

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

Memo. No.1870/Elecs.F/2012-11

Dated:14.5.2012.

Sub:-Bye-elections to H.O.P. / A.P.L.A., from 39-Nellore Parliamentary Constituency & (18) Assembly Constituencies - Affidavits filed by the candidates with their nomination paper - Revised format for filing affidavit regarding criminal background, assets, liabilities and educational qualifications - Communicated - Reg.

Ref:- 1. E.C.I. Letter No.3/ER/2011/SDR, dt.25.02.2011.
2.This office Lr.No.864/Elecs.F/2011-2, dt.25.02.2011.
3.E.C.I. Lr. No.3/ER/2011/SDR, dt.01.09.2011.

The attention of the Collectors & D.E.Os of Warangal, Srikakulam, Visakhapatnam, East Godavari, West Godavari, Guntur, Prakasam, Nellore, Kadapa, Kurnool, Anantapur and Chittoor is invited to the references cited and they are informed that the Commission, vide its Order No.3/ER/2003/JS-II, dated 27th March, 2003, had prescribed the format in which the candidates contesting election to the Houses of Parliament and State Legislatures have to file affidavits giving information about their criminal background, assets, liabilities and educational qualifications, in pursuance of the judgement and order of the Supreme Court of India dated 13th March, 2003, in Civil Appeal No.490 of 2002. Based on the experience since then, the Commission has made some modifications in the format of the affidavit for better and more effective dissemination of information to the electors about the background of the candidates. The new format for the affidavit is kept in the ceo's website i.e. www.ceoandhra.nic.in and **the same will be used for all elections from now onwards**. In the reference 2nd cited, the **revised format** has also been communicated. However, a copy of the same is enclosed herewith for information and for taking necessary action.

Therefore, the Collectors & D.E.Os of Warangal, Srikakulam, Visakhapatnam, East Godavari, West Godavari, Guntur, Prakasam, Nellore, Kadapa, Kurnool, Anantapur and Chittoor are requested to circulate the above **revised format** to the Returning Officers / Assistant Returning Officers and also election related officials in the district and shall also bring to the notice of all political parties / any candidates coming to R.O./ARO for filing of the nomination.

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

To

The Collector & D.E.Os. of Warangal, Srikakulam, Visakhapatnam, East Godavari, West Godavari, Guntur, Prakasam, Nellore, Kadapa, Kurnool, Anantapur and Chittoor (w.es.)

Copy to:

The Returning Officer, 39-Nellore Parliamentary Constituency & Collector, Nellore(w.es.)

The Returning Officers, 104-Parakal, 127-Narasannapeta, 152-Payakaraopet(SC), 161-Ramchandrapuram, 177-Narsapuram, 186-Polavaram(ST), 212-Prathipadu(SC), 220-Macherla, 227-Ongole, 242-Udayagiri, 244-Rajampet, 246-Kodur(SC), 247-Rayachoty, 253-Allagadda, 263-Yemmiganur, 267-Rayadurg, 272-Anantapur Urban and 286-Tirupati Assembly Constituencies (w.es.) through Dist. Collector & DEOs concerned.

// FORWARDED: BY ORDER //


SECTION OFFICER
A.S.

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

No. 3/ER/2011/SDR

Dated : 25th February, 2011

To

The Chief Electoral Officers of all
States and Union Territories.

Sub: Affidavits filed by the candidates with their nomination paper- revised format for filing affidavit regarding criminal background, assets, liabilities and educational qualifications.

Sir/Madam,

The Commission, vide its Order No. 3/ER/2003/JS-II, dated 27th March, 2003, had prescribed the format in which the candidates contesting election to the Houses of Parliament and State Legislatures have to file affidavits giving information about their criminal background, assets, liabilities and educational qualifications, in pursuance of the judgment and order dated 13th March, 2003, in Civil Appeal No. 490 of 2002.

2. Based on the experience since then, the Commission has made some modifications in the format of the affidavit for better and more effective dissemination of information to the electors about the background of the candidates. The new format for the affidavit is enclosed herewith. This format will be used for all elections from now on.

3. The new format may be circulated to all election officials in the State and also brought to the notice of all political parties based in your State/UT, including the State Units of recognized Parties.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

**Affidavit to be Furnished by the candidate alongwith Nomination Paper
Before the Returning Officer
For election to.....(name of the House)
From.....Constituency(Name of the Constituency)**

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:-

(strike out whichever is not applicable)

(1) I am a candidate set up by------(name of the political party) / am contesting as an
Independent candidate.

(2) **Details of PAN and status of filing of Income tax return :**

Sl. No.	Names	Permanent Account Number (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			

(3) **The following case(s) is/ are pending against me in which cognizance has been taken by the court:-**

Sl. No.	Offence	Description
(a)	The details of cases where the court has taken cognizance, Sections of the Act and description of the offence for which cognizance taken :	
(b)	Name of the court, Case No. and Date of order taking cognizance :	
(c)	Details of Appeal (s) / Application(s) for revision (if any) filed against the above order(s) :	

(4) **Cases in which I have been convicted by a court of law(other those referred to in Form 26):**

(a)	The details of cases, Sections of the Act and description of the offence for which convicted :	
(b)	Name of the Court(s), Case No. and Date(s) of order(s) :	

(c)	Punishment imposed :	
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(5) 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
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
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.
- 4 . Dependent', here means a person, substantially dependent on the income of the candidate.
5. Details including amount is to be given separately in respect of each investment)

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand					
(ii)	Details of Deposits 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 Savings, Insurance Policies and investment in any Financial Instrument 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 No. etc, Year of Purchase and amount)					
(vii)	Jewelry, bullion and valuable thing (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
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)	<u>Agricultural Land</u>					
	Location(s)					
	Survey number(s)					
	Area (Total measurement in acres)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of Land (in case of purchase)at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(ii)	<u>Non-Agricultural Land</u>					
	Location(s)					
	Survey number(s)					
	Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(iii)	<u>Commercial Buildings</u> (including apartments)					
	-Location(s)					
	-Survey number(s)					
	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					

(6) 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 for each item)

S. No.	Description	Self	Spouse(s)	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/Financial Institution(s) Name of Bank or FI Amount outstanding Nature of loan					
	Loan or dues to any individuals/ Entity other than mentioned in (i) 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					
	Dues to departments dealing with supply of water					
	Dues to departments dealing with supply of electricity					
	Dues to departments dealing with supply of telephones/mobiles					
	Dues to departments dealing with government transport (including aircrafts and helicopters)					
	Income Tax Dues					
	Wealth Tax Dues					
	Service Tax Dues					
	Municipal /Property Tax Dues					
	Sales Tax Dues					
	Any other dues					
(iii)	Grand total of all Govt. dues					

(7) Details of profession or occupation:

- a. Self.....
- b. Spouse

(8) My educational qualification is as under:

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

(9) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (8) ABOVE:

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.	(a) Number of cases in which conviction order passed (other than those referred to in Form 26)	

	(b) Total number of Pending cases where the court (s) have taken cognizance					
6.	PAN of	Year for which last Income Tax Return filed			Total Income Shown	
	(a) Candidate					
	(b) Spouse:					
	(c) Dependents					
7.	Details of Assets and Liabilities in rupees					
	Description	Self	Spouse	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Asset (Total value)					
B.	Immovable Asset					
	(i) Purchase Price and Development Cost of Immovable Property (Total Value)					
	(ii) Approximate Current Market Price of Asset (Total Value)					
8	Liabilities					
	(i) Government dues (Total)					
	(ii) Loans from Bank, Financial Institutions and others (Total)					
9.	Highest educational qualification: (Give details of School / University education with 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, 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 3 and 4 above;
 (b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 5 and 6 above.

Verified at.....this the.....day of..... 201.....

DEPONENT

- Note:** 1. Affidavit should be filed latest by 3.00 PM on the last date of filing nominations.
 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.
 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.
 4. The affidavit should be either typed or written legibly and neatly.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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No. 3/ER/2011/SDR

Dated: 1st September, 2011

The Chief Electoral Officer of
all States and Union Territories.

Sub: Affidavit filed by the candidates with their nomination papers – regarding.

Sir/Madam,

You are aware that the Commission had in the year 2003 prescribed, in pursuance of the judgment and order dated 13th March, 2003 in People's Union for Civil Liberties and another v Union of India (Civil Appeal No. 490 of 2002) of the Apex Court, the format in which the candidates contesting elections to the Houses of Parliament and State Legislatures have to file affidavits giving information about their criminal background, assets, liabilities and educational qualifications.

Based on the experience since then, the Commission has made some modifications in the format of the affidavit for better and more effective dissemination of information to the electors about the background of the candidates. The new format was circulated to all CEOs and all recognized National and State Political Parties vide letter of even number dated 25th February, 2011 and has come into effect for use at all subsequent elections. The Political parties were also specifically informed that this format will be used for all elections from then onwards and with the advice to circulate it to all units of their party for bringing to the notice of the candidates contesting elections in future.

It has, however, been reported that during some of the recent elections some candidates had used the pre-revised format of the affidavit. The Commission has directed that the revised format of the affidavit should be brought to the notice of the Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha as well as Legislative Councils, so that they ensure that candidate file the affidavit in the revised format.

Certain clarifications issued after issue of the revised format of Affidavit are also recapitulated below for convenience: -

- (i) The Returning Officer can take the assistance of one suitable officer exclusively to check that the affidavit is filed in the revised format and all columns are filled legibly and if there is no information to be indicated/furnished against any item, "Nil" or "Not applicable", as may be appropriate, should be written against such item.
- (ii) In case, any candidate files the affidavit in pre-revised format, he should be advised to file a fresh affidavit in revised format by 3 P.M. on the last date for filing nominations.

- (iii) The candidates are required only to furnish details of deposits in banks/post offices etc under the "details of immovable assets" without mentioning their Account Nos. of banks/post offices.
- (iv) The affidavits are required to be sworn before a first class Magistrate or a Notary Public. In a writ petition (No. 8682 of 2011 and M.P. No. 1 of 2011) the Hon'ble Madras High Court has directed that the duly sworn affidavits should be on stamp paper of the value of Rs 20/-.
- (v) The value of stamp paper for affidavits is prescribed under the State Act, and hence varies from State to State. In view of the above mentioned order of the Hon'ble Madras High Court, the Commission has directed that in future the affidavits to be filed by the candidates (in States other than Tamil Nadu) should be on stamp paper of such denomination as prescribed under the State law of the State concerned on the subject. In Tamil Nadu the affidavit should be on Rs.20/- stamp paper as per the direction of the Hon'ble High Court.

The Returning Officer will post a copy of the affidavit on the notice board for wider dissemination and also provide a copy to CEO for uploading it on the CEO's website after scanning. If the Office of the Assistant Returning Officer is outside the headquarters of the Returning Officer, but within the boundary of the constituency, then a copy of the affidavit is to be displayed on the notice board of the Assistant Returning Officer also. If the offices of both Returning Officer and Assistant Returning Officer are outside the territory of the constituency then one copy of the affidavit is also required to be affixed in the notice board of Block Development Officer or in a Panchayat Office within the constituency. This will be in addition to displaying the copy on the notice board of the Returning Officer.

The Chief Electoral Officer is requested to ensure that all the Returning Officers including Returning Officers for elections to Council of States and Legislative Councils receive a copy of this letter and an acknowledgement is obtained by him and kept in his record. A consolidated certificate that all the Returning Officers have received the instructions may be forwarded to the Commission within one month of receipt of this letter, for its record.

Yours faithfully,



(Ashish Chakraborty)

Secretary

Copy to President/General Secretary of all the recognized National and State Parties (as per list enclosed) in continuation of Commission's letter of even number dated 25/2/2011. They are once again advised to disseminate the revised format of the Affidavit within their party units and take such action as may considered appropriated to ensure that none of the party candidates file their Nomination paper with pre-revised affidavit. The Returning Officers have been instructed not to accept any Affidavit in any other format other than the one now prescribed by the Commission.