

**OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA**  
**GENERAL ADMINISTRATION (ELECTIONS) DEPARTMENT**  
5<sup>th</sup> Floor, North Block, Buddha Bhavan, Secunderabad, Hyderabad-500003.

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Memo. No. 3133/Elecs.D/A2/2021-18

Dated: 13.11.2021

Sub:- Biennial-Election to the Telangana Legislative Council from 09 Local Authorities Constituencies for 12 seats - Certain Instructions on Nominations and Publicity of Criminal Antecedents by Political Parties & Candidates — Reg.

Ref:- ECI Press Note No. ECI/PN/92/2021, dated: 09.11.2021

**-:o0o:-**

1. The Collectors & District Election Officers and the Returning Officers mentioned in the address entry are informed that ECI has announced the schedule for Biennial Election to the Telangana Legislative Council from 09 Local Authorities Constituencies for 12 seats. The concerned Returning Officers of the said constituencies are also requested to issue Notice of Election on the same day i.e., on **16.11.2021** as prescribed under section 31 of the Representation of the people Act, 1951 read with rule 3 of the Conduct of Elections Rules 1961 in Form-I between **11.00 a.m. to 3.00 p.m.** and arrange to send a report regarding publication of **Form-I Notice by 13.00 hours on 16.11.2021 (Tuesday)** along with a **copy of Form-I notice both in English and Telugu** issued by the Returning Officer to this office through e-mail.

2. The Collectors & District Election Officers concerned are informed that at the time of filing nominations by the candidates, the Returning Officer should follow the instructions mentioned in the Hand Book for Returning Officer, for Elections to the State Legislative Council scrupulously. The following key issues are for specific notice:

**Public Holiday — Effect on Election Programme:**

3. As per the Hand Book for R.O., 2016 at para 7.1 (Chapter-V) a candidate may present his nomination paper on the very day of the notice, or any of the seven days following that day unless any of these days is a public holiday.

4. As per HB for RO, 2016 at para 7.2 (Chapter-V) in case the last date for filing nominations or the date of scrutiny of nominations or the last date for withdrawal of candidatures is declared a public holiday under the Negotiable Instruments, Act, 1881, due to some reasons after the issue of notifications, the fact may be brought to the notice of the Chief Electoral Officer and the Election Commission immediately. The last date for filing nominations or the date of scrutiny of nominations or the last date for withdrawal of candidatures and other dates will be amended by the Commission as necessary. If the date fixed for the scrutiny of nominations is declared a public holiday under the Negotiable Instruments Act, 1881 the scrutiny will be held on the next succeeding day which is not a public holiday.

[P.T.O]

5. As per H.B. for R.O, 2016 at para 7.3 (Chapter-V) similarly, if the last date for making nominations or the withdrawal of candidatures is declared a public holiday, the nomination papers or, as the case may be, notices of withdrawal of candidatures filed on the next working day should be accepted.

6. As per HB for RO, 2016 at para 7.4 (Chapter-V) the R.O. will bear in mind that the second or fourth Saturdays of a month or all Saturdays of the month where these are observed as holidays for government offices are not to be treated as "public holidays" under the Negotiable Instruments Act, 1881, unless the same are specifically declared as such holidays under that Act. (ECI Vide Lr. No.322/ECI/LET/FUNC/TL-LC/BIEN/2019, Dt. 21.2.2019 **clarified that on 2<sup>nd</sup> & 4<sup>th</sup> Saturdays Returning Officer shall not accept nominations. (copy enclosed)**

#### **Nomination Papers — Required Documents:**

As per HB for RO, 2016 at para 9.3 (Chapter-V) for election to the State Legislative Council from Council Constituencies:

- (i) **Form-2E** appended to the Conduct of Elections Rules, 1961.
- (ii) Security Deposit — Rs. 10,000/- or Rs. 5,000/- in case of SC/ST (proof of SC/ST shall be produced)
- (iii) ***No. of Proposers: At least 10% of total electors or ten electors, whichever is less for candidates set up by recognized party, and ten electors in the case for other candidates.***
- (iv) Oath or Affirmation
- (v) Affidavit in Form 26, appended to the CE Rules 1961.
- (vi) Documentary evidence regarding elector in an Assembly Constituency of that State.
- (vii) Form 'AA' and 'BB' (in case of candidate of a Political Party)

7. As per HB for RO, 2016 at para 10 (Chapter-V) it may be noted that each nomination of a candidate for election to the State Legislative Council shall be subscribed by at least ten per cent of the electors at that election or ten such electors, whichever is less, as proposers; in the case of candidates set up by recognized parties, and by ten electors in the case of other candidates. One elector may sign the nomination of more than one candidate as proposer.

#### **Dates and time of filing Nominations Verification of No. of Vehicle and People:**

8. As per HB for RO, 2016 at para 11, Nomination papers may be presented either before the R.O. or before any Assistant Returning Officers specified by the R.O. in the public notice, on any of the days, other than a public holiday, during the period fixed in the Commission's programme notification. These nomination papers shall be presented only at the place or places specified by the R.O. in the public notice at any time between 11 AM and 3 PM and not at any other hour or at any other place. If a candidate or his proposer seeks to present a nomination paper either before 11 AM or after 3 PM, R.O. should not accept the nomination paper saying that under the provisions of the law, neither the candidate has the right to deliver, nor the Returning Officer has the right to accept, a nomination paper outside the hours prescribed for the purpose. Likewise, R.O. should not accept any nomination paper at any place other than the place specified in the public notice.

**Who can file Nomination Paper and where:**

9. As per HB for RO, 2016 at para 12 (Chapter-V) all nomination papers must be presented personally either by the candidate or his proposer, and by no one else, to the Returning Officer or the specified Assistant Returning Officer at the place or places specified in the public notice between 11 AM and 3 PM on any day, other than a public holiday, fixed for the purpose. **The candidate shall submit latest photographs (2 c.m. x 2.5 c.m.) along with the nomination paper. The photograph should bear the signature of the candidate on the reverse side of photograph. (R.O. shall collect the photographs from the candidates bearing signature with specification as prescribed)**

**Affidavit in Form-26 to be submitted by Candidates:**

10. The ECI in its Letter No.3/4/2019/SDR-Vol.I, dt. 28.02.2019 & Lr.No.76/ECI/INST/FUNC/EEM/EEPS/2019/Vol.III, dt.05.03.2019 (copies enclosed) has communicated the Form-26 has amended & corrected respectively. The same has already been communicated by this office to all the DEOs from time to time. However, copies of the updated (corrected) Form-26 is once again enclosed herewith. The candidates are now required to file the affidavit in the amended Form-26, duly filling 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-1, dt.3.2.2016, as the provisions are now part of Form-26 itself.**

11. **The booklet containing guidelines of ECI on publicity of criminal antecedents by political parties and candidates issued in August 2020 is enclosed for information and strict adherence by all the ROs and DEOs during the present election.**

**Number of Nomination Papers :**

12. As per HB for RO, 2016 at para 13 (Chapter-V) under sub-section (6) of section 33 of the Representation of the People Act, 1951, **a maximum of four nomination papers only**, can be presented by or on behalf of any candidate or accepted for election in the same Constituency. R.O. must ensure that no candidate files nomination papers for the same Constituency in excess of this number. If a candidate seeks to present any nomination paper or papers in excess of this number, the R.O. must not accept such nomination paper or papers saying that under the provisions of the law neither the candidate has the right to present, nor the Returning Officer has the right to accept, any nomination paper or papers in excess of four.

**Serial Number of Nomination Papers:**

13. As per HB for RO, 2016 at para 14.1 (Chapter-V) each nomination paper must be serially numbered, as soon as it is presented, by the officer receiving it who must also note on the body of the nomination paper the date and exact time at which it was received by him. In view of the limitation on the number of nomination papers that can be delivered by a candidate, R.O. should ask the Assistant Returning Officer specified by the R.O. to receive nomination papers to work in close collaboration with the R.O.

14. As per HB for RO, 2016 at para 14.2 (Chapter-V) when a number of nomination papers are delivered to the R.O., in a bunch, the R.O., must assign serial numbers to them in the order in which the R.O. deal with them one after the other.

**Deposits:**

15. As per HB for RO, 2016 at para 15.1 (Chapter-V) every candidate at an election for the **State Legislative Council** is required to make a deposit of **Rs. 10,000/- (Section 34 read with section 39 (2) of the Representation of the People Act, 1951) as amended by the Representation of the People (Amendment) Act, 2009 (come into force from 1<sup>st</sup> February, 2010)**. The amount of deposit shall be **Rs. 5,000/- only, if he/she is a member of a Scheduled Castes or Scheduled Tribes.**

**One Deposit sufficient for each Election:**

16. As per HB for RO, 2016 at para 16 (Chapter-V) only one deposit is required from each candidate in respect of his candidature in an election. When one such deposit has been made and the receipt enclosed with the first nomination paper, the candidate is not required to make any other deposit in respect of subsequent nomination papers which may be presented on his behalf in that election. However, a candidate has to make a separate deposit in respect of any other election in which he files nomination paper.

**Preliminary Examination of Nomination Papers:**

17. As per HB for RO, 2016 at para 17 (Chapter-V) as each nomination paper is filed, R.O. or the specified Assistant Returning Officer will examine it then and there from the technical standpoint. But the R.Os. are not to hold a formal scrutiny of any nomination papers at this stage. R.O. should compare the entries in the nomination paper with the entries in the electoral rolls relating to the serial numbers, part numbers and the names of the candidates and their proposers. Make sure that the electoral roll with which the R.O. make such comparison is the one currently in force for the Constituency concerned.

18. The Commission has issued instructions regarding "printing of Ballot papers with the photograph of candidate along with the other particulars" and the Returning Officer is therefore requested to collect the photograph from the candidates as per specifications given in the ECI instructions in Letter Nos. 576/3/2015/SDR, dt.16.03.2015 & 576/3/2015/SDR, dt.19.01.2016 along with nomination paper (copies enclosed). A clarification also issued by the ECI regarding photograph wearing cap vide ECI Lr.No.576/3/2016/SDR, dt.29.4.2016 is also enclosed for reference.

[Contd..5]

19. All the Collectors & District Election Officers / Returning Officers are further informed that information on the following stages of the election should be communicated to the Chief Electoral Officer by e-mail.

- A.** Daily Report: Every day from **16.11.2021 to 23.11.2021** immediately after 3.00 p.m. the names of all those who filed nominations on the day (if, no nominations are filed 'Nil' report) should be communicated in the proforma prescribed i.e., in Form-3C by 4.00 p.m.
- B.** Report of Nominations: On the Last date for filing nominations i.e., on 23.11.2021 in addition to daily report immediately after 3.00 p.m., the names of all those who have filed nominations should be communicated in the prescribed form appended at page 62 of the Hand Book for Returning Officers for elections to the Council of States & State Legislative Councils, 2016 duly following the guidelines mentioned at paras from 24.1 to 24.4 of Chapter-V of the Hand Book for Returning Officers, 2016.

As per H.B for RO, 2016 at para 24.3 (Chapter-V) if more nomination papers than one have been presented in respect of the same candidate, it is not necessary to include the same in the list more than once.

- C. List of Valid Nominations:** On the day of scrutiny of nominations i.e., on **24.11.2021** the names of all those whose nominations are found valid should be communicated in Form-4. The list of names of all those whose names have been rejected by the Returning Officer with the reasons for rejection, should also be enclosed. The names shall be arranged in alphabetical order in Telugu under three categories as in the case of **Form-7B**.
- D. List of withdrawals:** On the last day of withdrawals of candidatures i.e., on **26.11.2021**, the list of candidates who have withdrawn their candidatures should be communicated in Form-6.
- E. List of contesting candidates:** On the last day of withdrawal of candidatures i.e., on 26.11.2021 (Friday), the names of contesting candidates with party affiliations, if any, with correct spelling in Form-7B should be communicated. The names of contesting candidates in Form-7B have to be arranged under three categories i.e., (i) Candidates of recognized National and State political parties; (ii) Candidates of registered, un-recognized political parties and (iii) Other (Independent) candidates. The names of candidates have to be arranged in the said list and also on the ballot papers in the same order under these categories and the names have to be arranged in Telugu alphabetical order in each of the above mentioned three categories separately. Translated version of Form-7B in English shall also be communicated.

20. The list in Form-7B has to be prepared both in Telugu and English for displaying on the Notice Board of the Office of the Returning Officer and at other places where it is considered necessary by the Returning Officer.

21. The ECI vide Lr. No. 576/3/2017/SDR, dated: 18-10-2017 (copy enclosed) has invited attention to their Letter No. 576/3/2015, dated 16th March, 2015, regarding directions for printing Photographs of candidates as at para 18 above. The photographs of candidates shall also be printed against their names in the list

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of contesting candidates in Form-7B as per Commission directions vide ECI Lr. No. 576/3/2017/SDRJ, Dated:18-10-2017, as the case may be. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the form in the gazette as well as for displaying copies thereof in the polling stations.

22. The Collators & District Election Officers & Returning Officers of the Local Authorities' Constituency are requested to make special arrangements immediately after the date of withdrawal of candidature i.e., on 26.11.2021 for sending the list of contesting candidates in Form-7B both Telugu & English and any other language prescribed by the Commission in original (Ink signed) and also in soft copy through a responsible officer to reach the Chief Electoral Officer's office on the same night for onward transmission to the ECI. The correctness of the entries in the Form-7B shall be the responsibility of the Returning Officer.

- i) Form 7-B in English (Three copies ) for Gazette publication duly photographs pasted and in soft copy (in word & pdf)
- ii) Form 7-B in Telugu & English (Four Copies each) for Ballot Paper printing duly photographs pasted and in soft copy (in word & pdf) and also (Four photographs separately as per specifications of ECI).

23 The names of the political parties shall be correctly indicated in Form-7B. It is also necessary to prepare the list of contesting candidates even in the case of uncontested election and publish it on the notice board of the Office of the Returning Officer and ensure that the complete addresses of the candidates are indicated correctly in the list of validly nominated and contesting candidates and also to Intimate the total number of voters and polling stations in the constituency as on the last date of filing of nominations.

24. The Collectors & District Election Officers / Returning Officers noted in the address entry are requested to follow the official ECI website for day to day updates and also arrange to furnish all the reports and returns promptly on due dates.

25. The above instructions are not exhaustive. For detailed instructions the Hand Book for Returning Officers, other Hand Books/Manuals and latest instructions of the E.C.I. issued from time to time and also available on ECI website should be referred and followed. The same may be brought to the notice of all the concerned.

**Dr. SHASHANK GOEL,  
CHIEF ELECTORAL OFFICER &  
E.O. SPL. CHIEF SECRETARY TO GOVT.**

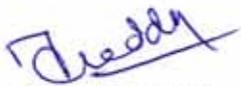
To,

The Collectors & District Election Officers Adilabad, Warangal, Nalgonda, Medak, Nizamabad, Khammam, Karimnagar, Mahabubnagar, Ranga Reddy Districts (w.e.).

The Returning Officers, Adilabad, Warangal, Nalgonda, Medak, Nizamabad, Khammam, Karimnagar, Mahabubnagar, Ranga Reddy. (through Collector & District Election Officers) (w.e.)

Sf/Spare.

**// FORWARDED: BY ORDER //**

  
**SECTION OFFICER**

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

To,

The Chief Electoral Officers of  
All States and UTs.

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

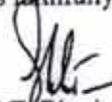
Sir,

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

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

3. Please acknowledge receipt and confirm action taken

Yours faithfully,

  
(N.T. Bhutia)  
Secretary

Form 26  
(Sec rule 4A)

Please affix your recent passport size photograph here

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

**PART A**

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

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

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

(\*\*strike out whichever is not applicable)

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

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

(i).....

(ii).....

(iii).....

**(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)	(ii)	(iii)	(iv)	(v)					
	Self			(i)		(ii)		(iii)		(iv)		(v)	
2.	Spouse			(i)		(ii)		(iii)		(iv)		(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)		(ii)		(iii)		(iv)		(v)	
4.	Dependent I			(i)		(ii)		(iii)		(iv)		(v)	

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

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

**(5) Pending criminal cases**

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

**OR**

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

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

**Table**

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

**(6) Cases of conviction**

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

**OR**

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

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

**Table**

<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 (give no. of the Section, e.g. Section..... of IPC, etc.).</b>			
<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 (Mention YES</b>			

	or No)			
(h)	If answer to (g) above is YES, give details and present status of appeal			

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

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

Note:

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

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

**A. Details of movable assets :**

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

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

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

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

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

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

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

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

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

**PART - B**

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

1.	Name of the candidate	Sh./Smt./Kum.					
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		PAN of	Year for which last Income Tax Return filed	Total Income Shown			
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	<b>Details of Assets and Liabilities (including offshore assets) in rupees</b>						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
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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विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

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

- (1) इन नियमों का संक्षिप्त नाम विधान सभा निर्वाचनों का संचालन (सिद्धिम) (संशोधन) नियम, 2019 है।  
(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- विधान सभा निर्वाचनों का संचालन (सिद्धिम) नियम, 1979 में (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के प्ररूप 2 के अन्तर्गत,--

(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 पद धारण किया हुआ है?..... (हां/नहीं)

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

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

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

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

- यदि हां तो उसके ब्यौरे दें.....

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

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

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या 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 न्याय या भागीदारी द्वारा, जिनमें 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 पञ्चीस 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 2ख 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 निरहित किया गया है? .....(हां/नहीं)

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

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

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

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

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

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

- यदि हां तो निरर्हता की तारीख ....."

4. मूल नियमों के प्ररूप 2ज में,-

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

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ 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 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 राज्यानिष्ठा 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 निरहृत किया गया है? .....(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरहृत 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 या?.....(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 संबिदा (संबिदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संबिदा (संबिदाओं) 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 निरहृत किया गया है?.....(हां/नहीं)

- यदि हां तो निरहृता की तारीख ....."

[फा.सं.एच-11019/13/2016-वि.2]

डॉ. रीटा बशिष्ठ, अपर सचिव

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. III]

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.अ. 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 प्राप्ति:

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) आबंटित नहीं हुआ है"।

(ii) पैरा 7 में,-

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

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

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

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

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

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

[फा. सं. एच-11019/13/2016-विधायी 2]

डॉ. रीटा वशिष्ठ, अपर सचिव

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

#### NOTIFICATION

New Delhi, the 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,—

1. 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.

-33-

**GUIDELINES OF  
ELECTION COMMISSION OF  
INDIA  
ON  
PUBLICITY OF  
CRIMINAL ANTECEDENTS  
BY POLITICAL PARTIES &  
CANDIDATES**

In Compliance with Hon'ble Supreme Court's Decisions in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and in WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI & Anr.) and in contempt petition(C) no. 2192 of 2018 in WP(C) no. 536 of 2011

August, 2020



**Election Commission of India**

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

(Available at [eci.gov.in](http://eci.gov.in))

Code: 324.6.SDR.BK.001.2020

**Index**

<b>S.No.</b>	<b>Subject</b>	<b>Page No.</b>
1.	Introduction	2-6
2.	Format C-1	7-8
3.	Format C-2	9-10
4.	Format C-3	11-12
5.	Format C-4	13
6.	Format C-5	14
7.	Format C-6	15
8.	Format C-7	16-17
9.	Format C-8	18-19
10.	Format CA	20
11.	Annexure	21- 37

-32-

**Subject: - Publicity of criminal antecedents by Political Parties & Candidates-**

**Reference: - 1-No. 3/4/2017/SDR/Vol.II dated 10<sup>th</sup> October, 2018**

**2-No. 3/4/2019/SDR/Vol.I dated 19<sup>th</sup> March, 2019**

**3-No. 76/ECI/INST/FUNC/EEM/EEPS/2019/VOL. XVII dated 8<sup>th</sup> May, 2019**

**3-No. 3/4/2019/SDR/Vol.III dated 30<sup>th</sup> August, 2019**

**4-No. 3/4/2020/SDR/Vol.III dated 6<sup>th</sup> March, 2020**

**5-No. 3/4/2020/SDR/Vol.III dated 19<sup>th</sup> March, 2020**

**6-No. 3/4/2019/SDR/Vol.IV dated 16<sup>th</sup> September, 2020**

## **INTRODUCTION**

Indian elections are extremely competitive. In 17<sup>th</sup> General Elections, 2019, a total of **8054** candidates belonging to **673** political parties including independents vied for 543 seats in the Lok Sabha. One of the main concerns of electoral environment has been the participation of some candidates with criminal backgrounds. Hon'ble Supreme Court in its catena of judgments [dated 13<sup>th</sup> March, 2003 in Civil Appeal No. 490 of 2002 (People's Union for Civil Liberties and another v Union of India)] facilitated disclosure of full background including criminal antecedents and financial status of every candidate in the form of affidavit. Subsequently, in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr. the Court on 25<sup>th</sup> September, 2018 directed vide Para 4:

*(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."

2. In pursuance of this, Election Commission issued detailed instructions on 10<sup>th</sup> October 2018.

In its directions, it prescribed six forms for the following purposes:

Formats	Action to be taken by	Platform
C1	Candidates	News Paper & TV
C2	Political Parties	Newspaper, TV & Political Party's website,
C3	Returning Officer	Reminder to the Candidate.
C4	Candidate To DEO	Report to be submitted before the DEO (in case of elections to Lok Sabha and Vidhan Sabha) or the RO (in case of elections to Rajya Sabha and Vidhan Parishad)
C5	Political Parties To CEO of the State concerned	Report about publishing of the declaration.
C6	CEO To The Commission	Report regarding compliance by the political parties

3. The Commission also released detailed Frequently Asked Questions (FAQs) on 5<sup>th</sup> November, 2018 which was reiterated on 19<sup>th</sup> March, 2019 in this regard.

-3a-

4. Further, in contempt petition(C) no. 2192 of 2018 in WP(C) no. 536 of 2011, the Hon'ble Supreme Court on 13<sup>th</sup> February, 2020, in the matter related to candidates with criminal antecedents, directed,

*"4. We have also noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. We therefore issue the following directions in exercise of our constitutional powers under Articles 129 and 142 of the Constitution of India:*

*(1) It shall be mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.*

*(2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.*

*(3) This information shall also be published in :*

*(a) One local vernacular newspaper and one national newspaper;*

*(b) On the officials social media platforms of the political party, including Facebook & Twitter.*

*(4) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.*

*(5) The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.*

*(6) If a political party fails to submit such compliances report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions."*

5. The Commission, in pursuance to this, on 6<sup>th</sup> March, 2020 prescribed two more forms for compliance by the political parties,

Formats	Action to be taken by	Purpose
C7	Political Parties	Newspapers, social media platforms & website of the party.
C8	Political Parties To Commission	Report of compliance of the

6. The Commission has now decided to consolidate all related instructions on this matter so that concerned political parties and candidates comply with the directions of Hon'ble Supreme Court, in the interest of electors, without any difficulty.

7. Also, for ensuring periodic awareness of electors during the campaign, the Commission has now prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll,

- i. Within first 4 days of withdrawal of nominations.
- ii. Between next 5<sup>th</sup> – 8<sup>th</sup> days.
- iii. From 9<sup>th</sup> day till the last day of campaign (the second day prior to date of poll)

**(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 publication of declaration shall be done in the following time period: -**

- i. First block for publication shall be done between 11<sup>th</sup> and 14<sup>th</sup> of the Month,**
- ii. Second block for publication shall be done between 15<sup>th</sup> and 18<sup>th</sup> the Month**
- iii. and the third block for publication shall be done between 19<sup>th</sup> and 22<sup>nd</sup> of the Month)**

8. As directed by Hon'ble Supreme Court, such political parties must disclose the reasons of such selection, publicize it, and intimate in the prescribed format to the Commission with 48 hours. Failure to comply with this need to be reported for contempt.

9. All contesting candidates, who have criminal antecedents must publicise the details in the prescribed format as per timeline described at Para 7 above.

10. All those candidates who return uncontested and have criminal antecedents must publicise the details in the prescribed format as per timeline described at Para 7 above.

11. All such candidates must disclose expenditure incurred in this regard in the prescribed format C-4 to the concerned District Election Officer at the time of filing of her/his return, and Abstract statement of Election Expenses of candidates.

12. All such political parties must disclose expenditure incurred in this regard at the time of filing their returns in format C-5 and statement of Election Expenditure of Political Parties.

**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.

(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

**This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll**

**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:

<b>(A) Pending criminal cases</b>				
Sl. No.	Name of Court	Case No. and dated	Status of case(s)	Section(s) of Acts concerned and brief description of offence(s)
<b>(B) Details about cases of conviction for criminal offences</b>				
Sl.no.	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed	Maximum Imposed	Punishment

**\*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:-**

- 1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.**
- 2. The matter in newspapers shall be published in font size of at least 12.**
- 3. Details should be given separately for each case in separate rows.**
- 4. 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.**
- 5. The candidate shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, he shall submit a report about publishing of the declaration regarding cases in Format C-4 alongwith the account of election expenses withing 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned**

**This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll**

**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 constituency	Name of candidate	(A) Pending criminal cases		(B) 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	<b>Maximum Punishment Imposed.</b>

**\*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:-**

- 1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.**
2. The matter in newspapers shall be published in font size of at least 12.
3. The above information shall be published State wise for each State/UT.
- 4. 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.**
5. The political party shall be obligated to put up on its website the information pertaining to candidates having criminal antecedents.
6. The Political Party shall submit a report about publishing of declaration regarding criminal cases in Format C5 to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

**Format C-3**

**(Reminder to the Candidate)**

**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 and letter No. 3/4/2019/SDR/Vol.IV dated 16/09/2020, 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 campaign period for the purposes of publishing of such details. The Commission has prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

- i) Within first 4 days of withdrawal of nominations.
- ii) Between next 5<sup>th</sup> -8<sup>th</sup> days
- iii) From 9<sup>th</sup> day till the last day of campaign(the second day prior to date 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 at least three occasions each as mentioned above. The Format C-1 for publishing the information is enclosed herewith. **You shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, you shall submit a report about publishing of the declaration regarding cases in Format C-4 with copies of the newspapers publishing the information about criminal cases along with the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election**

51

**Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned**

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.*

**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/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/ telecast	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.

53

**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)
		Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of channel	Date(s) & time of insertion/t elecast	Expenses incurred (in Rs.)	
	Period during which displayed							

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.

**Format C-6**

**Statement regarding publishing of criminal cases against candidates set up by political parties as per directions in the Commission's letter No. 3/4/2017/SDR/Vol.II dated 10<sup>th</sup> October, 2018-** Report regarding compliance by Political Parties

**Name of State/UT-** .....

**Name of the Election-**..... (General/Bye-election, Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council)

**Date (s) of Poll-** .....

No. & Name of Assembly/Parliamentary Constituency	Name of the Political Party	Whether submitted Report in Format C-5 by the party (Yes/No).  If yes, then date of submission.	Whether declaration has been published on the website of the party as per direction (Yes/No).	Publishing in Newspaper by the party		Publishing on Television by the party	
				Name(s) of Newspaper	Date(s) of publishing	Name(s) of Channel	Date(s) & time of insertion/telecast
01-abc	ABC						
	...						
	...						
02-def	DEF						
	...						
	...						
and so on							

**Note 1-** Only such Political Parties which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to submit Report in this regard to the CEO concerned.

**Chief Electoral Officer**  
**Name of the State.....**

**Format C-7**

(for political parties to publish in the newspapers, social media platforms & website of the party)

Information regarding individuals with pending criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition(C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

Name of Political Party: \_\_\_\_\_  
\*Name of the Election: \_\_\_\_\_  
Name of State/UT: \_\_\_\_\_

(1) Name of the Constituency-.....  
Name of the candidate-.....

Sl.no.		
1.	Criminal antecedents	
	a.	Nature of the offences
	b.	Case no.
	c.	Name of the Court
	d.	Whether charges have been framed or not (Yes/No)
	e.	Date of conviction, if any
	f.	Details of punishment undergone, if any
	g.	Any other information required to be given
2.	The reasons for the selection of the candidate. Selection shall be with reference to the qualifications, achievements and merit of the candidate, and not mere "winnability" at the polls (not more than 100 words)	
3.	Reasons as to why other individuals without criminal antecedents could not be selected as candidates (not more than 100 words)	

(2) Name of the Constituency-.....  
Name of the candidate-.....

.....and so on  
\* In the case of election to Council of States or States or election to Legislative Council by MLAs, mention the election concerned in place of name of Constituency.

Signature of office bearer of the Political Party  
Name and designation.....

**Note:-**

(1) Political parties (at the Central and State election level) shall upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.

(2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.

(3) This information shall also be published in:

(a) One local vernacular newspaper and one national newspaper;

(b) On the officials social media platforms of the political party, including Facebook & Twitter.

(4) The matter in newspapers shall be published in font size of at least 12.

(5) The above information shall be published State wise for each State/UT.

**(6) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**

**(7) The political party concerned shall then submit a report of compliance in Format C-8 with the Election Commission within 72 hours of the selection of the said candidate.**

57-

**Format C-8**

Report of political party as required under the Commission's directions issued in pursuance of the Order dated 13-02-2020 of Hon'ble Supreme Court in Contempt Petition(C) No. 2192 of 2018 in WP (C) No. 536 of 2011.

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

Details of Social Media Accounts of the party: (i)

(Facebook, Twitter etc.) (ii)

(iii)

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

Gen Election/ Bye –election to Lok Sabha/Leg Assembly/Biennial election/ Bye election to Council of States/Leg Council  
(Write the appropriate alternative)

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

It is certified that \_\_\_\_\_ (name of political party) has published detailed information regarding the persons with pending criminal cases in the Format prescribed by the Commission (Format C-7) as per the directions in the Commission's letter No. \_\_\_\_\_, dated \_\_\_\_\_ in the following media:

Sl.no.		Date of publication & cost of publication to be mentioned in column below	
		Date	Cost
1.	One National Newspaper (copy to be furnished)		
2.	One Local Vernacular Newspaper (copy to be furnished)		
3.	Social Media Platforms of the party (print to be furnished)		
4.	Website of the party (printout of the material enclosed)		

Declaration

It is declared that full information, explanation and details have been published in respect of each of the persons with pending cases who have been selected to be the candidates of the party in the abovementioned election, as per the directions in the Order dated 13-02-2020 of the Hon'ble Supreme Court referred to above, and nothing has been concealed.

Place:

Signature of office bearer of the Political Party  
Name and designation.....

Date:

*(seal of the Party)*

**Note:-This report shall be furnished at least two weeks before the date on which nomination is proposed to be filed or within 72 hours of selection of the candidate, whichever is earlier.**

165

**Format-CA**

Statement showing details of Candidates with criminal antecedents, sponsored by the political parties in election to House of People/Legislative Assembly/Council of States/Legislative Councils to be held in \_\_\_\_\_ 20

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme court in contempt petition (C) no. 2192 of 2018 in WPC) no. 536 of 2011)

S.No.	Name of State	No. & Name of Constituency	No. of seats	Party affiliation	Name of Candidates	Whether the candidate has declared anything about pending criminal case(s) against him/her in item 5 of Form 26 (Yes/No)	Whether the candidate has declared anything about cases(s) of conviction(s) for criminal offence(s) in item 6 of Form 26 (Yes/No)	If the information given in column no. 7 & 8 is yes, whether the political party has sent report in Format C8 (Yes/No)
1	2	3	4	5	6	7	8	9

Signed by RO of the Constituency \_\_\_\_\_

Countersigned by CEO \_\_\_\_\_ State

Date:

-61-

By Speed Post

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110 001

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 judgments 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.

In the judgment 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.*

-63-

*(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 judgment, 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.

(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.

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

4. The Political Parties — recognized parties and registered un-recognized 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

- 25 -

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 3rd February, 2016, as the provisions are now part of Form-26 itself.

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

7. Please acknowledge receipt and confirm action taken.

Yours faithfully,

(K.F.WILFRED)  
Sr. PRINCIPAL SECRETARY

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110 001

No. 3/4/2019/SDR/Vol-I

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

To,

The Chief Electoral Officers of  
All States and UTs

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/Madam,

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

Annexure

**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.

**Q.15 What are the Hours during which the information on TV channels is to be displayed?**

**Ans.** Information should be published on TV channels during the period between 8AM and 10PM.

**Q.16 What will be the language in which the information is to be published on TV channels?**

**Ans.** The information should be published in vernacular language or in English.

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2019/SDR – Vol.III

Dated: 30<sup>th</sup> August, 2019

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 to be filed by candidates).**

Sir/Madam,

I am directed to invite your attention to the Commission's letter No. 3/4/2017/SDR/Vol.II dated 10.10.2018 and letter dated 19.03.2019 whereby in pursuance of the decision of the Hon'ble Supreme Court in the judgment in WP(c) No. 784 of 2015 (Lok Prahari Vs. UoI & Ors) and WP(C) No. 536 of 2011 (Public Interest Foundation &Ors. Vs. UoI and Anr.), the Commission had issued a direction that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates shall publish a declaration in newspapers and TV Channels in the manner prescribed in the letters referred to above. Further, as per Para 4 of the above mentioned letter, all CEOs are requested to submit a report to the Commission confirming compliance by parties concerned, and pointing out cases of defaulters, if any.

In this context, it is to inform that the Commission has devised a Format C-6 for sending the compliance report. You are, therefore requested to send the abovementioned report regarding compliance by the political parties to the Commission in the Format C-6 in respect of the Lok Sabha general election. The report may be submitted latest by 30.09.2019.

Yours faithfully,

(N.T. Bhutia)  
Secretary

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2020/SDR/Vol.III

Dated: 6<sup>th</sup> March, 2020

To

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

**Sub: Order dated 13<sup>th</sup> February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011 - Requirement of publishing details regarding candidates with pending criminal cases- regarding.**

Sir/Madam,

I am directed to bring to your notice of the Hon'ble Supreme Court's Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011.

2. In this connection your attention is drawn to the Commission's instructions contained in letters no. 3/4/2017/SDR/Vol.II& 3/4/2019/SDR/Vol.I dated 10<sup>th</sup> October, 2018 and 19<sup>th</sup> March, 2019 respectively in compliance of the Hon'ble Supreme Court's judgement dated 25<sup>th</sup> September, 2018, in *Public Interest Foundation & Ors. V. Union of India & Anr.* [WP (Civil) No. 536 of 2011].

3. The Hon'ble Supreme Court in its Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011, referred to above, has given the following directions: -

*"4. We have also noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. We therefore issue the following directions in exercise of our constitutional powers under Articles 129 and 142 of the Constitution of India:*

*(1) It shall be mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.*

*(2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.*

*(3) This information shall also be published in :*

*(a) One local vernacular newspaper and one national newspaper;*

*(b) On the officials social media platforms of the political party, including Facebook & Twitter.*

*(4) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.*

*(5) The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.*

*(6) If a political party fails to submit such compliances report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions."*

4. In pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 and in addition to the Commission's earlier instructions dated 10<sup>th</sup> October, 2018 and 19<sup>th</sup> March, 2019, the Commission, after due consideration has directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction shall scrupulously follow each of the above directions in all future elections to the Houses of Parliament and State Legislatures. Information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates shall be published by the political party in the newspapers, social media platform and website of the party in the enclosed **Format C-7 within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**

5. A compliance report in the enclosed **Format C-8 shall be sent to the Commission within 72 hours of the selection of the candidate.**

-73-

6. The party may note that failure to abide by the abovementioned directions will render the party liable to contempt proceedings before the Hon'ble Supreme Court.

7. It is clarified that failure to abide by the above directions will also be treated as failure to follow a lawful direction of the Commission for the purposes of Paragraph-16A of the Elections Symbols (Reservation & Allotment) Order, 1968.

Yours faithfully,

(NARENDRA N.BUTOLIA)  
PRINCIPAL SECRETARY

Copy to: -The Chief Electoral Officers of all States and UTs with the request that a copy of this letter may be sent to all registered political parties with headquarters in the State/UT including the State Units of the recognized National and State Parties.

By Speed Post

## **ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2020/SDR – Vol.III

Dated: 19<sup>th</sup> March, 2020

To

The Chief Electoral Officers of  
All States and UTs

**Subject: - Order dated 13<sup>th</sup> February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP (C) No. 536 of 2011- Requirement of publishing details regarding candidates with pending criminal cases- regarding.**

Sir,

I am directed to refer to the Commission's letter of even No. dated 06.03.2020, on the above subject and addressed to recognized political parties, a copy of the letter endorsed to CEOs and to say that in pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020, if a political party fails to submit compliance report with the Election Commission, the Election Commission shall bring such non compliance by the political party concerned to the notice of the Supreme Court as being in contempt of the court's order. Accordingly, the political parties shall publish information regarding candidates with criminal antecedents with the reason for selection of such individuals in Format C-7 within the given time and a compliance report shall be sent in Format C-8 to the Commission within 72 hours of the selection of the candidates.

The CEOs are requested to obtain information with regard to the individuals with criminal antecedents, selected as candidates by the political parties, in the elections being held in their states, from the ROs concerned and furnish the same in compiled form, in the enclosed Format CA. The information shall be sent to the Principal Secretary/Secretary of the concerned Territorial Zone/Biennial Election Division in the Commission by the last date of making nominations for the said election so that information of non-compliance by the political parties may be submitted to the Supreme Court, in time.

**Yours faithfully**

**(N.T.Bhutia)**  
**Secretary**

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2019/SDR/Vol.IV

Dated: 16<sup>th</sup> September, 2020

To,

The Chief Electoral Officers of  
all States and Union Territories.

**Sub: Supreme Court's Judgment on the petition regarding requirement of publishing details regarding people with criminal antecedents contesting elections;**

Sir/Madam,

I am directed to invite your attention to the Commission's letter No. 3/4/2017/SDR/Vol. II dated 10.10.2018, and letter dated 19.03.2019, issued in pursuance of the Judgment of Hon'ble Supreme Court in WP(C) No. 784 of 2015 (Lok Prahari Vs. UoI & Ors) and WP(C) NO. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI and Anr.). In the said letters the Commission has directed that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates, shall publish declaration in newspapers and TV Channels in the manner prescribed in the letters referred to above.

2. Subsequently, in pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 passed in Contempt Petition(C ) No. 2192 of 2018 in WP(C) NO. 536 of 2011 and in addition to the directions in the Commission's above said two letters, the Commission vide letter No. 3/4/2020/SDR/Vol.III dated 6<sup>th</sup> March 2020, has also directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction, shall scrupulously follow each of the above directions in all future elections to the Houses of Parliament and State Legislatures. Information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for selection of such candidates, as also as to why other individuals without criminal antecedents could not be selected as candidates, shall be published by the political party in the newspapers, social media platform and website of the party within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.

3. The Commission has also considered the issues relating to the publicity by the uncontested returned candidates and directed that in view of above said directions of Hon'ble

Supreme court such candidates must also publicize their criminal antecedents in the manner as prescribed for other contesting candidates..

4. As per the Commissions directions, the details regarding criminal cases are to be published on three occasions during the campaign period for the purposes of publishing of such details. Now, Commission has considered the matter and directed that the period specified will be decided with three blocks in following manner, so that electors have sufficient time to know about the background of such candidates:

- a. Within first 4 days of withdrawal.
- b. Between next 5<sup>th</sup>- 8<sup>th</sup> days.
- c. From 9<sup>th</sup> day till the last day of campaign (the second day prior to date of poll)

*(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 first block for publishing of declaration shall be done between 11<sup>th</sup> and 14<sup>th</sup> of the Month, second and third blocks shall be between 15<sup>th</sup> and 18<sup>th</sup> and 19<sup>th</sup> and 22<sup>nd</sup> of that Month, respectively.)*

5. The other directions in this regard as given in the Commission's letters referred to in Para 1 & 2 above shall continue to be followed.

6. While filing the a/c of election expenses the details regarding publishing of instruction on criminal antecedents, if any, shall be provided in the prescribed format (Format C-4). In the case of election to Rajya Sabha or State legislative council, these details shall be submitted to the RO for the election.

7. It may again be stated here that as far as political parties are concerned, they will be bound to disclose details regarding candidates selected by them in terms of the above mentioned Hon'ble Supreme Court's Order dated 13.02.2020, Communicated vide Commission's letter No. 3/4/2020/SDR/Vol.III dated 6<sup>th</sup> March, 2020, even if their candidature is rejected during scrutiny and/or withdraws his candidature may be followed in this regard.

8. It may be reiterated that all the expenses incurred by the candidate and the political party in connection with the publication of the aforesaid criminal antecedent will be accounted for the

purpose of election. In this regard, the Commission's letter No 3/4/3029/SDR/Vol.-I dated 19<sup>th</sup> March 2019 may be referred to.

9. In order to streamline the existing Formats as prescribed by the Commission and in compliance of the Order of the Hon'ble Supreme Court, Formats C1, C2, and C3 have been modified by adding suitable guidelines (copies enclosed).

10. 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 head quarters based in your State/Union Territory, with instruction to take note of the above directions for strict compliance both by the parties and their candidates in all future elections.

11. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(N.T.Bhutia)  
Secretary

-79-  
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ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 576/3/2016/SDR

Dated: 29<sup>th</sup> April, 2016

To  
The Chief Electoral Officer,  
Kerala,  
Thiruvananthapuram.

Sub: Instructions regarding printing of photograph of candidates on the ballot paper- clarification-regading.

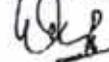
Sir,

I am directed to invite reference to the Commission Direction No. 576/3/2015/SDR, dated 21<sup>st</sup> May, 2015, regarding printing of photograph of candidates on ballot paper. One of the specifications for the photograph mentioned in the said Direction is that caps/hats and dark glasses should be avoided while taking the photograph.

2. The Commission has received a representation on behalf of Sh. M. Rajagopalan, a candidate, stating that he has been wearing cap as part of his attire due to health problems, and therefore the cap has become a part of his identity, and hence in his case cap should be permitted in the photograph to be printed on the ballot paper.

3. It is clarified that if the Returning Officer is satisfied that a candidate wears cap or dark glasses in normal course, then photograph with cap or dark glasses can be accepted in his case. However, there should not be any writing, slogan or mark pertaining to the candidate or his Party visible on the cap.

Yours faithfully,



(K.F. WILFREDO)

PRINCIPAL SECRETARY

Copy to the Chief Electoral Officer, Puducherry and the Chief Electoral Officer, Tamil Nadu, Chennai.

-813

By E-mail/ Camp Bag

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/ECI/TERR/SOU3/TS/2018

dated 20<sup>th</sup> November, 2018

To

The Chief Electoral Officer,  
Telangana,  
Hyderabad.

Subject: General Elections to Telangana State Legislative Assembly, 2018 -  
Announcement of schedule by the ECI - Conduct of Meeting with  
Political Parties - reg.

Sir,

I am directed to refer to your letter no. 3987/Elects.D/2018-3 dated 11<sup>th</sup> November, 2018 on the subject cited above and to convey clarifications to the points, raised in the aforesaid letter, as under:-

- (i) **Submission of Form-A:** Form-A and Form-B, originally signed, are required to be submitted to each RO under Para-13 of the Symbols Order. This can't be dispensed with.
- (ii) **Language of Manifesto:** No particular language is required.
- (iii) **Photograph of Candidate with Cap on:** The ECI has already clarified (copy of the letter no. 576/3/2016/SDR dated 29<sup>th</sup> April, 2016 is enclosed) that accessories that are part of the normal/daily attire may be permitted in photo as well.
- (iv) **Common Manifesto:** The ECI has no objection if a group of parties draw up a common manifesto.
- (v) **Allowing BLAs to accompany with the BLOs during the distribution of Photo Voters' Slip:** BLAs are allowed to accompany the BLOs during distribution of PVSs; however, during the process, the BLOs themselves will distribute the PVSs, the BLAs shall only keep a watch on the process. In case of any irregularity, the ERO concerned may be informed by BLAs.

Kindly acknowledge receipt of the letter.

Yours faithfully,

  
(K. H. Singh)  
Under Secretary

- 83 - 11/

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

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No. 576/3/2017/SDR/

Dated: 18-10-2017

To

The Chief Electoral Officers of  
All States and Union Territories.

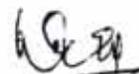
**Sub: List of contesting candidates in Form 7A/7B- displaying therein photographs of candidates against their names.**

Sir/Madam,

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

2. The Commission has now directed that, henceforth, photographs of candidates shall also be printed against their names in the list of contesting candidates in Form-7A or 7B, as the case may be. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the Form in the Gazette as well as for displaying copies thereof in the polling stations.
3. A clarification has also been sought as to whether 'NOTA' is to be printed in Form 7A and 7B. It is clarified that since Form 7A/7B denotes list of contesting candidates, 'NOTA' is not to be printed therein.
4. This direction may be conveyed immediately to all Returning Officers including the Returning Officers for Rajya Sabha election and Legislative Council elections.

Yours faithfully,



(K.F. WILFRED)

SR. PRINCIPAL SECRETARY

-85-  
1111

By Speed Post/e-mail

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 5<sup>th</sup> March, 2019

To

**The Chief Electoral Officers of  
All States and Union Territories**

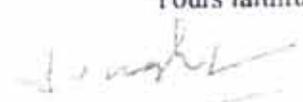
**Subject:-Corrigendum-** Form 26- Compendium of Instructions on Election Expenditure Monitoring (February, 2019)-Reg.

Madam/Sir,

I am directed to refer to the Commission's letter of even number dated 28<sup>th</sup> February, 2019 regarding amended Form 26 and to state that against item no. 8 (iii) under Part 'A' of the said Form, the words "Dues to department dealing with supply of water" were inadvertently mentioned, instead of "Dues to department dealing with Government transport (including aircrafts and helicopters)". As such, you are requested to kindly substitute the words "Dues to department dealing with Government transport (including aircrafts and helicopters)" in place of "Dues to department dealing with supply of water".

2. Corrected Form 26 (English version only) is being forwarded herewith with the request to bring this to the notice of DEOs, ROs, candidates, political parties and all election authorities and incorporate the same in the "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)" accordingly.

Yours faithfully,

  
(AVINASH KUMAR)  
SECRETARY

By Speed Post/e-mail

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.

No. 509/11/2004/JS-I/RCC

Dated: 18<sup>th</sup> May, 2016

To

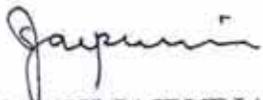
The Chief Electoral Officer,  
Uttar Pradesh,  
Lucknow.

Sub: CWP No. 4912 of 1998-Krishak Bharat Vs. Union of India and others  
before Delhi High Court.

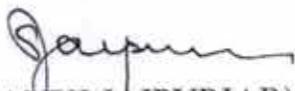
Sir,

I am directed to refer to your letter No. 833/CEO-2-67/2-2007 dated 13.05.2016 on the subject cited and to state that the Commission's Order dated 03.02.2016 regarding dues in respect of Government accommodation would also apply in respect of elections to Rajya Sabha and State Legislative Councils.

Yours faithfully,

  
(ANUJ JAIPURIAR)  
SECRETARY

Copy to: Chief Electoral Officers of all other States/UTs, alongwith copy of the Order dated 03.02.2016, referred to above.

  
(ANUJ JAIPURIAR)  
SECRETARY

-89-1111

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

No. 509/11/2004-JS.I

Dated: 03<sup>rd</sup> February, 2016

ORDER

Sub: Judgement of the Hon'ble Delhi High Court in W.P.(C) No. 4912/1998 (KRISHAK BHARAT VS UNION OF INDIA AND ORS.) – Candidates to submit 'No Demand Certificate' from agencies providing electricity, water and telephone along with their nomination papers – regarding.

Whereas, vide its order no. 3/ER/2003/JS.II, dated 27.03.2003, issued in pursuance of the judgement dated 13.03.2003 of the Hon'ble Supreme Court in C.A.(C)No. 490 of 2002, the Commission had directed that the candidates filing nominations for elections to the Houses of Parliament and State Legislatures shall file an affidavit declaring their criminal antecedents, if any, assets, liabilities and educational qualifications, and also specified the format for such affidavit; and

Whereas, it was specified in the format that in the case of candidates holding or having held any public office, 'No Due Certificate' shall also be submitted in respect of Government dues; and

Whereas, having considered representations from some quarters regarding difficulty in obtaining 'No Dues Certificate', the Commission decided to discontinue the requirement of submitting 'No Dues Certificate', as communicated to all concerned vide its letter no. 3/ER/2004/JS.II, dated 09.03.2004; and

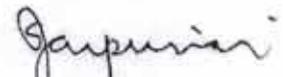
Whereas, the Hon'ble Delhi High Court in its judgement dated 07<sup>th</sup> August, 2015, in W.P.(C) No. 4912/1998 (KRISHAK BHARAT VS UNION OF INDIA AND ORS.) has, *inter-alia*, directed as follows:-

"The ECI to, as directed in the earlier orders in this petition, continue to insist upon the candidates desirous of contesting an election to Parliament or to Legislative Assembly, along with their nomination from furnishing an affidavit of their being not in arrears of any public dues and if such candidate is in occupation of or in the past ten years been in occupation of any government accommodation to furnish a No Dues Certificate from the agency providing electricity, water and telephone to the said accommodation."

Now, therefore, in pursuance of the above mentioned direction of the Hon'ble Delhi High Court, the Commission hereby directs that at every election to either House of Parliament and to the State Legislature, every candidate at the time of filing nomination paper, shall also file an additional affidavit in the format attached as Annexure to this order alongwith the 'No Demand Certificate' from the agencies

providing electricity, water and telephone with also rent, in case he had been in occupation of any Govt. accommodation during the last 10 years. This affidavit would be in addition to the affidavit required to be filed in Form-26, and shall be got attested by an Oath Commissioner, or Notary Public, or Magistrate of the First Class. The outer limit for filing this affidavit would be 3:00P.M.on the last date of filing nomination paper. Failure to file the affidavit alongwith the 'No Demand Certificates' would be treated as a defect of substantial nature for the purposes of Section-36 of the Representation of the People Act, 1951.

By Order of the Commission,

  
(Anuj Jaipuria)  
SECRETARY

-91-  
///  
-/-

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

No.576/3/2015/ SDR

Dated: 16<sup>th</sup> March, 2015

To,

The Chief Electoral Officers  
of all States and UTs.

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

Madam/Sir,

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

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

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

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

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

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

6. The specifications for the photograph are as follows:

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

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

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

-93-

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

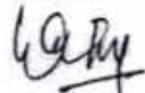
9. The Returning Officer shall display a list of validly nominated candidates with the photographs of the candidates against their names on the day following the date fixed for scrutiny of nominations. The Returning Officer shall inform the candidates at the time of scrutiny that the photographs to be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

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

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

11. Please acknowledge receipt.

Yours faithfully,



(K.F. WILFRED)  
PRINCIPAL SECRETARY

-25-  
-5-

Annexure 2

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

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

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

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

OR

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

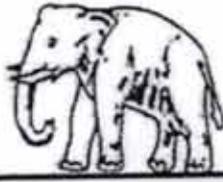
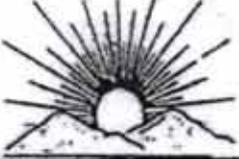
*(fill up this part when the election agent/proposer is submitting the photograph).*

Date: \_\_\_\_\_

Name : \_\_\_\_\_

Address: \_\_\_\_\_

Tel No. \_\_\_\_\_

- |    |  |  |   |
|----|--|--|---|
| 1. | అశోక్ కుమార్, కె.<br>అశోక్ కుమార్, కె.<br>అశోక్ కుమార్, కె.                      |     |    |
| 2. | శాన్పాషా, యం.<br>చాన్భాషా, యం.<br>చాన్భాషా, యం.                                  |     |    |
| 3. | శిన్న పిల్లప్ప, పి.<br>చిన్నపిల్లప్ప, పి.<br>చిన్నపిల్లప్ప, పి.                  |     |    |
| 4. | శిలలక్ష్మణం, డాక్టర్. ఆ.<br>శిలలక్ష్మణం, డాక్టర్. ఆ.<br>శిలలక్ష్మణం, డాక్టర్. ఆ. |     |    |
| 5. | కవ్వి, యం. యం. యం.<br>గౌడ. ఎన్. ఎన్. ఎం.<br>గౌడ, ఎన్. ఎస్. ఎం.                   |   |   |
| 6. | శుభ్రం, యం.<br>సుందరం, ఎన్.<br>సుందరం, ఎస్.                                      |  |  |
| 7. | మణి, జి.కె.<br>మణి, జి.కె.<br>మణి, జి.కె.  |   |  |
| 8. | మణిరాజ్, కె.<br>మణిరాజ్, కె.<br>మణిరాజ్, కె.                                     |   |  |
| 9. | అశోక్ కుమార్, యం.<br>అశోక్ కుమార్, యం.<br>అశోక్ కుమార్, యం.                      |  |  |

16. మేధాకాణ్డం నరకణిల  
ఁవరూమిలఁల

ఫైన తెలిసిన వ్యక్తులలో ఎవరులేరు.  
పేరిలే తెలిసిన వ్యక్తులలో ఎవరులేరు.

NOTA

By Speed Post/E- Mail

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2015/SDR

Dated: 19<sup>th</sup> January, 2016

To,

The Chief Electoral Officers  
of all States/UTs.

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

Sir,

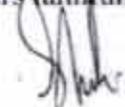
I am directed to invite reference to the Commission's letter of even number dated 16<sup>th</sup> March, 2015 on the subject cited above. In paragraph 8 of the said letter it has been directed that if the photograph of the candidate is not submitted alongwith nomination paper, the RO shall give a notice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

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

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

Kindly acknowledge receipt.

Yours faithfully,



( N.T. Bhutia )  
Under Secretary

-99-

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

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

-11-

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

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

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

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

The specifications for the photograph are as follows:

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

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

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

**Received**

.....  
(Signature of candidate)

.....  
Signature of RO/ARO

Date & time:  
Place:

-101  
-13-

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

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

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

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

OR

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

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

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel No. \_\_\_\_\_

-15-  
-103-

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

No. 576/3/2017/SDR/

Dated: 18-10-2017

To

The Chief Electoral Officers of  
All States and Union Territories.

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

Sir/Madam,

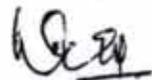
Reference is invited to the Commission's letter No. 576/3/2015, dated 16<sup>th</sup> March, 2015, regarding directions for printing photographs of candidates also in the ballot papers.

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

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

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

Yours faithfully,



(K.F. WILFRED)

SR. PRINCIPAL SECRETARY

-105-

## ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI- 110001

No.576/3/2018/SDR/Vol.III

Dated: 11<sup>th</sup> September, 2018

To,

The Chief Electoral Officer of  
All States and Union Territories

Sub: - Provision for "None of the above" (NOTA) option on ballot paper for elections to Rajya Sabha and State Legislative Council-withdrawing the provision-reg.

Sir,

I am directed to state that the Hon'ble Supreme Court in their judgment dated 21.08.2018 in WP (C) no. 631 of 2017 (Shailesh Manubhai Parmar Vs. ECI & Ors.) has directed that None of the Above (NOTA) option should not be made applicable for elections to Council of States. It has been held that NOTA should be provided only in direct elections (election to Lok Sabha and Legislative Assemblies).

In pursuance of the above-referred judgment of the Hon'ble Supreme Court, the NOTA option will no longer be applicable in Rajya Sabha election and Legislative Council election.

The above instruction may kindly bring to the notice of the Returning Officers for Elections to the Council of States and State Legislative Councils with instructions that column for NOTA shall **not** be printed in the ballot papers for these elections.

Kindly acknowledge receipt.

Yours faithfully,

  
(N.T. Bhutia)  
SECRETARY

2388  
11/2/19

-107

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110 001

No. 3/4/2019/SDR/Vol-I

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

To,

The Chief Electoral Officers of  
All States and UTs

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/Madam,

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

-169-

**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.

**Q.15 What are the Hours during which the information on TV channels is to be displayed?**

**Ans.** Information should be published on TV channels during the period between 8AM and 10PM.

**Q.16 What will be the language in which the information is to be published on TV channels?**

**Ans.** The information should be published in vernacular language or in English.

**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 above mentioned 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/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/telecast	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.

**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.