

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

Memo. No.535/Elec.F/2012-15

Dated:19.02.2012.

**Sub: Bye-elections to A.P.L.A., from (7) Assembly Constituencies -
Affidavits filed by the candidates with their nomination paper -
ECI instructions – Reg.**

- Ref:1. E.C.I., Letter No.3/ER/2004/JS-II, dt.9.03.2004.
2. E.C.I., Letter No.3/ER/2009/SDR, dt.21.03.2009
3. E.C.I., Letter No.3/ER/2009/SDR, dt.03.04.2009
4. E.C.I., Letter No.3/ER/2011/SDR, dt:8.2.2011.
5. E.C.I., Letter No.3/ER/2011/SDR, dt:16.03.2011.
6. E.C.I., Letter No.3/ER/2011/SDR, dt:23.03.2011.
7. E.C.I. Lr. No.3/ER/2011/SDR, dt.01.09.2011.

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The attention of the Collectors & DEOs of Adilabad, Nizamabad, Mahabubnagar, Warangal and Nellore is invited to the references cited wherein the Election Commission of India has issued instructions regarding display of copies of Affidavits filed by the candidates with their nomination paper in the offices of ROs / AROs and placing the affidavits on the CEO's website. Copies of the same have already been communicated to all District Election Officers. However, copies of the same are, once again, furnished to the District Election Officers of Adilabad, Nizamabad, Mahabubnagar, Warangal and Nellore.

The District Election Officers of Adilabad, Nizamabad, Mahabubnagar, Warangal and Nellore are, therefore, requested to send the **scanned copies of affidavits furnished by the candidates on daily basis through e-mail to ceo_andhrapradesh@eci.gov.in or so_gad@ap.gov.in. The affidavits should be scanned with high resolution for legible reading.** A C.D containing the scanned affidavits of all contesting candidates with photocopies of affidavits shall be sent **through special messenger along with the Form-7A on its finalization**, for uploading the same on CEO's website within 24 hours after finalization of list of contesting candidates according to E.C.I's instructions.

The District Election Officers are also requested to take necessary action on publication of information on government dues duly following the ECI's instructions in the references cited.

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

To
The Collector & D.E.Os,
Adilabad, Nizamabad, Mahabubnagar, Warangal and Nellore (w.es.)

Copy to:

The Returning Officers of 7-Adilabad, 16-Kamareddy, 74-Mahabubnagar,
81-Nagarkurnool, 85-Kollapur, 99-Ghanpur(Station) (S.C) & 235-Kovur Assembly
Constituencies (w.es.) through the Collector & D.E.Os, concerned.

Sri Deputy Project Manager, C.M.C. O/o. the C.E.O., with a request to ensure that all affidavits received shall be placed on our website.

// FORWARDED: BY ORDER //


SECTION OFFICER

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.

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- (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 be considered appropriate 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.

INSTRUCTION SI. No. 3

Election Commission's letter No.3/ER/2004/JS-II, dated 09.03.2004 addressed to the Chief Electoral officers of, all States and Union Territories

Subject: - Affidavit to be filed by candidates along with nomination paper -modification of format in the light of Delhi High Court's order.

I am directed to invite a reference to the order No. 3/ER/2003 JS-II, dated 27th March, 2003 of the Commission, relating to right to information of electors regarding the background of the candidates. The Commission had prescribed a format in which the candidates are required to submit information about criminal background, assets, liabilities and educational qualifications. In item (3) (a) (iii) relating to "government dues", it was mentioned that 'No Due Certificate' was to be enclosed in case of persons holding or having held public office. In view of representations received from various individuals and departments regarding difficulty in obtaining the said certificate, the Commission has decided that "No Due Certificate" is not required to be submitted along with the affidavit.

In C.W.P. No. 4912 of 1998 (Kushra Bharat Vs. Union of India & Others), the Delhi High Court has directed on 1st March, 2004 that information relating to government dues owed by candidates to the departments dealing with government accommodation, electricity, water, telephone and transport (including aircrafts and helicopters) and any other dues, should be furnished by the candidates and this information should be published by the election authorities under the Commission in at least two newspapers having local circulations for information of electors. Accordingly, the Commission has modified item (3) (a) (iii) of the format of the affidavit, relating to "government dues". A copy of the revised format of the said item (3) (a) (iii) is enclosed. There is no change in any other item of the affidavit.

The Commission has directed that the information furnished by the contesting candidates in relation to the dues to the departments mentioned above [in item (3) (a) (iii) of the affidavit], should be published by the Returning Officers concerned in at least two newspapers having local circulation, one of which should be a vernacular newspaper. This should be published by the Returning Officer within two days after preparing the list of contesting candidates. A format in which the Returning Officers may publish the information is also enclosed.

If there is more than one constituency in a District, the District Election Officer may publish the above information in a consolidated form in respect of all constituencies (constituency-wise) in that district, by suitably modifying the above-referred format.

The above instructions may be immediately brought to the notice of all election authorities and political parties in your State.

Kindly acknowledge receipt.

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

No.3/ER/2009/SDR

Dated : 21st March, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

Sub: Affidavits filed by the candidates alongwith nomination paper.

Sir/Madam,

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

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

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

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

Yours faithfully,

(K.F. WILFRED)
SECRETARY

Copy to:-

All recognized National and State political parties.

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

No.3/ER/2009/SDR

Dated : 3rd April, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

Sub: Affidavits filed by candidates alongwith their nomination paper- clarification.

Sir/Madam,

Please refer to the Commission's letter of even number dated 21st March, 2009, on the above subject. In the said letter, it was, inter alia, mentioned that the work of scanning affidavits filed by the candidate and uploading on the website should be completed within 24 hours. It is clarified that while the scanning may be got done immediately after the affidavit is filed, uploading on the website may be done within 24 hours **after the period for withdrawal of candidatures ends**. Only the affidavits filed by the **contesting candidates** need to be uploaded on the website. The instructions in the letter dated 21st March, 2009, may be treated as modified in this respect. The other instructions in the said letter will continue to be followed.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

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

No. 3/ER/2011/SDR

Dated : 8th February, 2011

To

The Chief Electoral Officers of all
States and Union Territories.

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

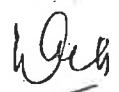
Sir/Madam,

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

2. As per the existing instructions, copies of the affidavits are to be displayed on the notice board of the Returning Officer immediately after the affidavit is filed and copies of the affidavit are to be supplied free of cost to any person who asks for the same. The affidavits are also required to be scanned and uploaded on the CEO's website, so that the affidavits of all contesting candidates are available immediately after the list of contesting candidates is finalized. In accordance with extant instructions and practice, the information about government dues as given in the affidavit (under the heading 'liabilities') is also published in two newspapers with local circulation.

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

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

Yours faithfully,

(K.F. WILFRED)
SECRETARY

ELECTION IMMEDIATE

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

No.3/ER/2011/SDR/

Dated: 16th March, 2011.

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 25th 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

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/ER/2011/SDR

Dated 23rd March, 2011

To

The Chief Electoral Officers of
All States & Union Territories

Subject: Filing of affidavits by candidates- details regarding bank deposits –clarification.

Sir,

In the affidavit to be filed by the candidates as per the format prescribed by the Commission vide its order dated 27-03-2003, which was amended recently vide the Commission's letter No. 3/ER/2011/SDR , dated 25th February, 2011, the candidates are required to furnish details of deposits in bank, post office, etc. under the heading "Details of Moveable Assets". In this connection, a question has been raised whether the Account No. for the said deposits need to be mentioned.

It is clarified that it is not necessary to mention the Account Number in the bank, post office etc. while giving the details of the amounts of deposits in the various financial institutions.

This may be brought to the notice of all elections authorities and all political parties in the State/UT.

Yours faithfully,



(K.F. WILFRED)
SECRETARY