

**OFFICE OF THE CHIEF ELECTORAL OFFICER,  
ANDHRA PRADESH**

Building No.5, A.P. Secretariat, Velagapudi, Amaravati – 522 238.

Memo.No.2030/Elecs.D/2019-3

Dated.20.03.2019.

Sub:- General Elections, 2019 –Filing of Affidavit in Form 26 appended to the Conduct of Elections Rules, 1961 – Instructions – Reg.

Ref:- E.C.I. Lr.No.3/ER/2019/SDR/Vol.III, dated 20.03.2019.

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The attention of all the Collectors & DEOs is invited to the reference cited. The ECI has issued instructions regarding the Filing of Affidavit in Form 26.

The following circulars are being sent **through e-mail**, for ready reference and clarification on filing of Affidavit in Form 26:

Sl. No.	Reference No. & Date.	Subject
1	3/ER/2011/SDR, dt:16.03.2011.	Affidavits filed by the candidates with their nomination paper – revised format – checking – Reg.
2	3/ER/2011/SDR, dt:12.10.2012.	Affidavits filed by the candidates with their nomination paper – uploading on website – Reg.
3.	3/ER/2013/SDR, dt:12.06.2013.	Affidavits filed by candidates – complaints/ counter affidavits filed against the statements in the affidavits – dissemination thereof.
4.	576/3/2013/SDR, dt:30.09.2013	Judgment dt:13.09.2013 of the Hon’ble Supreme Court in WP(C) No.121 of 2008 – Resurgence India vs. ECI and other, regarding filing of incomplete affidavit of candidates.
5.	3/ER/2013/SDR/Vol.V, dt:03.03.2014.	Affidavits filed by candidates’ dissemination thereof.
6.	3/ER/2011/SDR, dt:01.11.2011	Affidavits filed by candidates – dissemination thereof – Reg.

2. All the Collectors & DEOs are requested to bring these instructions to the notice of all concerned i.e., Returning Officer / Asst. Returning Officers and shall be scrupulously implemented.

GOPAL KRISHNA DWIVEDI,  
CHIEF ELECTORAL OFFICER &  
E.O. PRL. SECRETARY TO GOVERNMENT

To

All the Collectors & DEOs of Andhra Pradesh State (download the enclosures from your e-mail).

All the Returning Officers of Parliamentary Constituencies/ Assembly Constituencies in the State **through** DEOs concerned.

Sri Ravi, Dy. Project Manager, C.M.C. (SLA) O/o. the C.E.O., A.P. – with a request to upload in CEO’s website.

SF/SCs.

//FORWARDED::BY ORDER//

  
SECTION OFFICER

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 3/ER/2019/SDR/Vol.III

Dated: 20<sup>th</sup> March, 2019

To,

The Chief Electoral Officers  
of all States & Union Territories.

Subject: - Filing of Affidavit in Form 26 appended to the Conduct of Elections Rules, 1961-instructions- regarding.

Sir/Madam,

The Commission has issued detailed instructions from time to time, regarding filing of Affidavit by the candidates along with the Nomination papers and its dissemination. Complaints related to dissemination of affidavits filed by candidates on the web-site of the Chief Electoral Officers, poor quality of scanning, illegible affidavits, etc. have been received in the Commission. In this connection, copies of the following circular/letters are being sent herewith for ready reference and necessary action.

Sl.no.	Letter No.	Date	Subject
1.	3/ER/2011/SDR	16.03.2011	Affidavits filed by the candidates with their nomination paper – revised format- checking- regarding
2.	3/ER/2011/SDR	12.10.2012	Affidavits filed by the candidates with their nomination paper- uploading on website – regarding
3.	3/ER/2013/SDR	12.06.2013	Affidavits filed by candidates – complaints/counter affidavits filed against the statements in the affidavits – dissemination thereof.
4.	576/3/2013/SDR	30.09.2013	Judgment dated 13.09.2013 of the Hon'ble Supreme Court in WP(C) No. 121 of 2008-Resurgence India Vs. Election Commission of India and other, regarding filing of incomplete affidavit of candidates.
5.	3/ER/2013/SDR/Vol.V	03.03.2014	Affidavits filed by candidates' dissemination thereof.
6.	3/ER/2011/SDR	01.11.2011	Affidavits filed by candidates- dissemination thereof-regarding

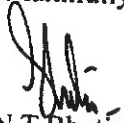


Urgent  
By CEO (PCR)  
to all AEOs/RLs  
and all concerned.

20/3

2. Instructions in the above mentioned letters should be followed in letter and spirit. It is also informed that while scanning Affidavits, care should be taken to ensure that the scanned image is clear and complete.
3. There are also instructions of the Commission that copies of nomination papers filed by each candidate should also be displayed on the notice board in the office of the RO on the same day on which the nomination has been filed. The ROs shall be directed to ensure that this is done in all cases.
4. The above instructions may be brought to the notice of all DEOs, ROs and other election authorities for compliance.
5. Kindly acknowledge receipt.

Yours faithfully,

  
(N.T. Bhutia)  
Secretary

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**ELECTION IMMEDIATE**

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.3/ER/2011/SDR/ 1-35

Dated: 16<sup>th</sup> March, 2011.

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To

The Chief Electoral Officers of all  
States and Union Territories.

Subject:-

Affidavits filed by the candidates with their nomination paper – revised  
format – checking – regarding.

Sir,

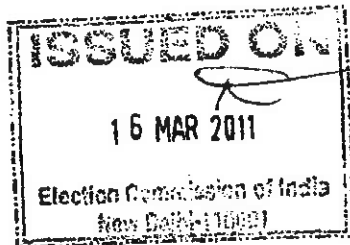
Kindly refer to the Commission's letter of even number dated 25<sup>th</sup> February, 2011, forwarding the revised format of Affidavit to be filed by the candidates with their nomination paper for all future elections to declare details about criminal background, assets, liabilities and educational qualifications.

2. The Commission's instruction already exist that the affidavits filed by the candidates at the time of filing of nomination, should preferably be typed out, and if hand-written, the entries should be clearly and legibly written. Further, no columns are to be left blank. If there is no particular to be indicated against any item, 'NIL', or 'NOT APPLICABLE' as may be appropriate, should be written. It has been decided by the Commission that in order to ensure that the candidates, in their Affidavits give all the requisite information and do not leave any column blank, the affidavit should be checked when it is filed by the candidate. For this, Returning Officer may take the assistance of one suitable officer exclusively to check that the Affidavit is filed in the revised format and all columns are filled up legibly. In case any candidate files the Affidavit in pre-revised format or has left some column of the affidavit blank or the information given is vague or illegible then the same should be pointed out immediately and the candidate should be advised to rectify the defect. If the Affidavit is in the pre-revised format, the candidate should be asked to file a fresh Affidavit in revised format with all columns filled up by 3.00 p.m. on the last date of filing nominations. The above instructions may be brought to the notice of all concerned including the Returning Officers and all the political parties based in your State, for strict compliance.

3. Kindly acknowledge receipt.

Yours faithfully,

  
(Ashish Chakraborty)  
Under Secretary



SDR

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

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

To

The Chief Electoral Officers  
Of all States / Union Territories

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

Sir,

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

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

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

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

Please acknowledge receipt.

Yours faithfully,



(Ashish Chakraborty)  
Secretary

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2013/SDR/

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

To

The Chief Electoral Officers of  
All States and Union Territories.

**Sub: Affidavits filed by candidates – complaints/counter affidavits filed against the statements in the affidavits – dissemination thereof.**

Sir/Madam,

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

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

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

Yours faithfully,

(K.F.WILFRED)  
PRINCIPAL SECRETARY

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 576/3/2013-SDR

Dated: 30<sup>th</sup> September, 2013

To

The Chief Electoral Officers of  
all States and Union Territories.

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

Sir/ Madam,

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

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

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

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

- (i) *The voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/Assemblies and such right to get information is universally recognized. Thus, it is held that right to know about the candidate is a natural right flowing from the concept of democracy and is an integral part of Article 19(1) (a) of the Constitution.*
- (ii) *The ultimate purpose of filing of affidavit along with the nomination paper is to effectuate the fundamental right of the citizens under Article 19(1)(a) of the Constitution of India. The citizens are supposed to have the necessary information at the time of filing of nomination paper and for that purpose, the Returning Officer can very well compel a candidate to furnish the relevant information.*
- (iii) *Filing of affidavit with blank particulars will render the affidavit nugatory.*
- (iv) *It is the duty of the Returning Officer to check whether the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill the blanks even after the reminder by the Returning Officer, the nomination paper is fit to be rejected. We do comprehend that the power of Returning Officer to reject the nomination paper must be exercised very sparingly but the bar should not be laid so high that the justice itself is prejudiced.*
- (v) *We clarify to the extent that Para 73 of People's Union for Civil Liberties case (supra) will not come in the way of the Returning Officer to reject the nomination paper when affidavit is filed with blank particulars.*
- (vi) *The candidate must take the minimum effort to explicitly remark as 'NIL' or 'Not Applicable' or 'Not known' in the columns and not to leave the particulars blank.*
- (i) *Filing of affidavit with blanks will be directly hit by Section 125A(i) of the RP Act. However, as the nomination paper itself is rejected by the Returning Officer, we find no reason why the candidate must be again penalized for the same act by prosecuting him/her.*

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



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

Kindly acknowledge receipt.

Yours faithfully

(Ashish Chakraborty)  
SECRETARY

## **ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2013/SDR Vol. -V

Dated: 3<sup>rd</sup> March, 2014

To,

The Chief Electoral Officers of  
all States and Union Territories.

Sub: Affidavits filed by candidates dissemination thereof.

Sir/Madam,

As per the existing instructions of the Commission, the affidavits filed by the candidates with the nomination paper are uploaded on the website of the CEO and full hard copies of affidavits are displayed on the notice board of the Returning Officer for dissemination of information. In case the office of the ARO is at a place different from the office of the RO, then a copy each of the affidavits is also displayed on the notice board in the ARO's office. If the offices of both RO and ARO are outside the territorial limits of the constituency, copies of the affidavits are to be displayed at a prominent public place within the constituency. Further, if any one seeks copies of the affidavits from the RO, copies are to be supplied.

2. There have been demands from different quarters seeking wider dissemination of the information declared in the affidavits filed by contesting candidates, for easier access to the electors. Accordingly, views of the CEOs were sought in this regard. The responses received from the various Chief Electoral Officers have been considered by the Commission. The response received from CEOs showed that most of the CEOs are in favour of displaying the abstracts part of the affidavit, as given in PART-II of the affidavit in Form 26, in different public offices in the constituency.

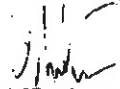
3. The Commission after due consideration of the matter has decided that for wider dissemination of information, apart from the existing mode of dissemination of information, as mentioned in para 1 above, the Abstract Part-II of the affidavit (given in Part B of Form 26) filed by the contesting candidates shall be displayed at specified additional public offices, such as (1) Collectorate, (2) Zila Parishad Office, (3) SDM Office, (4) Panchayat Samiti office (i.e. Block Office), (5) office of Municipal Body or bodies in the constituency (6) Tahsil/Taluka office, and (7) Panchayat office. This shall be done within 5 days of the date of withdrawal of candidature. In the Collectorate and Zila Parishad Office, abstracts of affidavits of all candidates in all constituencies in the District shall be displayed. All abstracts of one constituency should be displayed together and not in scattered manner. Similarly, if there are more than one constituency in a Sub-Division, all abstracts of all candidates in such constituencies shall be displayed in SDM's office.

Kindly convey these directions to all DEOs, ROs, SDMs etc. for elections to Lok Sabha, Legislative Assembly and Legislative Council constituencies. These instructions will not apply to elections to Council of States and State Legislative Council by MLAs as only elected representatives are electors for these elections.

These instructions shall be followed at all elections to be held hereafter.

Kindly acknowledge receipt.

Yours faithfully,



(N.T. Bhutia)

Under Secretary

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

615-649 (CEOs)  
650-701

Dated: 1<sup>st</sup> September, 2011

To

✓ 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 13<sup>th</sup> 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 25<sup>th</sup> 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.

