

**OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA**

South 'H' Block, Secretariat, Hyderabad.

Memo. No.7006/Elecs.D/2019-8

Dated:23.09.2019.

Sub:- Bye-Election to the Telangana State Legislative Assembly, 2019 from 89-Huzurnagar Assembly Constituency —**Revised Affidavit in Form-26(Amended) to be filed by the Candidates with their nomination paper** – Filling up of all columns E.C.I. instructions etc., – Reg.,

- Ref:-
1. E.C.I., Letter No. 3/ER/2009/SDR, dt:21.3.2009.
  2. E.C.I., Letter No. 3/ER/2011/SDR, dt:8.2.2011.
  3. E.C.I., Letter No. 3/ER/2011/SDR, dt:20.7.2012.
  4. E.C.I., Letter No. 3/ER/2011/SDR, dt.12.10.2012.
  5. E.C.I., Letter No. 3/ER/2013/SDR, dt.12.6.2013.
  6. E.C.I. Lr.No.3/ER/2014/SDR-Vol.I, dt.22.2.2014.
  7. ECI Lr.No.3/ER/2016/DR, dated 31-05-2016.
  8. E.C.I. Lr.No.4/ ECI/LET/FUNC/JUD/SDR/VOL-I/2017, dt.22.06.2017
  9. E.C.I. Lr.No.576/3/2017-SDR, dt.26-07-2017.
  10. E.C.I. Lr.No.3/ER/ECI/LET/FUNC/JUD/SDR/VOL-IV/2017, dt.16.10.2017
  11. E.C.I. Lr.No.3/4/2017/SDR/Vol.II, dt.10.10.2018.
  12. E.C.I., Lr.No.3/4/2017/SDR Vol.II, dated:05.11.2018.
  13. E.C.I., Lr.No.576/3/ECI/LET/FUNC/JUD/SDR/2013, dt.7.2.2019.
  14. E.C.I., Lr.No.3/4/2019/SDR Vol.I, dated:28.02.2019.
  15. E.C.I, File No.485/Comp/4/2019, dt.19<sup>th</sup> March, 2019.

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The attention of the Dist. Collector & Dist. Election Officer and the Returning Officer is invited to the references cited, wherein the Election Commission of India has issued instructions from time to time and latest instructions in the reference 14<sup>th</sup> cited **vide Ir.dated 28.02.2019 regarding Amendments in Form-26 (Format of Affidavit by candidates)** filed by the candidates in the offices of Returning Officer / Assistant Returning Officer and placing the Affidavits on the ECI & CEO's website. Copies of the same have already been communicated to all District Election Officers from time to time. However, copies of the same are once again enclosed.

2. In the reference 11<sup>th</sup> cited, the ECI has instructed that the candidates are now required to file the affidavit in the amended Form-26 and shall fill up all columns as directed by the Commission. The provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, 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, dt.3.2.2016, as the provisions are now part of Form-26 itself.

**P.T.O.**

3. The District Election Officer and the R.O. are informed that the Commission has directed that the Affidavits filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put on the website soon after the candidate files the same and within 24 hours in any event. Therefore, all the D.E.O./R.O. are, requested to **upload the scanned copies of affidavits (format in Form-26) filed by the candidates on daily basis on E.C.I., & C.E.O's website as per ECI instructions. The affidavits should be scanned with high resolution for legible reading.**
4. In the reference 12<sup>th</sup> cited, the ECI has furnished the FAQs on Criminal Antecedents of candidates and its publicity in pursuance of Hon'ble Supreme Court of India Judgment dated:25.09.2018 in © No.536 of 2011.(copy enclosed).
5. In the reference 13<sup>th</sup> cited, the ECI has furnished the revised format of checklist of document in connection with filing of nominations by the candidates in view of the Amendment in Form-26.
6. The data entry of the Affidavits and counter-Affidavits has to be done by the concerned Returning Officer from Suvidha portal as per ECI instructions issued in the reference 15<sup>th</sup> cited.
7. The District Election Officer / R.O., are requested to take necessary action duly following the ECI's instructions in the references cited. The above instructions are not exhaustive. For detailed instructions the Hand Book for Returning Officers, other Hand Books and latest instructions of the E.C.I. issued from time to time should 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, 89-Huzurnagar Assembly Constituency (w.es.) through the D.E.O., concerned with a request to take necessary action as per ECI instructions.

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.

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.O., to upload the Affidavits on CEO's website and also monitor the same on daily.

SF/Spare.

// FORWARDED: BY ORDER //

  
SECTION OFFICER



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

No.3/ER/2009/SDR

Dated : 21<sup>st</sup> March, 2009

To

The Chief Electoral Officer of  
All States/Union Territories.

**Sub: Affidavits filed by the candidates alongwith nomination paper.**

Sir/Madam,

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

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

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

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

Yours faithfully,  
*K.F. Wilfred*  
(K.F. WILFRED)  
SECRETARY

GI	
No: 3525	Copy to:-
Date: 30/10/18	
Section	

All recognized National and State political parties.



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

No. 3/ER/2011/SDR

Dated : 8<sup>th</sup> February, 2011 ✓

To

The Chief Electoral Officers of all  
States and Union Territories.

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

Sir/Madam,

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

2. As per the existing instructions, copies of the affidavits are to be displayed on the notice board of the Returning Officer immediately after the affidavit is filed and copies of the affidavit are to be supplied free of cost to any person who asks for the same. The affidavits are also required to be scanned and uploaded on the CEO's website, so that the affidavits of all contesting candidates are available immediately after the list of contesting

candidates is finalized. In accordance with extant instructions and practice, the information about government dues as given in the affidavit (under the heading 'liabilities') is also published in two newspapers with local circulation.

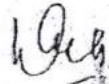
3. For wider dissemination of information contained in the affidavits to the electors, the Commission has given the following further directions:



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

4. Please communicate these instructions to all officers concerned in the State, and also acknowledge receipt of this letter and confirm action being taken.

Yours faithfully,

  
(K.F. WILFRED)  
SECRETARY



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## ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

F. No.3/ER/2011/SDR

Dated:- 20<sup>th</sup> July, 2012

To,

The Chief Electoral Officers of  
all States and Union Territories,

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

Sir/Madam,

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

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

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



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

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

Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)  
Secretary



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# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

Dated: 12<sup>th</sup> October, 2012

To

The Chief Electoral Officers  
Of all States / Union Territories

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

Sir,

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

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

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

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

Please acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)  
Secretary



**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2013/SDR/

Dated: 12<sup>th</sup> June, 2013

To

The Chief Electoral Officers of  
All States and Union Territories.**Sub: Affidavits filed by candidates – complaints/counter affidavits filed against the statements in the affidavits – dissemination thereof.**

Sir/Madam,

As per the directions in the Commission's order No. 3/ER/2003/JS-II, dated 27-03-2003, the affidavits filed by candidates were to be disseminated by displaying copies thereof on the notice board of the Returning Officer and by making copies available freely to those seeking the same. In the said order, it was also directed that if anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn affidavit, such counter affidavit shall also be disseminated alongwith the affidavit of the candidate concerned in the same manner, i.e. by displaying copy on the notice board and furnishing copies to others on demand.

From the year 2004 onwards, the affidavits of candidates are being uploaded on the website of the CEO. However, the same is not done in respect of counter affidavits filed, if any. The Commission has now decided that henceforth, all counter affidavits (duly notarized) filed by any person against the statements in the affidavit filed by the candidate shall also be uploaded on the website alongwith the affidavit concerned. Such uploading should also be done within 24 hours of filing of the same.

Kindly convey these directions to all DEOs, ROs (including ROs for elections to Council of States and State Legislative Council) and other election authorities concerned with the matter.

Yours faithfully,



(K.F. WILFRED)  
PRINCIPAL SECRETARY



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By Speed Post

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2014/SDR-Vol.-I

Dated: 22<sup>nd</sup> February, 2014

To,

The President/General Secretary/Chairperson  
of all recognized National and State Political Parties.

**Subject:-** Affidavit filed by the Candidates with their nomination paper-disclosure of assets and liabilities by candidate - assets and liabilities in Foreign Countries - clarification- regarding.

Sir/Madam,

You are aware that the candidates at elections to the Parliament and State Legislatures are required to file an Affidavit in statutory Form 26 appended to the Conduct of Elections Rules 1961, to disclose, among others, the details of deposit/ investments in bank / financial institutions/non-banking financial institutions etc. and the details of movable and immovable assets and liabilities/dues to public financial institutions and government, in the name of the candidate, spouse and dependent children along with the nomination paper. The format of the said Affidavit in Form 26 was notified by the Ministry of Law & Justice in the Gazette of India Extraordinary issue No.1433 dated 01/08/2012. A copy of the amended Form-26 was forwarded to your party by the Commission vide its letter dated 24<sup>th</sup> August, 2012 and also communicated to the State units through the Chief Electoral Officer of State/UT concerned.

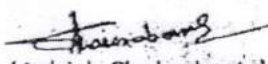
2. It has been brought to the notice of the Commission by some NGOs and individuals that some candidates do not disclose details of their accounts in foreign banks, possession of properties or investment overseas alongwith loans and liabilities outside the country in the Affidavit.

3. The Commission has taken note of the issue and has decided to clarify the matter for the benefit of all stakeholders and to remove any misgivings in the minds of the people. It is accordingly clarified that the "details of Bank accounts, assets and liabilities" to be furnished in the affidavit should invariably include the "details of all deposit/ investments in Foreign banks and any other body / institution abroad, and details of all, assets and liabilities in foreign countries. Hence, the candidates, should ensure that the furnished full and complete information in this regard in their affidavit.

4. The above position may please be noted and brought to the notice of all candidates sponsored by your party for any election to Parliament and State Legislature.

The receipt of the letter must be acknowledged.

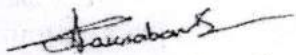
Yours faithfully,

  
(Ashish Chakraborty)  
Secretary



By Speed Post/ E-mail

- Copy to: The Chief Electoral Officers of all States/UTs. They are requested to furnish a copy of this letter to every political party (including registered unrecognized parties) having headquarters in their State/UT, including the State Units of recognized National and State political parties. This may also be brought to the notice of all, Returning Officers and other election officials in the State. This has been issued with the approval of the Commission.

  
(Ashish Chakraborty)  
Secretary



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

No.3/ER/2016/SDR

Dated : 31<sup>st</sup> May, 2016

To :

Chief Electoral Officers of  
All States and UTs.

Sub : Affidavit in Form 26- clarification.

Sir,

All candidates at elections to the two Houses of Parliament and State Legislatures are required to file, among other documents, affidavit in Form 26 appended to the Conduct of Elections Rules, 1961. The Commission, vide its letter dated 491/SM/2013/Communication, dated 25<sup>th</sup> October, 2013, had instructed that the candidates shall also be asked to furnish information about their Social Media account, if any, in Para 3 of Form 26.

Information about Social Media account being not a part of the statutory format as per Form 26, it is clarified that if a candidate does not add the information pertaining to Social Media account in Form 26, it is not necessary to ask the candidate to file a fresh affidavit adding the said particulars. In such case, the information about Social Media account, if any, may be obtained from the candidate separately on a plain paper. In any event, non-furnishing of information about Social Media account in Form 26 shall not be treated as a ground for considering the affidavit in Form 26 as incomplete or to reject the nomination paper.

The above clarification should be brought to the notice of all Returning Officers in the State including the Returning Officers for Rajya-Sabha elections urgently. In the case of those States where elections to Rajya Sabha and Legislative Councils are in progress now, this clarification should be communicated to the Returning Officers today itself.

Yours faithfully,



(K.F. WILFRED)  
PRINCIPAL SECRETARY



# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

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No. 4/ECI/LET/FUNC/JUD/SDR/VOL-1/2017/

Dated: 22<sup>nd</sup> June, 2017

o. 3465 To  
Date: 24/6/17  
Section

The Chief Electoral Officer of  
all States and Union Territories.

Subject: Affidavit in Form 26-clarification-regarding.

Sir,

I am directed to state that Form 26 appended to the Conduct of Elections Rules, 1961 have been amended vide Gazette Notification S.O. 1133(E), dated 7<sup>th</sup> April, 2017 of the Ministry of Law and Justice, Government of India. The Amendment Notification has been circulated vide Commission's letter No. 3/4/ECI/LET/FUNC/JUD/SDR/Vol.1/2016 dated 17<sup>th</sup> May, 2017. By the amendment carried out now, the contact telephone numbers, email id, social media accounts of the candidate and source of income of the candidate and spouse have been incorporated in Form 26.

A clarification has been sought by the CEO, West Bengal as to whether the instructions issued vide the Commission's letter no. 3/ER/2016/SDR dated 31<sup>st</sup> May, 2016 that "non furnishing of information about Social Media account in Form 26 shall not be treated as a ground for considering the affidavit in Form 26 as incomplete or to reject the nomination paper", still holds good or not in view of the above said amendment.

It is clarified that the instructions in the Commission's above said letter dated 31<sup>st</sup> May, 2016, was issued prior to the amendments in Form 26. Now that columns for details regarding phone number, email id, social media accounts have been added in Form 26, information in this regard has to be furnished. In the event a candidate does not have any or all of these, he/she should write 'Nil' in these columns. If these columns are left blank, action should be taken as per the instructions in the letter No. 576/3/2013 dated 30<sup>th</sup> September, 2013 i.e. to ask the candidate to file fresh affidavit with all columns filled up and complete in all respects.

The above clarification may be conveyed to all DEOs/ROs and others concerned. This may also be brought to the notice of all political parties in the State/UT.

Yours faithfully,

(N.T. Bhutia)  
Under Secretary





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

No.576/3/2017-SDR

Dated: 20<sup>th</sup> 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,

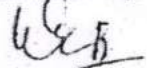
I am directed to invite reference to the Commission's letter No. 576/2013-SDR dated 30<sup>th</sup> September, 2013, issued in pursuance of the order dated 13-09-13 of the Hon'ble Supreme Court in *Resurgence India Vs. Election Commission of India and others*. It has been directed therein that the candidates 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 recognised National and State Parties.



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# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/ER/ECI/LET/FUNC/JUD/SDR/Vol.IV/2017

Dated: 16<sup>th</sup> October, 2017

To,

The Chief Electoral Officers of  
All States and Union Territories

Sub: - Affidavit in Form 26 & Affidavit in support of account of election expenses-signature thereon- regarding.

Sir/Madam,

The candidates are required to file Affidavit in Form 26, and also an additional affidavit as required under the Commission's Order No. 509/11/2004-J.S.I dated 03.02.2016. Further, they are also required to submit a supporting affidavit along with the account of election expenses filed under section 78 of RP Act, 1951.

2. Clarifications have been sought from some quarters whether in the case of these Affidavits each page of the Affidavit has to be signed by the deponent.
3. It is clarified that each page of the Affidavits should be signed by the deponent concerned. In addition, the affidavits should bear on each page the stamp of the Notary/Oath Commissioner/Magistrate before whom the Affidavit is sworn. It would be for the R.O to decide the validity of the affidavit in Form26, and for the DEO concerned to decide the validity of the affidavit filed along with the account of election expenses.
4. This may be brought to the notice of all DEOs, ROs & AROs and to all the political parties based in your State/UT.

Kindly acknowledge receipt.

Yours faithfully,

*Lata Tripathi*

(Lata Tripathi)  
Under Secretary



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

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

Dated: 10<sup>th</sup> 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 10<sup>th</sup> 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. \_



- (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 10<sup>th</sup> of the Month and poll is on 24<sup>th</sup> of the Month, the publishing of declaration shall be done between 11<sup>th</sup> and 22<sup>nd</sup> 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.



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(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 atleast 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.

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 3<sup>rd</sup> 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



**Format C-1**

( for candidate to publish in Newspapers, TV)

Declaration about criminal cases

(As per the judgment dated 25<sup>th</sup> 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	of &

\*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.



**Format C-2**

(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 25<sup>th</sup> 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.



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**Format C-3**

**Office of Returning Officer**

Name of Constituency : \_\_\_\_\_

Name of State : \_\_\_\_\_

Name of Election : \_\_\_\_\_

It is informed that as per the judgment dated 25<sup>th</sup> 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, Sh/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.*



**BY Special Messenger**

No.H-11019/04/2018-Leg.II  
Government of India  
Ministry of Law and Justice  
Legislative Department  
\*\*\*\*

New Delhi, the 10<sup>th</sup> October, 2018

To  
The Manager  
Government of India Press,  
Mayapuri  
Ring Road, New Delhi

Subject: Publication of Notification in the Gazette of India, Extraordinary, Part II Section 3, Sub-section (ii) dated 10/10/2018.

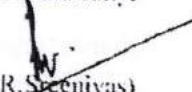
Sir,

I am directed to forward herewith a notification bearing No.H-11019/04/2018-Leg.II dated 10/10/2018 (in English and Hindi) to be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) on 10/10/2018.

2. Soft copy of the notification has been e-mailed at may-giprr@nic.in and it is certified that the soft copy and the hard copy of the notification is one and the same.
3. It is requested that 10 copies of the aforesaid notification may please be sent to this Department as soon as the same is published.

Incl: As above

Yours faithfully,

  
(R. Seenivas)  
Additional Legislative Council  
Tele: 23384603



TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,  
PART II, SECTION 3, SUB-SECTION (ii)]

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the ..... October, 2018.

S.O. -----(E).- In exercise of the powers conferred by sub-section (3) of section 77 read with section 169 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 Elections Rules, 1961, namely:-

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules), in rule 90, after serial number 28 and the entries relating thereto, the following serial number and entries shall be inserted, namely:-

1.	2.	3.	4.
29.	Telangana	70,00,000	28,00,000.

3. In Form 26 of the principal rules.-

(A) in PART A-

(I) for paragraphs (5) and (6), the following paragraphs shall be substituted, namely:-

(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)	Sections 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 item (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 given below)*

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h

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 item (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 PARAGRAPHS 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 the Hon'ble Supreme Court's judgment in W.P (C) No. 536 of 2011.;



(II) in paragraph (7), under the heading A. "Details of movable assets" for "Note 4", the following Note shall be substituted, namely:-

**\*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.;

(III) in paragraph (8), in the Table, for serial numbers (ii) to (iv) and the entries relating thereto, the following serial numbers and the entries shall respectively be substituted, namely:-

"Table

(ii)	Government dues: Dues to Departments dealing with Government accommodation	<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; (b) electricity charges; (c) water charges; and (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>	
------	---	---	--

*[Handwritten mark]*

(iii)	Dues to Department dealing with Government transport (including aircrafts and helicopters)					
(iv)	Income tax dues					
		Self	Spouse	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.":					

(IV) after paragraph (9), the following paragraphs shall be inserted, namely:-

“(9A) Details of sources 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 dependants have share -----  
-----";

(B) in PART - B, in paragraph 11 against serial number 5 and 6, for the entries under column 2, the following entries shall be substituted, namely:-

5.	Total number of pending criminal cases	
6.	Total number of cases in which convicted."	

[F.No. H.11019(4)/2018-Leg.II]



(Dr. Reeta Vasishtha)

Additional Secretary to the Government of India

Note: The principal rules were published in the Gazette of India vide number S.O. 859, dated the 15<sup>th</sup> April, 1961 and were last amended vide number S.O. 1133(E), dated the 7<sup>th</sup> April, 2017.

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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 email 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)
1.	Self			
2.	Spouse			
3.	Dependent-1			
4.	Dependent-2			
5.	Dependent-3.....			

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



**(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**

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

(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 the Bank/Institution and Branch are to be given  
 Note: 3. Value of Bonds/Share Debentures as per 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

Sl.No.	Description	Self	Spouse	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.

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

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land 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)	Non-Agricultural Land: 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)	Commercial 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 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	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/financial institution(s) Name of the 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					
(ii)	Government dues: Dues to Departments dealing with Government accommodation	<p><b>(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?</b></p> <p><b>(B) If answer to (A) above is YES, the following declaration may be furnished namely: -</b></p> <p><b>(i) The address of the Government accommodation:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>(ii) There is no dues payable in respect of above Government accommodation, towards-</b></p> <p><b>(a) rent;</b></p> <p><b>(b) electricity charges;</b></p> <p><b>(c) water charges; and</b></p> <p><b>(d) telephone charges as on _____</b></p> <p><b>(date)</b></p> <p><b>[ 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].</b></p> <p><b>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.</b></p>				YES/NO (Pl. tick the appropriate alternative)



(iii)	Dues to department dealing with Government transport (including aircrafts and helicopters)					
(iv)	Income tax dues					
		Self	Spouse	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 sources 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.....

(10) My educational qualification is as under:-

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.....  
(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) Dependents					
8.	Details of Assets and Liabilities in Rupees					
	Description	Self	Spouse	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)					
B.	Immovable Assets					
	I.	Purchase Price of self-acquired immovable property				
	II.	Development/ construction cost of immovable property after purchase (if applicable)				
	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 column 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.



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# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110 001

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

Dated: 05<sup>th</sup> November, 2018

To,

The Chief Electoral Officers of

1. Chhattisgarh
2. Madhya Pradesh
3. Rajasthan
4. Mizoram
5. Telangana

Subject: -. FAQs on Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court Judgment dated 25/09/2018 in W.P.(C) No. 536 of 2011 regarding


Sir,

I am directed to invite your reference to the Commission's directions in letter of even No. dated 10/10/2018 issued in pursuance of Hon'ble Supreme Court Judgment dated 25/09/2018 in W.P.(C) No. 536 of 2011. In view of the various queries raised in this regard, a set of FAQs and clarifications in this regard is enclosed.

2. The FAQs may be circulated to all DEOs, Returning Officers, officers connected to elections and the Political Parties based in your State, for their information.

3. In the Commission's abovementioned letter, it has been inter alia, directed that after the election the candidates shall submit a report about publishing of declaration to the DEO and the Political parties to the CEO of the State. The Commission has provided formats C-4 and C-5 for this purpose. The formats are also enclosed. These shall also be circulated to the DEOs, ROs and all political parties based in the State.

Yours faithfully,

  
(N.T. Bhutia)  
Secretary

Copy to: All Recognized National and State Political Parties

SD  
All Communicate  
To all  
DEOs &  
Political  
Parties  
N.T. Bhutia  
6/11/18

**FAQs : Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court judgement dated 25-09-2018 in WP (Civil) No. 536 of 2011.**

**Q.1 Which newspapers are to be chosen for publicity by such candidates?**

Ans. As per direction in the judgement of the Hon'ble Supreme Court, the declaration is required to be published in newspapers with wide circulation in the area concerned. The CEO may get an indicative list of various newspapers which have wide circulation in the various district/different constituency areas in the State prepared by the State DIP. This indicative list should be shared with the political parties and the candidates.

**Q.2 When has it to be publicised?**

Ans. It has already been clearly mentioned in the Commission's letter dated 10-10-2018 that the publishing has to be during the period starting from the day following the last date for withdrawal of candidature and up to two days before the date of poll.

**Q.3 There is no column for signature. Who will authenticate it?**

Ans. The format contains column for mentioning the name and address of the candidate and the name of the political party on the top portion of the format. Thus, the name of the publisher will be clear from the declaration. There is no need for publishing the information with the signature of the publisher.

**Q.4 What if someone publishes false information about criminal cases of another candidate?**

Ans. There are already provisions to deal with any case of publication of false statement in relation to a candidate [Section 123 (4) of the RP Act, 51 and Section 171G of IPC].

**Q.5 Which TV channel the declaration has to be publicised?**

Ans. Please refer to the answer against Q.1 above. It has to be done in TV channels which are available/popular in the areas concerned.



Q.6 What will be the font size and duration of publicity in TV?

Ans. Font size should be the standard size used for displaying printed material on TV. Its duration may not be less than 7 seconds.

Q.7 If a candidate does not have any criminal record, whether he/she is required to publicise?

Ans. No. Only those candidates who have either pending criminal cases or who have been convicted in the past are required to publish the declaration.

Q.8 Whether FIR cases have to be published by the concerned candidates and political parties?

Ans. Yes. Under the heading 'Case No. and status of case', details regarding FIRs, mentioned in Item-5 of Form-26, are required to be mentioned.

Q.9 If after filing nomination, status of criminal case changes, whether candidate can revise the details?

Ans. It will be open to the candidate concerned to notify the revised status to the Returning Officer and to publish that revised status only. If it is NIL, the candidate is not required to publish it.

Q. 10 Who will bear the expenses for publishing?

Ans. Expenses, if any, will be borne by the candidate and the political parties in respective cases.

Q. 11 Whether expenditure on this account will be accounted for?

Ans. Yes. This being an expenditure in connection with the election, if **expense is incurred in this regard**, the same will be counted for the purposes of election.

Q.12 Can RO act on any discrepancy in such details if pointed out?

Ans. No. RO is not supposed to enquire into correctness of declarations published by candidate/political parties.

Q.13 In what manner, such candidates will submit the information about publicity of cases to the DEO?

Ans. Separate formats have been specified by the Commission for the candidates and the political parties to submit report about publishing of the declaration. These are Format-C-4 for candidates and Format-C-5 for political parties.

Q.14 What happens if such candidates or such political parties do not publicise in the manner prescribed?

Ans. Such failure may be a ground for post-election action like election petition or contempt of Hon'ble Supreme Court.



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**Format C-4**

**Report by Candidate about publishing of declaration regarding criminal cases**

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, certify that I have published the declaration about my criminal antecedents in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Newspaper			Television			Mode of Payment (electronic/c cheque/ DD/Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & time of insertion/telec ast	Expenses that may have been incurred (in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date: \_\_\_\_\_ Name & Signature of Candidate

Note:-(i) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted alongwith the account of election expenses.

(ii) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.

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Format C-5

Report by Political Party about publishing of declaration regarding criminal cases

Name of political party: \_\_\_\_\_

Name of Election : \_\_\_\_\_

It is certified that \_\_\_\_\_ (name of political party) has published the declaration about the candidates with criminal antecedents on the website of the party, in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:-

Sl No.	Website	Newspaper			Television			Mode of Payment (electronic/cheque/DD/Cash) (Pl. specify)
		Period during which displayed	Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of channel	Date(s) & time of insertion/telecast	

Copies of newspapers in which declaration was published are enclosed.

Date:-

Signature of office bearer.....

Name & designation .....

Note:- This report shall be submitted to the Chief electoral Officer of the State within 30 days of declaration of result of the election concerned.



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## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/ECI/LET/FUNC/JUD/SDR/2013

Dated: 7<sup>th</sup> February, 2019

To,

The Chief Electoral Officers of  
All states and Union Territories

Subject: The CHECK LIST of documents required to be filed by a candidate along with the nomination paper-regarding

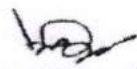
Sir/Madam,

I am directed to refer to the Commission's letter of even No. dated 12<sup>th</sup> January 2017, on the subject cited, circulating therewith the **Check list of documents in connection with filing of nomination by candidates**. Reference is also invited to the Commission's letter No. 3/4/2017/SDR/Vol.II, dated 10.10.2018, with which the amended format of Form 26 was circulated. It would be seen that the provisions of the additional affidavit regarding dues in respect of Government accommodation have now been incorporated in the amended Form 26, and therefore, the said additional affidavit is not required to be filed by candidates.

2. In view of the amendment in Form 26, the Checklist of documents has been amended. A format of amended Check list is enclosed herewith.
3. Please replace the existing format of Check List in the RQs Handbook as well as in other relevant records by this amended Check List.
4. 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, receive a copy of this letter along with the revised CHECK LIST and acknowledgement of receipt be obtained from all to ensure that they have received the same.

Kindly acknowledge receipt.

Yours faithfully,

  
(Binod Kumar)  
Under Secretary

Original/Duplicate

(Original to be kept with nomination paper and duplicate to be handed over to candidate)

Check list of documents in connection with filing of nomination

Name of constituency .....

Name of the candidate .....

Date and time of filing nomination paper .....

Sl. No. of nomination paper .....

Sl. no.	Documents	Whether filed (Write Yes/No) {if there is any defect/shortcoming in the documents, the same should be specified}
1.	Affidavit in Form 26 – (a) Whether all columns filled up. (b) If not, which are blank column(s) (Please specify) (c) Whether the affidavit is sworn before an Oath Commissioner or Magistrate of First Class or before a Notary Public.	
2.	Certified extract of electoral roll (when candidate is an elector of a different constituency)	
3.	Form A and B (applicable in the case of candidates set up by political parties)	
4.	Copy of caste certificates (if the candidate claims to belong to SC/ST)	
5.	Security deposit (whether made)	
6.	Oath and affirmation (whether taken)	

Contd.



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The following documents which have not been filed should be filed as indicated below: -

- (a) \_\_\_\_\_ should be filed latest by \_\_\_\_\_
- (b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a revised Affidavit with columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected.
- (c) \_\_\_\_\_ should be filed latest by \_\_\_\_\_

Received

.....  
(Signature of candidate)

.....  
(Signature of RO/ARO)

Date & time:

Place:

N.B.

1. The Affidavit in Form 26 and Form A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
2. If columns have been left blank in the affidavit in Form 26, this should be specified against item 1, and candidate should be asked to submit an affidavit complete in all respect, latest by the time fixed for commencement of scrutiny of nominations. Failure to submit revised affidavit complete in all respects, even after reminder by RO will be a ground for rejection of the nomination paper.
3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
4. Certified extract of electoral roll can be filed up to the time of scrutiny.

By Speed Post/E-mail

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2019/SDR – Vol.I

Dated: 28<sup>th</sup> February, 2019

GI	
To,	
No: 2245	The Chief Electoral Officers of All States and UTs.
Date: 5/3/19	

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

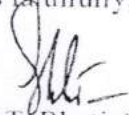
05 MAR 2019

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



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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 <sup>st</sup> March)	
				(i)	
	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/ <del>Coparcener</del> )			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent 1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	



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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)	<b>Gross Total value</b>						

**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)	<b><u>Agricultural Land</u></b> 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)	<b><u>Non-Agricultural Land</u></b>					
	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)	<b><u>Commercial Buildings</u></b>					
	(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)	<b><u>Residential Buildings</u></b> (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)					5
	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)	<b>Loan or dues to Bank/Financial Institution(s)</b>  Name of Bank or Financial Institution, Amount outstanding, Nature of loan						
	<b>Loan or dues to any other individuals/ entity other than mentioned above.</b>  Name(s), Amount outstanding, nature of loan						
	<b>Any other liability</b>						
	<b>Grand total of liabilities</b>						

(ii)	<p><b>Government Dues:</b></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>.....</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

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.		<b>PAN of</b>	Year for which last Income Tax Return filed		Total Income Shown		
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	<b>Details of Assets and Liabilities (including offshore assets) in rupees</b>						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	<b>Dependent-3</b>
A.	<b>Moveable Assets (Total value)</b>						
B.	<b>Immovable Assets</b>						
	I Purchase Price of self-acquired immovable property						
	II Development/const ruction cost of immovable property after purchase (if applicable)						

III	Approximate Current Market Price -						
	(a) Self-acquired assets (Total Value)						
	(b) Inherited assets (Total Value)						
9.	<b>Liabilities</b>						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institutions and others (Total)						
10.	<b>Liabilities that are under dispute</b>						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institutions and others (Total)						
11.	<b>Highest educational qualification: . .</b> (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

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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 (सिक्किम) नियम, 1979 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम विधान सभा निर्वाचनों का संचालन (सिक्किम) (संशोधन) नियम, 2019 है।  
(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. विधान सभा निर्वाचनों का संचालन (सिक्किम) 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 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 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 भ्रष्टाचार के कारण या अप्रति 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 2द्व 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 (सहकारी सोसाइटी से भिन्न) को जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम प्रतीशत 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 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।"



(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 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 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

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 26<sup>th</sup> 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 7<sup>th</sup> September, 1979 and were last amended vide number S.O. 3263 (E), dated the 16<sup>th</sup> 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	पीएन (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) अबंटित 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 अभिप्रेत 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";



(ब) 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 स्टॉप 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 26<sup>th</sup> 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 <sup>st</sup> 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 15<sup>th</sup> April, 1961 and last were amended vide number S.O. 5196(E), dated the 10<sup>th</sup> October, 2018.

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## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001

File No: 485/Comp/4/2019

Dated: 19<sup>th</sup> March, 2019

To

Chief Electoral Officers of all States/UTs.

Subject: General Election to House of People, 2019 – Uploading of Affidavits/Counter Affidavits filed by candidates and others along with nomination papers.



Sir/Madam,

As you are aware, Election Commission of India has started 'new Suvidha' application, which is an integral platform for candidate nomination, candidate Affidavits, permissions, counting and results.

2. As part of 'new Suvidha' application for display of Affidavits and counter-Affidavits, the Commission has launched the URL <https://affidavits.eci.gov.in>, the link of which will be available from the ECI main website. The data entry of the Affidavits and counter-Affidavits has to be done by the respective Returning Officers from Suvidha portal. Following things should be kept in mind in this regard:

- (i) The Affidavits and other documents as part of the ECI's instructions should be combined together in one PDF format after scanning.
- (ii) The size of the PDF should not be more than 10 mb.
- (iii) The quality of the scanning should be more than 100 dpi.
- (iv) These Affidavits should be uploaded immediately along with nomination papers, but not later than 24 hours.
- (v) The CEOs should also give the link of the Affidavit Portal in their respective CEO Website.

3. All the District Election Officers of Parliamentary Constituencies and Assistant Returning Officers should be instructed accordingly. Any non-compliance or delay in uploading of Affidavits will be taken seriously by the Commission. Officers at the CEO Office should continuously monitor and ensure the compliance.

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4. The above instructions may be brought to the notice of all concerned immediately.

Yours faithfully,



(Dr. Kushal Pathak)  
Director (ICT)