2015

To,

The Chief Electoral Officers
of all States and UTs.

Sub: Printing of ballot papers- photograph of candidate to be also printed along with the other particulars.

Madam/Sir,

Under Rule 49B of the Conduct of Elections Rules, 1961, the ballot paper to be displayed on the balloting unit of the EVM shall contain such particulars as the Commission may specify. Similarly, Rules 22 and 30 provide, inter alia, that the particulars on the postal ballot paper and ordinary ballot paper shall be as specified by the Commission.

2. In terms of the abovementioned Rules 22, 30 and 49B, the Commission has specified the particulars to be printed on the ballot paper to be displayed on the balloting unit and the postal ballot paper. The particulars so specified at present are the serial numbers for the candidates, names of candidates and the election symbol allotted to each candidate and a panel for 'None of the Above' after the name of the last candidate. The existing directions which apart from the particulars to be printed, also contain specifications on other aspects, such as, size of the ballot paper, size of panels, number of columns, etc., have been given in the Handbook for the Returning Officers.

3. The Commission has noted that there are many cases where candidates with same or similar names contest from the same constituency. Although appropriate suffixes are added to the names of candidates in the event of two or more candidates having same name, the Commission considers that additional measures are required for removing confusion in the minds of electors at the time of voting. There is also a writ petition on this very subject pending before the Hon'ble Supreme Court [WP (C) No. 541 of 2014- Akash Gahlot Vs. Election Commission of India & another].

4. Having considered all aspects of the matter, the Commission in partial modification of its existing directions under Rule 22, Rule 30 and Rule 49B of the Conduct of Elections Rules, 1961, hereby specifies that for elections to be held from 1st May, 2015 onwards, the

postal ballot papers, the ordinary ballot papers and the ballot papers to be displayed on the balloting unit of EVM shall, in addition to the particulars as per the existing directions, also contain the photograph of the candidate. The photograph of the candidate shall be printed in the panel for the name of the candidate and shall appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph printed on the ballot paper shall be 2 cm.X 2.5 cm. (two cm. in breadth and 2.5 cm. in height). A sample ballot paper for election to Lok Sabha is enclosed for reference (Annexure-1).

5. The above direction for printing of photograph of candidate on the ballot paper shall also apply in relation to elections by Assembly members and elections from Council constituencies. In respect of the said elections, the directions are in exercise of powers under Rule 30 as made applicable to these elections by Rule 70 of the said Rules.

6. The specifications for the photograph are as follows:

- (i) Candidates are required to submit their recent photograph (taken during the preceding period of 3 months before the date of notification) .
- (ii) Photograph should be of stamp size 2 cm.X 2.5 cm. (two cm. in breadth and 2.5 cm. in height) in white/off white background, with full face view directly facing the camera, neutral facial expression with eyes open. The photo may be in colour or black and white as may be convenient for the candidate.
- (iii) Photograph should be in normal clothing. Photograph in uniform is not permitted. Caps/hats should be avoided. Dark glasses also to be avoided.

7. The candidates at every election shall be required to submit their photograph conforming to the above requirements/specifications alongwith their nomination papers and, in any case, latest by the date fixed for scrutiny of nominations. The photograph should bear the signature of the candidate/election agent on the reverse side of the photograph. When the photograph is submitted, the candidate/election agent/proposer submitting the photograph shall be asked to give a declaration stating that the photograph being submitted is that of the candidate (mentioning the name and address) taken during the period of preceding 3 months. A printed format for the declaration as annexed (Annexure-2)to this letter shall be kept with the RO/ARO for this purpose.

8. When the nomination is filed, if the photograph of the candidate is not submitted, the RO shall give a notice asking the candidate to submit the photograph latest by the date of

scrutiny of nomination. In the same Notice, it shall also be added that if the photograph is not submitted, his/her photograph will not be printed on the ballot paper. If any candidate still fails or refuses to give his photograph, that candidate will not have his photograph printed on the ballot paper. It may be added that non-submission of the photograph by the candidate shall **NOT** be a ground for rejection of the nomination of the candidate.

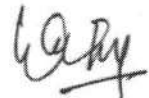
9. The Returning Officer shall display a list of validly nominated candidates with the photographs of the candidates against their names on the day following the date fixed for scrutiny of nominations. The Returning Officer shall inform the candidates at the time of scrutiny that the photographs to be printed on ballot paper will be displayed on his notice board on the next day (time may also be specified). If there is any error in the photograph or other particulars, the candidates/others will get an opportunity to point out the same to the Returning Officer for rectifying the error.

10. These directions may be brought to the notice of all DEOs, ROs and other election authorities in the State/UT. These may also be brought to the notice of all political parties based in your State, including the State Units of recognized parties. A press release may also be given for wider dissemination of the directions.

11. Please note that as mentioned in paragraph 4 above, these directions shall be applicable for elections to be held from 01-05-2015.

11. Please acknowledge receipt.

Yours faithfully,



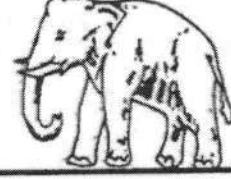
(K.F. WILFRED)

PRINCIPAL SECRETARY

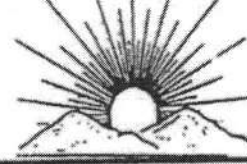
1. ఆశోక్ క్రమార్, కే.
అశోక్ కుమార్, కె.
అశోక్ కుమార్, కే.



2. శాన్ బాషా, యం.
చాన్ బాషా, ఎం.
బాన్ బాషా, ఎం.



3. శిన్న పిల్లప్ప, పి.
చిన్న పిల్లప్ప, పి.
చిన్న పిల్లప్ప, పి.



4. గిశల్ల క్రమార్, లాక్డర్. ఆ.
శెల్ల కుమార్, డాక్టర్. ఆ.
సెల్ల కుమార్, డాక్టర్. ఆ.



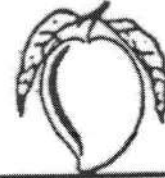
5. కవులా, యన్. యస్. యం.
గౌడ. ఎన్. ఎస్. ఎం.
గౌడ, ఎన్. ఎస్. ఎం.



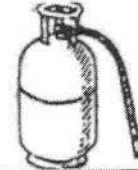
6. శున్తరం, యస్.
సుందరం, ఎస్.
సుందరం, ఎస్.



7. మణి, జి. కె.
మణి, జి. కె.



8. మునిరాజ్, కె.
మునిరాజ్, కె.
మునిరాజ్, కె.



9. ఆశోక్ క్రమార్, య.
అశోక్ కుమార్, ఎ.
అశోక్ కుమార్, ఎ.



16. మేర్కాణుం నరకగిల్
యవరుమిల్ యె

పైన తెలిసిన వ్యక్తులలో ఎవరు లేరు.
మరికీ తెలిసిన వ్యక్తులలో యారులు.

NOTA

Declaration by candidate/election agent/proposer while submitting the
photograph of the candidate

Subject – Election to _____ (mention the name of
the House) from _____ (name of the
constituency)/election to Council of States/Legislative Council by
Assembly Members.

I _____
(name and address), Son/daughter/wife of Sh. _____, nominated as
candidate for the abovementioned election, am submitting herewith my
photograph for the purpose of printing the same on the ballot paper. I declare that
the photograph has been taken during the last 3 months before the date of
notification of election.

(fill up this part when the candidate himself is submitting the photograph).

OR

I _____ (name), election agent/proposer of
Sh. _____
_____, (name and address of the candidate), son/daughter/wife of
Sh _____, a candidate for the abovementioned election,
hereby submit the photograph of the said candidate for the purpose of printing the
same on the ballot paper. I declare that the photograph has been taken during the
last 3 months before the date of notification of election.

(fill up this part when the election agent/proposer is submitting the photograph).

Date: _____

Name : _____

Address: _____

Tel No. _____

By Speed Post/E- Mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2015/SDR Vol II

Dated: 21st May, 2015

To,

The Chief Electoral Officers
of all States/UTs.

Subject -

Printing of photographs of the candidates on the postal ballot papers, the ordinary ballot papers in the ballot papers to be displayed on the balloting Unit of EVMs- Forwarding of the Commission's Direction-regarding.

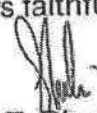
Sir,

I am directed to forward herewith the Commission's Direction No.576/3/2015/SDR dated 21st May, 2015 with the request that this may be published in an extraordinary issue of the gazette of the State and a copy thereof may be sent to the Commission for its record.

The above direction may be immediately conveyed to the District Election Officers, Returning Officers, Assistant Returning Officers and Presiding Officers of all Parliamentary and Assembly Constituencies in the State/ UT. This may also be brought to the notice of all political parties based in your State, including the State units of National and State recognised political parties.

Kindly acknowledge receipt of this letter.

Yours faithfully,


(N.T. Bhutia)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

DIRECTION

Dated 21st May, 2015

No. 576/3/2015/SDR : Whereas, under Rules 22, 30 and 49B read with Rule 70 of the Conduct of Elections Rules, 1961, the ballot paper to be displayed on the balloting unit of the EVM, ordinary ballot papers, and postal ballot papers shall contain such particulars as the Election Commission may specify; and

1. Whereas, in terms of abovementioned Rules, the Commission has specified the particulars to be printed on the ballot paper to be displayed on the balloting unit and the postal ballot paper, and on ballot papers for elections from Council Constituencies and at elections by Assembly members; and

2. Whereas, the Commission has noted that there are many cases where candidates with same or similar names contest from the same Constituency, and although appropriate suffixes are added to the names of candidates in the event of two or more candidates having same name, the Commission considers that additional measures are required for removing confusion in the minds of electors at the time of voting, and further, the Commission considers that photographs of candidates on ballot paper will facilitate the electors in casting their votes and also the candidates in their campaign;

3. Now, therefore, after having considered all aspects of the matter, the Commission, in partial modification of its existing directions under Rule 22, Rule 30 and Rule 49B read with Rule 70 of the Conduct of Elections Rules 1961, issued from time to time, hereby specifies that for all elections to be held from 1st May 2015 onwards, the postal ballot papers, the ordinary ballot papers and the ballot papers to be displayed on the balloting unit of EVM shall, in addition to the particulars as per the existing directions, also contain the photograph of the candidates printed thereon. The photograph of the candidates shall be printed in the panel for the name of the candidates and shall appear to the right side of the name in between the name and symbol of the candidate or the column for marking vote/preference, as the case may be. The specification for the photograph shall be as follows:-

(a) The candidates are required to submit their recent photograph (taken during the preceding period of 3 months before the date of notification.)

(ii) The photograph should be of stamp size 2 cm. X 2.5 cm. (2 cm. in breadth and 2.5 cm. in height) in white/off white background, with full face view directly facing the camera, neutral facial expression with eyes open. The photo may be in colour or black and white as may be convenient for the candidate.

(iii) Photograph should be in normal clothing. Photograph in uniform is not permitted. Caps/hats should be avoided. Dark glasses also are to be avoided.

4. The above direction shall apply in relation to all elections to the House of the People, Council of States, Legislative Assembly and Legislative Council to be held hereafter:

By Order



Secretary
(Anuj Jaipuria)

By Speed Post/E- Mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2015/SDR

Dated: 19th January, 2016

To,

The Chief Electoral Officers
of all States/UTs.

Sub: - Printing of ballot papers-photograph of candidate to be also printed along with the other particulars-reg.

Sir,

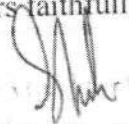
I am directed to invite reference to the Commission's letter of even number dated 16th March, 2015 on the subject cited above. In paragraph 8 of the said letter it has been directed that if the photograph of the candidate is not submitted along with nomination paper, the RO shall give a notice asking the candidate to submit the photograph latest by the date of scrutiny of nomination.

There have been some suggestions that a format for this notice to be given, as referred to above, should also be prescribed by the Commission. Accordingly, the Commission has now prescribed a standard format for such notice. Copy of the format approved for this purpose is enclosed.

This may be brought to the notice of all DEOs, ROs and other authorities concerned for compliance to all future election. The political parties based in the States may also be informed.

Kindly acknowledge receipt.

Yours faithfully,


(N.T. Bhutia)
Under Secretary

Notice by Returning Officer for non-submission of Photograph of the candidate

Name of constituency
Name of the candidate
Date and time of filing nomination paper
Sl. No. of nomination paper

As per the direction of the Election Commission, photograph of the candidate is required to be printed on the ballot paper.

It is hereby brought to your notice that you have not submitted your photograph for this purpose.

You are required to submit your photograph by 3 P.M. on _____ (date fixed for scrutiny of nominations).

The specifications for the photograph are as follows:

- (i) Candidates are required to submit their recent photograph (taken during the preceding period of 3 months before the date of notification).
- (ii) Photographs should be of stamp size 2cm. X 2.5 cm. (two cm. in breadth and 2.5 cm. in height) in white/off white background, with full face view directly facing the camera, neutral facial expression with eyes open. The Photo may be in colour or black and white as may be convenient for the candidate.
- (iii) Photo graph should be in normal clothing. Photograph in uniform is not permitted. Caps/hats should be avoided. Dark glasses has also to be avoided.

The photograph has to be submitted along with the declaration in the enclosed format.

It may be noted that if photograph is not submitted by the time mentioned above, your photo will not be printed on the ballot paper.

Received

.....
(Signature of candidate)

Date & time:
Place:

.....
Signature of RO/ARO

Declaration by candidate/election agent/proposer while submitting the
photograph of the candidate

Subject – Election to _____ (*mention the name of the House*) from _____ (*name of the constituency*)/election to Council of States/Legislative Council by Assembly Members.

I _____
(*name and address*), Son/daughter/wife of Sh. _____, nominated as candidate for the abovementioned election, am submitting herewith my photograph for the purpose of printing the same on the ballot paper. I declare that the photograph has been taken during the last 3 months before the date of notification of election.

(*fill up this part when the candidate himself is submitting the photograph*).

OR

I _____ (*name*), election agent/proposer of Sh. _____
_____, (*name and address of the candidate*), son/daughter/wife of Sh _____, a candidate for the abovementioned election, hereby submit the photograph of the said candidate for the purpose of printing the same on the ballot paper. I declare that the photograph has been taken during the last 3 months before the date of notification of election.

(*fill up this part when the election agent/proposer is submitting the photograph*).

Date: _____

Name : _____

Address: _____

Tel No. _____

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

No. 576/3/2017/SDR/

Dated: 18-10-2017

To

The Chief Electoral Officers of
All States and Union Territories.

Sub: List of contesting candidates in Form 7A/7B- displaying therein photographs of candidates against their names.

Sir/Madam,

Reference is invited to the Commission's letter No. 576/3/2015, dated 16th March, 2015, regarding directions for printing photographs of candidates also in the ballot papers.

2. The Commission has now directed that, henceforth, photographs of candidates shall also be printed against their names in the list of contesting candidates in Form-7A or 7B, as the case may be. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the Form in the Gazette as well as for displaying copies thereof in the polling stations.

3. A clarification has also been sought as to whether 'NOTA' is to be printed in Form 7A and 7B. It is clarified that since Form 7A/7B denotes list of contesting candidates, 'NOTA' is not to be printed therein.

4. This direction may be conveyed immediately to all Returning Officers including the Returning Officers for Rajya Sabha election and Legislative Council elections.

Yours faithfully,



(K.F. WILFRED)

SR. PRINCIPAL SECRETARY

-1-
-29-

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

No.576/3/2017-SDR

Dated: 27th July, 2017

To

The Chief Electoral Officers of
All States and Union Territories.

Sub: Affidavit in Form 26- Filling up of all columns-regarding.

Sir/Madam,

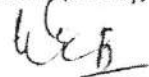
I am directed to invite reference to the Commission's letter No. 576/2013-SDR dated 30th September, 2013, issued in pursuance of the order dated 13-09-13 of the Hon'ble Supreme Court in *Resurgence India Vs. Election Commission of India and others*. It has been directed therein that the candidates are required to fill in all columns in the affidavit and that if there is no specific information to furnish against any column, appropriate remark such as 'Nil', 'Not Applicable' or 'Not Known', as may be appropriate, should be entered against such column.

2. It has been brought to the notice of the Commission that in Note- 3 given at the end of the format of Form-26, reference has been made only to the options 'Nil' and 'Not Applicable' for cases of the above nature, and that this is likely to create confusion when a candidate makes the entry 'Not Known' against any column in the affidavit.

3. It is hereby clarified that in view of the directions in the above-referred Order of the Hon'ble Supreme Court, it would be open to a candidate to make the entry 'Not Known' also in appropriate cases.

4. This clarification may be brought to the notice of all Returning Officers including those for elections to the Rajya Sabha and State Legislative Council. This may also be brought to the notice of political parties.

Yours faithfully,



(K.F. WILFRED)

SR. PRINCIPAL SECRETARY

Copy to : All recognise National and State Parties.

29

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

No. 3/4/2017/SDR/Vol.II

Dated: 10th October, 2018

To,

The Chief Electoral Officers of
All States and Union Territories.

Sub:- (i) Supreme Court's Judgment on the petition regarding people with criminal antecedents contesting elections;

(ii) Amendments in Form-26 (Format of affidavit by candidates).

Sir/Madam,

The candidates at all elections are required to file affidavit in Form-26, along with nomination paper, declaring information about criminal cases, assets, liabilities and educational qualifications. Form-26 has now been amended vide Ministry of Law & Justice Notification No. H.11019(4)/2018-Leg.II, dated 10th October, 2018. The amendments made in Form-26 are in pursuance of the directions in the judgements of the Hon'ble Supreme Court in Writ Petition(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). A copy of the said notification along with a copy of the updated Form-26 is enclosed herewith. The candidates are now required to file the affidavit in the amended Form-26.

2. In the judgement in Writ Petition (Civil) No. 536 of 2011, the Hon'ble Supreme Court has, inter alia, given the following directions:-

- " (i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.
- (ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate.
- (iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.

- 3 -
- (iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.
 - (v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers."

3. In pursuance of the abovementioned judgement, the Commission, after due consideration, has given the following directions to be followed by candidates at elections to the Houses of Parliament and Houses of State Legislatures who have criminal cases against them, either pending cases or cases of conviction in the past, and to the political parties that set up such candidates :-

(a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them – either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in newspapers with wide circulation in the constituency area. This declaration is to be published in **Format C-1** attached hereto, at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll. The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit.

(Illustration: If the last date for withdrawal is 10th of the Month and poll is on 24th of the Month, the publishing of declaration shall be done between 11th and 22nd of that Month).

(b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.

-31-

(c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form-26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as **Format C-3**. The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.

(c) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted Item (6A).

4. The Political Parties – recognized parties and registered un-recognised parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in **Format C-2**, annexed hereto. Publishing of the declaration in newspapers and TV channels is required to be done at least on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of

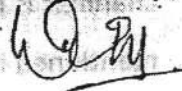
32-5
election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

5. It may also be noted that the provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, that may have been allotted to the candidates, have now been incorporated in Form-26 itself under Item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26. Accordingly, the candidates are now not required to file the additional affidavit prescribed under the Commission's Order No. 509/11/2004-JS-I, dated 3rd February, 2016, as the provisions are now part of Form-26 itself.

6. This letter may be circulated to all DEOs, ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all the political parties based in the State, i.e. the State Units of the recognized Parties and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instructions to take note of the above directions and the amendments in Form-26.

7. Please acknowledge receipt and confirm action taken.

Yours faithfully,



(K.F. WILFRED)
Sr. PRINCIPAL SECRETARY

(for candidate to publish in Newspapers, TV)

Declaration about criminal cases

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and address of candidate: _____

Name of political party: _____
(Independent candidates should write "Independent" here)

Name of Election : _____

*Name of Constituency: _____

I _____ (name of candidate), a candidate for the abovementioned election, declare for public information the following details about my criminal antecedents:

Sl. No.	Pending criminal cases			Details about cases of conviction for criminal offences	
	Name of Court	Case No. and status of case	Section(s) of Acts concerned and brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note: (i) Details should be given separately for each case in separate rows.
(ii) The matter in newspapers should be in font size of atleast 12.

(For political party to publish in website, newspapers, TV)

Declaration about criminal antecedents of candidates set up by the party

(As per the judgment dated 25th September, 2018 of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name of Political Party: _____

* Name of Election : _____

Name of State/ UT : _____

1.	2	3	4		5.	
Sl. No.	Name of candidate	Name of constituency	Pending criminal cases		Details about cases of conviction for criminal offences	
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note:- (i) The above information shall be published State wise for each State/UT.

(ii) The matter in newspapers should be published in font size of at least 12.

Office of Returning Officer

Name of Constituency : _____
 Name of State : _____
 Name of Election : _____

It is informed that as per the judgment dated 25th September, 2018, of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr., and the directions in the Commission's letter No. 3/ER/2018/SDR, dated 10-10-2018, all candidates with criminal cases – either pending cases or cases of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the period from the day following the last date for withdrawal of candidature and two days before the date of poll. Publishing declaration in TV channels should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.

Since you, Shri/Smt./Ms. _____ (mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items 5/6 of Form-26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on atleast three occasions each as mentioned above. The Format for publishing the information is enclosed herewith. It is also informed that copies of the newspapers publishing the information about criminal cases should be submitted to the District Election Officer along with the account of election expenses under Section 78 of Representation of the People Act, 1951.

Date: _____

Signature _____

Name of the RO/ARO _____

Signature of Candidate _____

Note: One copy of this should be given to candidate and one copy retained with RO.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

Genl. Adm.
No. 5702/2013-SDR
EJ 2013
10
Serial. No. 22

Dated: 30th September, 2013

The Chief Electoral Officers of
all States and Union Territories.

Sub: Judgment dated 13-09-13 of the Hon'ble Supreme Court in WP (C) No. 121 of 2008-
GI Resurgence India vs. Election Commission of India and other, regarding filing of
incomplete affidavit of candidates.

Sir/Madam,

10/2013

I am directed to enclose herewith a copy of the abovementioned judgment of the Hon'ble Supreme Court. It would be seen that by this judgment, the Hon'ble Supreme Court has held that the voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/ Assemblies and such right to get information is universally recognized natural right flowing from the concept of democracy and is an integral part of Art. 19 (1) (a) of the Constitution.

The Hon'ble Court has accordingly held that in the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, RO has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the RO shall give a reminder to the candidate to furnish information against blank columns. The Hon'ble Court has held that if there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the RO at the time of scrutiny of nomination papers.

3. The Hon'ble Court has observed that another clause may therefore be inserted in the standard draft format already prescribed by the Commission for reminding the candidates to fill the blanks with the relevant information thereby conveying the message that no affidavit with blank particulars will be entertained. The Hon'ble Court has categorically mentioned that it is the duty of the Returning Officer to check whatever the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill in the blanks even after the reminder by the Returning Officer, the nomination paper is fit to be rejected

4. The relevant extracts from the judgment are reproduced below:-

(i) *The voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/Assemblies and such right to get information is universally recognized. Thus, it is held that right-to know about the candidate is a natural right flowing from the concept of democracy and is an integral part of Article 19(1) (a) of the Constitution.*

(ii) *The ultimate purpose of filing of affidavit along with the nomination paper is to effectuate the fundamental right of the citizens under Article 19(1)(a) of the Constitution of India. The citizens are supposed to have the necessary information at the time of filing of nomination paper and for that purpose, the Returning Officer can very well compel a candidate to furnish the relevant information.*

(iii) *Filing of affidavit with blank particulars will render the affidavit nugatory.*

(iv) *It is the duty of the Returning Officer to check whether the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill the blanks even after the reminder by the Returning Officer, the nomination paper is fit to be rejected. We do comprehend that the power of Returning Officer to reject the nomination paper must be exercised very sparingly but the bar should not be laid so high that the justice itself is prejudiced.*

(v) *We clarify to the extent that Para 73 of People's Union for Civil Liberties case (supra) will not come in the way of the Returning Officer to reject the nomination paper when affidavit is filed with blank particulars.*

(vi) *The candidate must take the minimum effort to explicitly remark as 'NIL' or 'Not Applicable' or 'Not known' in the columns and not to leave the particulars blank.*

(vi) *Filing of affidavit with blanks will be directly hit by Section 125A(i) of the RP Act. However, as the nomination paper itself is rejected by the Returning Officer, we find no reason why the candidate must be again penalized for the same act by prosecuting him/her.*

5. The CHECK LIST of documents required to be filed by a candidate along with the nomination paper was prescribed by the Commission vide letter No.576/3/2009/SDR dated 10-02-2009 in order to ensure transparency and accountability and to streamline the procedure of filing of nomination and scrutiny of nomination papers. The CHECK LIST was modified in pursuance of Hon'ble Supreme Court judgment dated 09-12-2011 in CA No.4956 of 2010 – Ramesh Rout Vs. Ravindra Nath Rout and circulated vide letter No.576/3/2013/SDR dated 21-01-2013. The same CHECK LIST is now further amended to comply with the direction of the Apex Court in the instant case to insert another clause for reminding the candidates to fill in the blank columns, if any, in the affidavit. A revised format of the CHECK LIST is enclosed herewith. Please replace the existing Format of Check List in the ROs Handbook as well in other records where the Check List is kept

6. The Commission has directed that the revised format of the CHECK LIST should be brought to the notice of the all Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha and Legislative Councils (in the States having Legislative Council). You may kindly ensure that all the Returning Officers, including Returning Officers for elections to Council of States and Legislative Councils (in States where Legislative Council is in existence), receive a copy of this letter along with the revised CHECK LIST and acknowledgement of receipt be obtained from every Returning Officer in the State. A consolidated certificate that all the Returning Officers have received the instructions may be forwarded to the Commission within one month of receipt of this letter.

Kindly acknowledge receipt.

Yours faithfully


(Ashish Chakraborty)
SECRETARY

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/S

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

No. 576/3/2017/SDR/

Dated: 18-10-2017

To

The Chief Electoral Officers of
All States and Union Territories.

Sub: List of contesting candidates in Form 7A/7B- displaying therein photographs of candidates against their names.

Sir/Madam,

Reference is invited to the Commission's letter No. 576/3/2015, dated 16th March, 2015, regarding directions for printing photographs of candidates also in the ballot papers.

2. The Commission has now directed that, henceforth, photographs of candidates shall also be printed against their names in the list of contesting candidates in Form-7A or 7B, as the case may be. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the Form in the Gazette as well as for displaying copies thereof in the polling stations.

3. A clarification has also been sought as to whether 'NOTA' is to be printed in Form 7A and 7B. It is clarified that since Form 7A/7B denotes list of contesting candidates, 'NOTA' is not to be printed therein.

4. This direction may be conveyed immediately to all Returning Officers including the Returning Officers for Rajya Sabha election and Legislative Council elections.

Yours faithfully,



(K.F. WILFRED)

SR. PRINCIPAL SECRETARY

Top Priority

"By Post /Email"

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA
South 'H' Block, Secretariat, Hyderabad.

Memo No.1837/Elecs.D/A1/2019-1

Dated: 02.03.2019

Sub: Elections – Election Commission of India – Amendment in Form - 26 (Form of Affidavit to be filed by the candidates) - ECI instructions – Communicated - Reg.

Ref: From, E.C.I., Lr. No. 3/4//2019, dated.28th February, 2019.

A copy of the reference cited is sent herewith to all the Dist. Collectors & Dist. Election Officers and the Commissioner, GHMC & D.E.O., Hyderabad and they are informed that the Election Commission of India has forwarded consolidated Form-26 after incorporating the amendments. The candidates are now required to file the affidavit in this amended form-26.

2. All the Dist. Collectors & Dist. Election Officers and the Commissioner, GHMC & D.E.O., Hyderabad is therefore requested to take necessary action in the matter under intimation to this office.

Dr. RAJATH KUMAR
CHIEF ELECTORAL OFFICER &
E.O.PRINCIPAL SECRETARY TO GOVERNMENT

To

All the District Collectors & District Election Officers. (w.es.)

The Commissioner, GHMC & District Election Officer, Hyderabad (w.es.)

Copy to:

All the Returning Officers of Assembly/Parliamentary/Council Constituencies. through the D.E.Os., concerned with a request to take necessary action as per ECI instructions. (w.es.)

The Secretary, Legislature & Returning Officer, TSLA (w.es)

Sri Chiranjeevi, Project Manager, I.T. O/o. the C.E.O., with a request to provide the soft ware to the concerned R.Os., to upload the Affidavits on ECI's/CEO's website and also monitor the same on daily. (w.es.)

Sri Sudhakar, Dy. Project Manager, C.M.C. (SLA) O/o. the C.E.O., with a request to provide the soft ware to the concerned R.Os., to upload the Affidavits on CEO's website and also monitor the same on daily. (w.es.)

All Officers and Sections in Election wing.

SF/Spare.

// FORWARDED: BY ORDER//


SECTION OFFICER

1837
21/5/19

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By Speed Post/E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2019/SDR – Vol.I

Dated: 28th February, 2019

To,
The Chief Electoral Officers of
All States and UTs.

Sub: Amendments in Form-26 (Format of Affidavit to be filed by candidates).

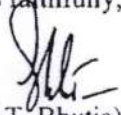
Sir,

I am directed to invite reference to the Commission's letter No. 3/4/2017/SDR/Vol II dated 10/10/2018, on the subject cited, and to state that Form 26 appended to the CE Rules 1961 has been further amended vide Ministry of law and Justice Notification no. S.O.1023 (E). dated 26/02/2019 (copy enclosed). The consolidated Form-26 after incorporating the amendments is enclosed herewith. The candidates are now required to file the affidavit in this amended form-26.

2. This letter may be circulated to all DEOs, ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all Political parties based in the State, i.e. the State Units of the recognized Parties and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instructions to take note of the amendments in Form-26. Adequate publicity shall also be given in this regard so that all concerned are aware of the amendments in Form-26.

3. Please acknowledge receipt and confirm action taken

Yours faithfully,


(N.T. Bhutia)
Secretary

Form 26
(See rule 4A)

Please affix your recent passport size photograph here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION TO.....(NAME OF THE HOUSE) FROM.....CONSTITUENCY (NAME OF THE CONSTITUENCY)

PART A

I.....**son/daughter/wife
of.....Aged.....
years, resident of.....(mention full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:-

- (1) I am a candidate set up by-----
(**name of the political party) / **am contesting as an Independent candidate.
(**strike out whichever is not applicable)
- (2) My name is enrolled in.....(Name of the Constituency and the state), at Serial No.....in Part No.....
- (3) My contact telephone number(s) is/are.....and my e-mail id (if any) is..... and my social media account(s) (if any) is/are
 - (i).....
 - (ii).....
 - (iii).....

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(4) Details of Permanent Account Number (PAN) and status of filing of Income tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income Tax Return (in Rupees) for the last five Financial Years completed (as on 31 st March)					
				(i)	(ii)	(iii)	(iv)	(v)	
	Self			(i)					
				(ii)					
				(iii)					
				(iv)					
				(v)					
2.	Spouse			(i)					
				(ii)					
				(iii)					
				(iv)					
				(v)					
3.	HUF (If Candidate is Kartā/Coparcener)			(i)					
				(ii)					
				(iii)					
				(iv)					
				(v)					
4.	Dependent 1			(i)					
				(ii)					
				(iii)					
				(iv)					
				(v)					

5.	Dependent 2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
6.	Dependent 3...			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(5) Pending criminal cases

(i) I declare that there is no pending criminal case against me. (Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)

Table

(a)	FIR No. with name and address of Police Station concerned			
-----	---	--	--	--

(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved (give no. of the Section, e.g. Section.....of IPC, etc.).			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

(i) I declare that I have not been convicted for any criminal offence. (Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Section..... of IPC, etc.).			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES			

(h)	If answer to (g) above is YES, give details and present status of appeal			
-----	--	--	--	--

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6(i), above]

Note:

1. Details should be entered clearly and legibly in BOLD letters.
2. Details to be given separately for each case under different columns against each item.
3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.
4. Additional sheet may be added if required.
5. Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W. P (C) No. 536 of 2011.

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets :

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation,- For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries';

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, Debentures/Shares and units in companies/Mutual Funds and others and the amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance Policies and investment in any Financial instruments in Post office or Insurance Company and the amount						

(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount.						
(vi)	Motor Vehicles/Aircrafts/ Yachts/Ships (Details of Make, registration number. etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/interest						
(ix)	Gross Total value						

B. Details of Immovable assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	<u>Agricultural Land</u>						
	Location(s) Survey number(s)						
	Area (total measurement in acres)						

	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(ii)	<u>Non-Agricultural Land</u>					
	Location(s) Survey number(s)					
	Area (total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					
(iii)	<u>Commercial Buildings</u>					
	(including apartments) -Location(s) -Survey number(s)					

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	Area (total measurement in sq. ft.)					
	Built-up Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the property by way of development, construction etc.					
	Approximate current market value					
(iv)	<u>Residential Buildings</u> (including apartments): -Location (s) -Survey number(s)					
	Area (Total measurement in sq. ft)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self – acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					

(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: Please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/Financial Institution(s) Name of Bank or Financial Institution, Amount outstanding, Nature of loan						
	Loan or dues to any other individuals/entity other than mentioned above. Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

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#5

(ii)	<p>Government Dues:</p> <p>Dues to departments dealing with Government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely:-</p> <p>(i) The address of the Government accommodation:</p> <p>.....</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>	<p>YES/NO (Pl. tick the appropriate alternative)</p>
(iii)	<p>Dues to department dealing with Government transport (including aircrafts and helicopters)</p>		

		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income Tax dues						
(v)	GST dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

(a) Self.....

(b) Spouse

(9A) Details of source(s) of income:

(a) Self

(b) Spouse

(c) Source of income, if any, of dependents,.....

(9B) Contracts with appropriate Government and any public company or companies

(a) details of contracts entered by the candidate.....

(b) details of contracts entered into by spouse

(c) details of contracts entered into by dependents

(d) details of contracts entered into by Hindu Undivided Family or trust in which the

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candidate or spouse or dependents have interest

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners

(f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share

(10) My educational qualification is as under:

.....

(Give details of highest School / University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)

PART - B

(11). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART - A:

1.	Name of the candidate	Sh./Smt./Kum.					
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		PAN of	Year for which last Income Tax Return filed	Total Income Shown			
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	Details of Assets and Liabilities (including offshore assets) in rupees						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
	I	Purchase Price of self-acquired immovable property					
	II	Development/const ruction cost of immovable property after purchase (if applicable)					

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	III	Approximate Current Market Price						
		(a) Self-acquired assets (Total Value)						
		(b) Inherited assets (Total Value)						
9.		Liabilities						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
10.		Liabilities that are under dispute						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
11.		Highest educational qualification: (Give details of highest School /University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)						

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this the.....day
of.....

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned.

Note: 4. The affidavit should be either typed or written legibly and neatly.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 891]

नई दिल्ली, मंगलवार, फरवरी 26, 2019/ फाल्गुन 7, 1940

No. 891]

NEW DELHI, TUESDAY, FEBRUARY 26, 2019/PHALGUNA 7, 1940

विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

का.आ. 1022(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात्, विधान सभा निर्वाचनों का संचालन (सिद्धिम) नियम, 1979 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

- (1) इन नियमों -ज संक्षिप्त नाम विधान सभा निर्वाचनों का संचालन (सिद्धिम) (संशोधन) नियम, 2019 है।
(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- विधान सभा निर्वाचनों का संचालन (सिद्धिम) नियम, 1979 में (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के प्ररूप 2च में,—
(क) भाग 3 में "मैं यह भी घोषणा करता हूँ" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:—

मैं यह भी घोषणा करता हूँ कि मुझे वर्तमान आम निर्वाचन या माथ ही साथ सिद्धिम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:-

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पद धारण किया हुआ है?..... (हां/नहीं)

- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है.....

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुपत्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है?(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अप्रतिष्ठा के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत अंश है प्रबंध अधिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हिता की तारीख"

3. मूल नियमों के प्ररूप 2छ में,-

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:-

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिद्धिम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:-

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ के पद पर है?..... (हां/नहीं)

- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है?(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) को जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत शेयर है प्रबंध अधिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हिता की तारीख"

4. मूल नियमों के प्ररूप 2ज में,-

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:-

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिद्धिम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:-

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पदधारण किया हुआ है?..... (हां/नहीं)

- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है?(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई अंश है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत शेयर है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क ने अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हिता की तारीख"

[फा.सं.एच-11019/13/2016-वि.2]

डॉ. रीटा वशिष्ठ, अपर सचिव

नोट टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ.संख्यांक 519, तारीख 7 सितंबर, 1979 द्वारा प्रकाशित किए गए थे और का.आ.सं. 3263(अ), तारीख 16 सितंबर, 2016 द्वारा उनका अंतिम संशोधन किया गया।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 26th February, 2019

S.O. 1022(E).—In exercise of the powers conferred by section 169 read with section 33 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Assembly Elections (Sikkim) Rules, 1979, namely:—

1. (1) These rules may be called the Conduct of Assembly Elections (Sikkim) Amendment Rules, 2019.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Assembly Elections (Sikkim) Rules, 1979 (hereinafter referred to as the principal rules), in Form 2F,—

- (a) in Part III, after the Paragraph relating to "further declaration" and before the "(Signature of the Candidate)", the following Paragraph shall be inserted, namely:—

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:—

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

— If Yes, details of the office held-----

3. Whether the candidate has been declared as an insolvent by any court?----- (Yes/No).

— If Yes, has he been discharged from the insolvency -----

4. Whether the candidate is under allegiance or adherence to any foreign country? ----- (Yes/No).

— If Yes, give details -----

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

— If Yes, the period for which the candidate has been disqualified -----

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

— If Yes, the date of such dismissal -----

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?----- (Yes/No).

— If Yes, with which Government and the details of subsisting contract(s) -----

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

— If Yes, with which Government and the details thereof -----

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

— If yes, the date of disqualification-----".

3. In the principal rules, in Form 2G,—

- (a) in Part III, after the Paragraph relating to "further declaration" and before the "Signature of the Candidate", the following Paragraph shall be inserted, namely:—

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:—

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

- If Yes, details of the office held-----.

3. Whether the candidate has been declared as an insolvent by any court?----- (Yes/No).

- If Yes, has he been discharged from the insolvency -----.

4. Whether the candidate is under allegiance or adherence to any foreign country? --- (Yes/No).

- If Yes, give details -----.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

- If Yes, the period for which the candidate has been disqualified -----.

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

- If Yes, the date of such dismissal -----.

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- If Yes, with which Government and the details of subsisting contract(s) -----.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

- If Yes, with which Government and the details thereof -----.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

- If yes, the date of disqualification-----."

4. In the principal rules, in Form 2H,—

- (a) in Part III, after the Paragraph relating to "further declaration" and before the "Signature of the Candidate", the following Paragraph shall be inserted, namely:—

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:—

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3. Whether the candidate has been declared as an insolvent by any court? ----- (Yes/No).

- If Yes, has he been discharged from the insolvency -----.

4. Whether the candidate is under allegiance or adherence to any foreign country? ----- (Yes/No).

- If Yes, give details -----.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

- If Yes, the period for which the candidate has been disqualified -----.

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

- If Yes, the date of such dismissal -----.

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government? ----- (Yes/No).

- If Yes, with which Government and the details of subsisting contract(s) -----.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

- If Yes, with which Government and the details thereof -----.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

- If Yes, the date of disqualification-----."

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA. Addl. Secy.

Foot Note : The principal rules were published in the Gazette of India, Extraordinary, vide number S.O. 519, dated the 7th September, 1979 and were last amended vide number S.O. 3263 (E), dated the 16th September, 2016.

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

का.आ. 1023(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2019 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्वाचनों का संचालन नियम, 1961 के प्ररूप 26 में,-

1. भाग अ में,-

(i) पैरा 4 और उसके नीचे की सारणी के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

"(4) स्थायी खाता संख्या (पैन) और आयकर विवरणी फाइल करने की प्रास्थिति:

क्रम सं.	नाम	पीएएन (स्थायी खाता संख्या)	वह वित्तीय वर्ष जिसके लिए अंतिम आय-कर विवरणी फाइल की गई है	पिछले पांच वित्तीय वर्षों (31 मार्च को) के लिए आय-कर विवरणी में दर्शित कुल आय(रुपये में)
1.	स्वयं			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	पति/पत्नी			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	हिंदू अविभक्त कुटुंब (यदि अभ्यर्थी कर्ता या सहदायिक हैं)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	आश्रित-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	आश्रित-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	आश्रित-3			(i)

				(ii)
				(iii)
				(iv)
				(v)

टिप्पण : स्थायी खाता संख्या (पैन) धारक के लिए स्थायी खाता संख्या (पैन) का उल्लेख करना आज्ञापक होगा और कोई स्थायी खाता संख्या (पैन) न होने की दशा में यह स्पष्ट रूप से कथन करना चाहिए कि "कोई स्थायी खाता संख्या (पैन) आबंटित नहीं हुआ है"।

(ii) पैरा 7 में,-

(क) "क. जंगम संपत्तियों का ब्यौरा" शीर्षक के नीचे "टिप्पण 5" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

टिप्पण: 6. ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।

स्पष्टीकरण,- इस टिप्पण के प्रयोजन के लिए "अपतट आस्तियों" पद से विदेशी बैंकों और किसी अन्य विदेशी निकाय या संस्था में सभी जमा राशियों या विनिधानों के ब्यौरे और विदेशों में सभी आस्तियों और दायित्वों के ब्यौरे अश्लेषित हैं;

(ख) सारणी में "पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा;

(ग) "ख. स्थावर आस्तियों के ब्यौरे" शीर्षक के नीचे-

(अ) "टिप्पण 2" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

"टिप्पण : 3. ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।"

(आ) सारणी में "पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा।"

(iii) पैरा (8) की सारणी में, दोनों स्थानों पर आने वाले "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा";

II. भाग ख में, पैरा (11) के नीचे सारणी में-

(i) क्रम संख्या 7 में, प्रविष्टि (ग) के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

"(ग) हिंदू अविभक्त कुटुंब

(घ) आश्रित";

(ii) क्रम संख्या 8 में,

(क) विद्यमान शीर्षक के स्थान पर निम्नलिखित शीर्षक रखा जाएगा, अर्थात् :-

"आस्तियों और दायित्वों (अपतट आस्तियों सहित) के रूपों में ब्यौरे";

(ख) सारणी में, "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा;

III. उक्त प्ररूप के अंत में सत्यापन के पश्चात् आने वाले "टिप्पण:4" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

"टिप्पण: 5. शपथ पत्र का प्रत्येक पृष्ठ अभिसाक्षी द्वारा हस्ताक्षरित होना चाहिए। इसके अतिरिक्त, शपथ पत्र के प्रत्येक पृष्ठ पर ऐसे नोटरी या शपथ आयुक्त या मजिस्ट्रेट जिसके समक्ष शपथ पत्र सत्यापित किया जाता है, की स्टांप होनी चाहिए।"

[फा. सं. एच-11019/13/2016-विधायी 2]

डॉ. रीटा वशिष्ठ, अपर सचिव

पाद टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ. संख्यांक 859, तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए थे और का.आ. संख्यांक 5196(अ), तारीख 10 अक्टूबर, 2018 द्वारा अंतिम संशोधन किया गया था।

NOTIFICATION

New Delhi, the 26th February, 2019

S.O. 1023(E).—In exercise of the powers conferred by section 169 read with section 33 of the Representation of People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2019.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961 in FORM 26,—

I. in PART A—

(i) for paragraph (4) and the Table thereunder, the following shall be substituted, namely:—

"(4) Details of Permanent Account Number (PAN) and status of filing of income tax return:

Sl.No.	Names	PAN	The financial year for which the last income-tax return has been filed.	Total income shown in income tax return (in Rupees) for the last five Financial Years (as on the 31 st March).
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta)			(i)

	or Coparcener)			(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	Dependent-3			(i)
				(ii)
				(iii)
				(iv)
				(v)

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(ii) in paragraph (7), —

(a) under the heading "A, Details of movable assets", after "Note 5", the following Note shall be inserted, namely:—

Note : 6. Details should include the interest in or ownership of offshore assets.

Explanation.— For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries';

(b) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted."

(c) under the heading "B. Details of Immovable Assets"—

(A) after the "Note 2", the following Note shall be inserted, namely:—

Note: 3. Details should include the interest in or ownership of offshore assets."

(B) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted."

(iii) in paragraph (8), in the table, after the column "Spouse" occurring at both the places, a new column with heading "HUF" shall be inserted."

II. in PART B, in paragraph (11), in the Table thereunder—

(i) in serial No. 7, for entry (c), the following entries shall be substituted, namely:—

"(c) HUF

(d) Dependent";

(ii) in serial No. 8, —

(a) for the existing heading, the following heading shall be substituted, namely:—

“Details of Assets and Liabilities (including offshore assets) in rupees”;

(b) in the Table, after the column “Spouse”, a new column with heading “HUF” shall be inserted;

III. at the end of the said FORM, after the “Note: 4”, occurring below the heading “Verification”, the following Note shall be inserted, namely:—

“Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.”

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA, Addl. Secy.

Footnote : The principal rules were published in the Gazette of India, Extraordinary, vide number S.O. 859, dated the 15th April, 1961 and last were amended vide number S.O. 5196(E), dated the 10th October, 2018.

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By Speed Post/E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2019/SDR – Vol.I

Dated: 28th February, 2019

To,

The President/General Secretary
Chair person/Convenor
of all recognized National and State
Political Parties.

Sub: Amendments in Form-26 (Format of Affidavit to be filed by candidates).

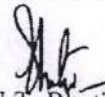
Sir,

I am directed to invite reference to the Commission's letter No. 3/4/2017/SDR/Vol II dated 10/10/2018, on the subject cited and to state that Form 26 appended to the CE Rules 1961 has been further amended vide Ministry of law and Justice Notification no. S.O.1023 (E) dated 26/02/2019 (copy enclosed). The consolidated Form-26 after incorporating the amendments is enclosed herewith. The candidates are now required to file the affidavit in this amended form-26.

2. The amended Form 26 may be circulated to all formation of your party and also brought to the notice of Candidates of the Party in future elections so that they file the affidavit in the amended format and not in the old format.

3. Please acknowledge receipt.

Yours faithfully,


(N.T. Bhutia)
Secretary

Form 26
(See rule 4A)

Please affix your recent passport size photograph here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONG WITH NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION TO.....(NAME OF THE HOUSE) FROM.....CONSTITUENCY (NAME OF THE CONSTITUENCY)

PART A

I.....**son/daughter/wife of.....Aged..... years, resident of.....(mention full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:-

- (1) I am a candidate set up by..... (**name of the political party) / **am contesting as an Independent candidate. (**strike out whichever is not applicable)
- (2) My name is enrolled in.....(Name of the Constituency and the state), at Serial No.....in Part No.....
- (3) My contact telephone number(s) is/are.....and my e-mail id (if any) is..... and my social media account(s) (if any) is/are
 - (i).....
 - (ii).....
 - (iii).....

(4) Details of Permanent Account Number (PAN) and status of filing of Income tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income Tax Return (in Rupees) for the last five Financial Years completed (as on 31 st March)	
				(i)	
	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent I			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

5.	Dependent 2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
6.	Dependent 3...			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(5) Pending criminal cases

(i) I declare that there is no pending criminal case against me. (Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)

Table

(a)	FIR No. with name and address of Police Station concerned			
-----	---	--	--	--

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(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved (give no. of the Section, e.g. Section.....of IPC, etc.).			
(d)	Brief description of offence.			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

(i) I declare that I have not been convicted for any criminal offence. (Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Section..... of IPC, etc.).			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES			

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(h)	If answer to (g) above is YES, give details and present status of appeal			
-----	--	--	--	--

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).
[candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6(i), above]

Note:

1. Details should be entered clearly and legibly in BOLD letters.
2. Details to be given separately for each case under different columns against each item.
3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.
4. Additional sheet may be added if required.
5. Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W. P (C) No. 536 of 2011.

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets :

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation,- For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries';

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, Debentures/Shares and units in companies/Mutual Funds and others and the amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance Policies and investment in any Financial instruments in Post office or Insurance Company and the amount						

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(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount.						
(vi)	Motor Vehicles/Aircrafts/ Yachts/Ships (Details of Make, registration number. etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/interest						
(ix)	Gross Total value						

B. Details of Immovable assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	<u>Agricultural Land</u>						
	Location(s) Survey number(s)						
	Area (total measurement in acres)						

	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(ii)	<u>Non-Agricultural Land</u>					
	Location(s) Survey number(s)					
	Area (total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					
(iii)	<u>Commercial Buildings</u>					
	(including apartments) -Location(s) -Survey number(s)					

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	Area (total measurement in sq. ft.)					
	Built-up Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the property by way of development, construction etc.					
	Approximate current market value					
(iv)	Residential Buildings (including apartments): -Location (s) -Survey number(s)					
	Area (Total measurement in sq. ft)		-	-		
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					10
	Date of purchase in case of self - acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					

(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: Please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/Financial Institution(s) Name of Bank or Financial Institution, Amount outstanding, Nature of loan						
	Loan or dues to any other individuals/ entity other than mentioned above. Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

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<p>(ii)</p>	<p>Government Dues: Dues to departments dealing with Government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely:-</p> <p>(i) The address of the Government accommodation:</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>	<p>YES/NO (Pl. tick the appropriate alternative)</p>
<p>(iii)</p>	<p>Dues to department dealing with Government transport (including aircrafts and helicopters)</p>		

		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income Tax dues						
(v)	GST dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

(a) Self.....

(b) Spouse

(9A) Details of source(s) of income:

(a) Self

(b) Spouse

(c) Source of income, if any, of dependents,.....

(9B) Contracts with appropriate Government and any public company or companies

(a) details of contracts entered by the candidate.....

(b) details of contracts entered into by spouse

(c) details of contracts entered into by dependents

(d) details of contracts entered into by Hindu Undivided Family or trust in which the

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candidate or spouse or dependents have interest

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners

(f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share

(10) My educational qualification is as under:

.....

(Give details of highest School / University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)

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PART - B

(11). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART - A:

1.	Name of the candidate	Sh./Smt./Kum.					
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		PAN of	Year for which last Income Tax Return filed	Total Income Shown			
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	Details of Assets and Liabilities (including offshore assets) in rupees						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
I	Purchase Price of self-acquired immovable property						
II	Development/const ruction cost of immovable property after purchase (if applicable)						

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III	Approximate Current Market Price						
	(a) Self-acquired assets (Total Value)						
	(b) Inherited assets (Total Value)						
9.	Liabilities						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institutions and others (Total)						
10.	Liabilities that are under dispute						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institutions and others (Total)						
11.	Highest educational qualification: (Give details of highest School /University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)						

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this the.....day
of.....

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned.

Note: 4. The affidavit should be either typed or written legibly and neatly.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, मंगलवार, फरवरी 26, 2019/ फाल्गुन 7, 1940

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विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

का.आ. 1022(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात्, विधान सभा निर्वाचनों का संचालन (सिद्धिम) नियम, 1979 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

- (1) इन नियमों -ज संक्षिप्त नाम विधान सभा निर्वाचनों का संचालन (सिद्धिम) (संशोधन) नियम, 2019 है।
(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- विधान सभा निर्वाचनों का संचालन (सिद्धिम) नियम, 1979 में (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के प्ररूप 2च में,—
(क) भाग 3 में "मैं यह भी घोषणा करता हूँ" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:—

मैं यह भी घोषणा करता हूँ कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिद्धिम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।

(ब) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:-

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पद धारण किया हुआ है?..... (हां/नहीं)

-यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है.....

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है?(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान घटाचार के कारण या अमक्ति के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत अंश है, प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हिता की तारीख"

3. मूल नियमों के प्ररूप 2छ में,-

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:-

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिक्किम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:-

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ के पद पर है?..... (हां/नहीं)

- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है?(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान घट्टाचार के कारण या अभक्ति के पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) को जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत शेयर है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हिता की तारीख"

4. मूल नियमों के प्ररूप 2ज में,-

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:-

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिद्धिम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:-

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पदधारण किया हुआ है?..... (हां/नहीं)

- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरहित किया गया है?(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरहित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान घृष्टाचार के कारण या अभक्ति के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई अंश है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का ~~कम~~ से कम पच्चीस प्रतिशत शेयर है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क ने अधीन आयोग द्वारा निरहित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हता की तारीख

[फा.सं.एच-11019/13/2016-वि.2]

डॉ. रीटा वशिष्ठ, अपर सचिव

पाद टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ.संख्यांक 519, तारीख 7 सितंबर, 1979 द्वारा प्रकाशित किए गए थे और का.आ.सं. 3263(अ), तारीख 16 सितंबर, 2016 द्वारा उनका अंतिम संशोधन किया गया।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 26th February, 2019

S.O. 1022(E).—In exercise of the powers conferred by section 169 read with section 33 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Assembly Elections (Sikkim) Rules, 1979, namely:—

1. (1) These rules may be called the Conduct of Assembly Elections (Sikkim) Amendment Rules, 2019.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Assembly Elections (Sikkim) Rules, 1979 (hereinafter referred to as the principal rules), in Form 2F,—

- (a) in Part III, after the Paragraph relating to "further declaration" and before the "(Signature of the Candidate)", the following Paragraph shall be inserted, namely:—

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies."

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:—

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

- If Yes, details of the office held-----

3. Whether the candidate has been declared as an insolvent by any court?----- (Yes/No).

- If Yes, has he been discharged from the insolvency -----

4. Whether the candidate is under allegiance or adherence to any foreign country? ----- (Yes/No).

- If Yes, give details -----

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

- If Yes, the period for which the candidate has been disqualified -----

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

- If Yes, the date of such dismissal -----

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?----- (Yes/No).

- If Yes, with which Government and the details of subsisting contract(s) -----

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

- If Yes, with which Government and the details thereof -----

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

- If yes, the date of disqualification-----."

3. In the principal rules, in Form 2G,—

- (a) in Part III, after the Paragraph relating to "further declaration" and before the "Signature of the Candidate", the following Paragraph shall be inserted, namely:—

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:—

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

— If Yes, details of the office held-----.

3. Whether the candidate has been declared as an insolvent by any court?----- (Yes/No).

— If Yes, has he been discharged from the insolvency -----.

4. Whether the candidate is under allegiance or adherence to any foreign country? --- (Yes/No).

— If Yes, give details -----.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

— If Yes, the period for which the candidate has been disqualified -----.

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

— If Yes, the date of such dismissal -----.

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?-- (Yes/No).

— If Yes, with which Government and the details of subsisting contract(s) -----.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

— If Yes, with which Government and the details thereof -----.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

— If yes, the date of disqualification-----."

4. In the principal rules, in Form 2H,—

- (a) in Part III, after the Paragraph relating to "further declaration" and before the "Signature of the Candidate", the following Paragraph shall be inserted, namely:—

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:—

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

- If Yes, details of the office held -----.

3. Whether the candidate has been declared as an insolvent by any court? ----- (Yes/No).

- If Yes, has he been discharged from the insolvency -----.

4. Whether the candidate is under allegiance or adherence to any foreign country? ----- (Yes/No).

- If Yes, give details -----.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

- If Yes, the period for which the candidate has been disqualified -----.

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

- If Yes, the date of such dismissal -----.

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government? ----- (Yes/No).

- If Yes, with which Government and the details of subsisting contract(s) -----.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

- If Yes, with which Government and the details thereof -----.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

- If Yes, the date of disqualification-----.

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA, Addl. Secy.

Foot Note : The principal rules were published in the Gazette of India, Extraordinary, vide number S.O. 519, dated the 7th September, 1979 and were last amended vide number S.O. 3263 (E), dated the 16th September, 2016..

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

का.आ. 1023(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2019 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्वाचनों का संचालन नियम, 1961 के प्ररूप 26 में,-

1. भाग अ में,-

(i) पैरा 4 और उसके नीचे की सारणी के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

"(4) स्थायी खाता संख्या (पैन) और आयकर विवरणी फाइल करने की प्रास्थिति:

क्रम सं.	नाम	पीएएन (स्थायी खाता संख्या)	वह वित्तीय वर्ष जिसके लिए अंतिम आय-कर विवरणी फाइल की गई है	पिछले पांच वित्तीय वर्षों (31 मार्च को) के लिए आय-कर विवरणी में दर्शित कुल आय (रुपये में)
1.	स्वयं			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	पति/पत्नी			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	हिंदू अविभक्त कुटुंब (यदि अभ्यर्थी कर्ता या सहदायिक है)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	आश्रित-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	आश्रित-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	आश्रित-3			(i)

				(ii)
				(iii)
				(iv)
				(v)

टिप्पण : स्थायी खाता संख्या (पैन) धारक के लिए स्थायी खाता संख्या (पैन) का उल्लेख करना आज्ञापक होगा और कोई स्थायी खाता संख्या (पैन) न होने की दशा में यह स्पष्ट रूप से कथन करना चाहिए कि "कोई स्थायी खाता संख्या (पैन) आबंटित नहीं हुआ है"।

(ii) पैरा 7 में,-

(क) "क. जंगम संपत्तियों का ब्यौरा" शीर्षक के नीचे "टिप्पण 5" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

"टिप्पण: 6. ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।

स्पष्टीकरण,- इस टिप्पण के प्रयोजन के लिए "अपतट आस्तियों" पद से विदेशी बैंकों और किसी अन्य विदेशी निकाय या संस्था में सभी जमा राशियों या विनिधानों के ब्यौरे और विदेशों में सभी आस्तियों और दायित्वों के ब्यौरे अश्लेषित हैं;

(ख) सारणी में "पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा ;

(ग) "ख. स्यावर आस्तियों के ब्यौरे" शीर्षक के नीचे-

(अ) "टिप्पण 2" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

"टिप्पण : 3. ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।"

(आ) सारणी में "पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा।"

(iii) पैरा (8) की सारणी में, दोनों स्थानों पर आने वाले "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा ;

II. भाग ख में, पैरा (11) के नीचे सारणी में-

(i) क्रम संख्या 7 में, प्रविष्टि (ग) के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

"(ग) हिंदू अविभक्त कुटुंब

(घ) आश्रित";

(ii) क्रम संख्या 8 में,

(क) विद्यमान शीर्षक के स्थान पर निम्नलिखित शीर्षक रखा जाएगा, अर्थात् :-

"आस्तियों और दायित्वों (अपतट आस्तियों सहित) के रूपों में ब्यौरे";

(ख) सारणी में, "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा;

III. उक्त प्ररूप के अंत में सत्यापन के पश्चात् आने वाले "टिप्पण:4" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

"टिप्पण: 5. शपथ पत्र का प्रत्येक पृष्ठ अभिसाक्षी द्वारा हस्ताक्षरित होना चाहिए। इसके अतिरिक्त, शपथ पत्र के प्रत्येक पृष्ठ पर ऐसे नोटरी या शपथ आयुक्त या मजिस्ट्रेट जिसके समक्ष शपथ पत्र सत्यापित किया जाता है, की स्टांप होनी चाहिए।"

[फा. सं. एच-11019/13/2016-विधायी 2]

डॉ. रीटा वशिष्ठ, अपर सचिव

पाद टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ. संख्यांक 859, तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए थे और का.आ. संख्यांक 5196(अ), तारीख 10 अक्टूबर, 2018 द्वारा अंतिम संशोधन किया गया था।

NOTIFICATION

New Delhi, the 26th February, 2019

S.O. 1023(E).—In exercise of the powers conferred by section 169 read with section 33 of the Representation of People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2019.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Elections Rules, 1961 in FORM 26,—
- I. in PART A—
- (i) for paragraph (4) and the Table thereunder, the following shall be substituted, namely:—
- "(4) Details of Permanent Account Number (PAN) and status of filing of income tax return:

Sl.No.	Names	PAN	The financial year for which the last income-tax return has been filed.	Total income shown in income tax return (in Rupees) for the last five Financial Years (as on the 31 st March).
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta)			(i)

	or Coparcener)			(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	Dependent-3			(i)
				(ii)
				(iii)
				(iv)
				(v)

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(ii) in paragraph (7), —

(a) under the heading "A, Details of movable assets", after "Note 5", the following Note shall be inserted, namely:—

"Note : 6. Details should include the interest in or ownership of offshore assets.

Explanation.— For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries;

(b) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted."

(c) under the heading "B. Details of Immovable Assets"—

(A) after the "Note 2", the following Note shall be inserted, namely:—

"Note: 3. Details should include the interest in or ownership of offshore assets."

(B) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted."

(iii) in paragraph (8), in the table, after the column "Spouse" occurring at both the places, a new column with heading "HUF" shall be inserted."

II. in PART B, in paragraph (11), in the Table thereunder—

(i) in serial No. 7, for entry (c), the following entries shall be substituted, namely:—

"(c) HUF

(d) Dependent";

(ii) in serial No. 8, —

- (a) for the existing heading, the following heading shall be substituted, namely:—
"Details of Assets and Liabilities (including offshore assets) in rupees";
- (b) in the Table, after the column "Spouse", a new column with heading "HUF" shall be inserted;
- III. at the end of the said FORM, after the "Note: 4", occurring below the heading "Verification", the following Note shall be inserted, namely:—
"Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn."

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA, Addl. Secy.

Footnote :—The principal rules were published in the Gazette of India, Extraordinary, vide number S.O. 859, dated the 15th April, 1961 and last were amended vide number S.O. 5196(E), dated the 10th October, 2018.

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By Speed Post/e-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. III

Dated: 28th February, 2019

To

The Chief Electoral Officers of
All States and Union Territories


Subject:-Compendium of Instructions on Election Expenditure Monitoring (February, 2019)-
Reg.

Madam/Sir,

I am directed to refer to the Commission's letter of even number dated 14th February, 2019, forwarding the "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)" and to state that Ministry of Law and Justice vide its Notification no. H-11019/13/2016-Leg. II, dated 26.02.2019 has amended the format of Affidavit (Form 26) to be submitted by candidates while filing their nomination with the Returning Officer.

2. You are requested to bring this to the notice of DEOs, ROs, candidates, political parties and all election authorities. The amended version of Form 26 may be incorporated in the "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)", in English/regional language, before getting it printed for distribution to candidates, political parties and all election authorities for necessary compliance in the forthcoming General Elections to Lok Sabha, 2019.

Yours faithfully,


(AVINASH KUMAR)
SECRETARY

(Hindi version follows)

Form 26
(See rule 4A)

Please affix your
recent passport
size photograph
here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH
NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION
TO.....(NAME OF THE HOUSE)
FROM.....CONSTITUENCY (NAME OF THE
CONSTITUENCY)

PART A

I.....**son/daughter/wife
of.....Aged.....y
ears, resident of.....(mention
full postal address), a candidate at the above election, do hereby solemnly affirm and
state on oath as under:-

(1) I am a candidate set up by-----

(**name of the political party) / **am contesting as an Independent candidate.

(**strike out whichever is not applicable)

(2) My name is enrolled in.....(Name of the
Constituency and the State), at Serial No.....in Part No.....

(3) My contact telephone number(s) is/are.....and my
e-mail id (if any) is..... and my social media account(s) (if
any) is/are

(i).....

(ii).....

(iii).....

(4) Details of Permanent Account Number (PAN) and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-tax return (in Rupees) for the last five Financial Years (as on the 31 st March)
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta or Coparcener)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	Dependent-3			(i)
				(ii)
				(iii)
				(iv)
				(v)

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(5) Pending criminal cases

(i) I declare that there is no pending criminal case against me. (Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)

Table

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved (give no. of the Section, e.g. Section.....of IPC, etc.).			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then			

	give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

(i) I declare that I have not been convicted for any criminal offence. (Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Section..... of IPC, etc.).			
(d)	Brief description of offence for which			

	convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES or No)			
(h)	If answer to (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write **NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6(i), above**]

Note:

1. Details should be entered clearly and legibly in **BOLD** letters.
2. Details to be given separately for each case under different columns against each item.
3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.
4. Additional sheet may be added if required.
5. Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W. P (C) No. 536 of 2011.

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets :

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per the current market value in Stock Exchange

in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment.

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation- For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries.

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, Debentures/Shares and units in companies/Mutual Funds and others and the amount.						

(iv)	Details of investment in NSS, Postal Saving, Insurance Policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount.						
(vi)	Motor Vehicles/Aircrafts/ Yachts/Ships (Details of Make, registration number. etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/interest						
(ix)	Gross Total value						

B. Details of Immovable assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note: 2. Each land or building or apartment should be mentioned separately in this format.

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3

(i)	<u>Agricultural Land</u>						
	Location(s) Survey number(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate Current market value						
(ii)	<u>Non-Agricultural Land</u>						
	Location(s) Survey number(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						

	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					
(iii)	<u>Commercial Buildings</u> (including apartments) -Location(s) -Survey number(s)					
	Area (total measurement in sq. ft.)					
	Built-up Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the property by way of development, construction etc.					
	Approximate current market value					

(iv)	Residential Buildings (including apartments): -Location (s) -Survey number(s)						
	Area (Total measurement in sq. ft)						
	Built up Area (Total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self – acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate current market value						
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: Please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/Financial Institution(s) Name of Bank or Financial Institution, Amount outstanding, Nature of loan						
	Loan or dues to any other individuals/ entity other than mentioned above. Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

<p>ii)</p>	<p>Government Dues: Dues to departments dealing with Government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely:-</p> <p>(i) The address of the Government accommodation:</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>	<p>YES/NO (Pl. tick the appropriate alternative)</p>
<p>iii)</p>	<p>Dues to department dealing with supply of water</p>		

(iv)	Income Tax dues						
		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(v)	GST dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

(a) Self.....

(b) Spouse

(9A) Details of source(s) of income:

(a) Self

(b) Spouse

(c) Source of income, if any, of dependents,.....

(9B) Contracts with appropriate Government and any public company or companies

(a) details of contracts entered by the candidate.....

(b) details of contracts entered into by spouse

(c) details of contracts entered into by dependents

(d) details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners

(f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share

PART - B

(11). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART - A:

1.	Name of the candidate	Sh./Smt./Kum.					
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		PAN of			Year for which last Income Tax Return filed		Total Income Shown
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	Details of Assets and Liabilities (including offshore assets) in Rupees						
	Description	Self	Spouse	HUF	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
	I Purchase Price of self-acquired immovable property						
	II Development/const ruction cost of immovable property after purchase (if applicable)						

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	III	Approximate Current Market Price -						
		(a) Self-acquired assets (Total Value)						
		(b) Inherited assets (Total Value)						
9.		Liabilities						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
10.		Liabilities that are under dispute						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
11.		Highest educational qualification: (Give details of highest School /University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)						

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

- (a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;
- (b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this the.....day of.....

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable" as the case may be, should be mentioned.

Note: 4. The affidavit should be either typed or written legibly and neatly.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

(Ministry of Law & Justice Notification No. H11019(4)/2018-Leg.II, dated 10th October, 2018 and Notification No. H-11019/13/2016-Leg. II, dated 26th February, 2019)