

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

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

Dated: 10th October, 2018

To,

The Chief Electoral Officers of
All States and Union Territories.

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

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

Sir/Madam,

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

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

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

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

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

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

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

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

(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 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

Format C-1

(for candidate to publish in Newspapers, TV)

Declaration about criminal cases

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

Name and address of candidate: _____

Name of political party: _____

(Independent candidates should write "Independent" here)

Name of Election : _____

*Name of Constituency: _____

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

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

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

Note: (i) Details should be given separately for each case in separate rows.

(ii) The matter in newspapers should be in font size of atleast 12.

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

Name of Political Party: _____

* Name of Election : _____

Name of State/ UT : _____

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

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

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

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

Office of Returning Officer

Name of Constituency : _____

Name of State : _____

Name of Election : _____

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

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

Date: _____ Signature _____

Name of the RO/ARO _____

Signature of Candidate _____

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

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

BY Special Messenger

New Delhi, the 10th October, 2018

To

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

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

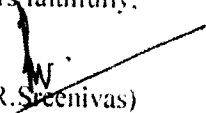
Sir,

I am directed to forward herewith a notification bearing No.H-11019/04/2018-Leg.II dated 10/10/2018 (in English and Hindi) to be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) on 10/10.2018.

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

Encl: As above

Yours faithfully,


(R. Sreenivas)
Additional Legislative Council
Tele: 23384603

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

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

New Delhi, the October, 2018.

S.O. -----(E).— In exercise of the powers conferred by sub-section (3) of section 77 read with section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

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

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

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

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

3. In Form 26 of the principal rules.—

(A) in PART A—

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

“(5) Pending criminal cases.—

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

OR

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

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

Table

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

(6) Cases of conviction.—

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

OR

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

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

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Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Sectionof IPC, etc..			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES or No)			
(h)	If answer to item (g) above is YES, give details and present status of appeal			

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

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

Note:

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

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

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

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

"Table

(ii)	Government dues: Dues to Departments dealing with Government accommodation	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished, namely:-</p> <p>(i) The address of the Government accommodation: ----- ----- -----</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent; (b) electricity charges; (c) water charges; and (d) telephone charges as on ----- (date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- "No Dues Certificate" from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>
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(iii)	Dues to Department dealing with Government transport (including aircrafts and helicopters)					
(iv)	Income tax dues					
		Self	Spouse	Dependent -1	Dependent -2	Dependent -3
(v)	GST Dues					
(vi)	Municipal / Property tax dues					
(vii)	Any other dues					
(viii)	Grand total of all Government dues					
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.”;					

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

“(9A) Details of sources of income:

- (a) Self -----
- (b) Spouse -----
- (c) Source of income, if any, of dependents, -----

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

- (a) details of contracts entered by the candidate -----
- (b) details of contracts entered into by spouse -----
- (c) details of contracts entered into by dependents -----
- (d) details of contracts entered into by Hindu undivided family or trust in which the candidate or spouse or dependents have interest -----

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

- (f) details of contracts entered into by private companies in which candidate or spouse or dependants have share -----
-----";

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

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

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

(Dr. Reeta Vasishta)

Additional Secretary to the Government of India

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

FORM 26
(See rule 4A)

Please affix your recent passport size photograph here

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

PART-A

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

(1) I am a candidate set up by
(**name of the political party)**am contesting as an Independent candidate.
(**strike out whichever is not applicable)

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

(3) My contact telephone number(s) is/are.....
and my email id (if any) is
and my social media account(s) (if any) is/are
(i).....
(ii).....
(iii).....

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

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-tax return (in Rupees)
1.	Self			
2.	Spouse			
3.	Dependent-1			
4.	Dependent-2			
5.	Dependent-3.....			

(5) Pending criminal cases

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

OR

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

Table

(a)	FIR No. With name and address of Police Station concerned			
(b)	Case No. with Name of the Court			

(c)	Section(s) of concerned Acts/Codes involved <i>(give no. of the Section , e.g. Sectionof IPC, etc.).</i>			
(d)	Brief description of offence			
(e)	Whether charges have been framed <i>(mention YES or NO)</i>			
(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 <i>(Mention YES or NO)</i>			

(6) Cases of conviction

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

OR

(ii) I have been convicted for the offences mentioned below:
(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

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

(h)	If answer to (g) above is YES, give details and present status of appeal			
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(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

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

Note:

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

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

A. Details of movable assets:

- Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.
- Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given
- Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.
- Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.
- Note: 5. Details including amount is to be given separately in respect of each investment

Sl.No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand					
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits					

	with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit.					
(iii)	Details of investment in Bonds, debentures/shares and units in companies/Mutual funds and others and the amount.					
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount.					
(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc., and other receivables from debtors and the amount.					
(vi)	Motor Vehicles/Aircrafts/Yachts/Ships (Details of Make, registration number etc. year of purchase and amount)					
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)					
(viii)	Any other assets such as value of claims/interest					
(ix)	Gross Total Value					

B. Details of Immovable Assets:

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

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

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land Location(s) Survey number(s)					
	Area (total measurement in acres)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
(ii)	Non-Agricultural Land: Location(s) Survey number(s)					
	Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
(iii)	Commercial Buildings (including apartments) -Location(s) -Survey number(s)					
	Area (total					

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

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

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

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial Institution, Amount outstanding, Nature of Loan					
	Loan or dues to any other individuals/entity other than mentioned above Name(s), Amount outstanding, nature of loan					
	Any other liability					
	Grand total of liabilities					
(ii)	Government dues: Dues to Departments dealing with Government accommodation	<p>(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 _____</p> <p>(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>				YES/NO (Pl. tick the appropriate alternative)

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

(9) Details of profession or occupation:

- (a) Self.....
- (b) Spouse.....

(9A) Details of sources of income:

- (a) Self.....
- (b) Spouse.....
- (c) Source of income, if any, of dependents,

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

- (a) details of contracts entered by the candidate
- (b) details of contracts entered into by spouse.....
- (c) details of contracts entered into by dependents.....
- (d) details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest....
- (e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners.....
- (f) Details of contracts entered into by private companies in which candidate or spouse or dependents have share.....

(10) My educational qualification is as under:-

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

PART-B

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

1.	Name of the candidate		Sh./Smt./Kum.			
2.	Full postal address					
3.	Number and name of the constituency and State					
4.	Name of the political party which set up the candidate (otherwise write 'Independent')					
5.	Total number of pending criminal cases					
6.	Total number of cases in which convicted					
7.		PAN of	Year for which last income Tax return filed	Total income shown		
	(a) Candidate					
	(b) Spouse					
	(c) Dependents					
8.	Details of Assets and Liabilities in Rupees					
	Description	Self	Spouse	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)					
B.	Immovable Assets					
	I.	Purchase Price of self-acquired immovable property				
	II.	Development/ construction cost of immovable property after purchase (if applicable)				
	III.	Approximate Current market price— (a) self-acquired assets (Total Value) (b) inherited assets (Total Value)				
9.	Liabilities					

	(i)	Government dues (Total)					
	(ii)	Loans from Bank, Financial Institutions and others (Total)					
10.		Liabilities that are under dispute					
	(i)	Government dues (Total)					
	(ii)	Loans from Bank, Financial Institutions and others (Total)					
11.		Highest educational qualification: (Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)					

VERIFICATION

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

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

Verified at.....this theday of.....

DEPONENT

- Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.
 Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.
 Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable” as the case may be, should be mentioned,
 Note: 4. The Affidavit should be either typed or written legibly and neatly.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi –110 001

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

Dated: 05th November, 2018

To,

The Chief Electoral Officers of

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

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


Sir,

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

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

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

Yours faithfully,


(N.T. Bhutia)
Secretary

Copy to: All Recognized National and State Political Parties

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.

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 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Newspaper			Television			Mode of Payment (electronic/c heque/ 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/telect	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.

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 25th 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/telecast	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.