

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA

5th Floor, North Block, Buddha Bhavan, Secunderabad -500 003.

Memo. No.182/Elecs.D/2021-18,

Dated:13.02.2021.

Sub:- Elections - Biennial Elections to Telangana State Legislative Council, 2021 from (2) Graduates' Constituencies - Certain Instructions on Nominations etc., — Reg.

Ref:- ECI Press Note, No.322/ECI/LET/FUNC/TL-LC-G&T/BIEN/2021, dated: 11.02.2021

-:o0o:-

The Collectors & District Election Officers noted in the address entry and the Commissioner, GHMC & DEO, Hyderabad are informed that ECI has announced the schedule for Biennial Elections to Telangana State Legislative Council, 2021 from Warangal-Khammam-Nalgonda and Mahabubnagar - Ranga Reddy-Hyderabad Graduates' Constituencies vide reference cited. The Returning Officer should issue public Notice of Election **on 16.02.2021(Tuesday)** as prescribed under section 31 of the Representation of the People Act, 1951 read with rule 3 of the Conduct of Elections Rules 1961 in **Form-I** appended to the said rules. Nominations shall be accepted from **16.02.2021(Tuesday)** onwards between 11.00 a.m. to 3.00 p.m. and arrange to send a report regarding publication of **Form-I** Notice by 13.00 hours **on 16.02.2021 (Tuesday)** along with a copy of **Form-I** Notice both in English and Telugu issued by the R.O. to this office.

2. The District Election Officers concerned are informed that at the time of filing nominations by the candidates, the Returning Officer should follow the instructions as mentioned in the **Hand Book for Returning Officer, 2016 for Elections to the Council of States & State Legislative Council** as detailed below:

Issue of Public Notice by the Returning Officer

3. As per the Hand Book for R.O., 2016 at para 6.1 immediately after such notification, the R.Os. are required to issue a public notice of the election under section 31 of the Representation of the People Act, 1951 read with rule 3 of the Conduct of Elections Rules, 1961. The notice will be issued in **Form I** appended to the said rules.

4. As per the Hand Book for R.O., 2016 at para 6.2 in the public notice, you have to specify, among other thing, the name(s) of the Assistant Returning Officer(s) who will also receive nomination papers, in addition to the R.O. and also the place(s) at which the nomination papers shall be received by the R.O. and the specified Asst. Returning Officer(s). Normally, R.O. should not specify more than one Asst. Returning Officer for the purpose and he should as far as possible be the one stationed at R.O. headquarter.

5. As per the Hand Book for R.O., 2016 at para 6.3 the public notice shall be published in the following manner: (i) It shall be in Form-1 appended to the Conduct of Elections Rules, 1961 and shall be published on the same date on which the notification of election is published. (iii) The notice shall be published in English & Telugu on the notice board of the R.O. office and at such other places as the R.O. may consider necessary for giving wide publicity to it including offices of Panchayat Samities, Gram Panchayats, etc.

Cont....P-2

Public Holiday — Effect on Election Programme:

6. As per the Hand Book for R.O., 2016 at para 7.1 a candidate may present his nomination paper on the very day of the notice, or any of the seven days following that day unless any of these days is a public holiday.
7. As per HB for RO, 2016 at para 7.2 in case the last date for filing nominations or the date of scrutiny of nominations or the last date for withdrawal of candidatures is declared a public holiday under the Negotiable Instruments Act, 1881, due to some reasons after the issue of notifications, the fact may be brought to the notice of the Chief Electoral Officer and the Election Commission immediately. The last date for filing nominations or the date of scrutiny of nominations or the last date for withdrawal of candidatures and other dates will be amended by the Commission as necessary. If the date fixed for the scrutiny of nominations is declared a public holiday under the Negotiable Instruments Act, 1881 the scrutiny will be held on the next succeeding day which is not a public holiday.
8. As per HB for RO, 2016 at para 7.3 similarly, if the last date for making nominations or the withdrawal of candidatures is declared a public holiday, the nomination papers or, as the case may be, notices of withdrawal of candidatures filed on the next working day should be accepted.
9. As per HB for RO, 2016 at para 7.4 the R.O. will bear in mind that the **second or fourth Saturdays** of a month or all Saturdays of the month where these are observed as holidays for government offices are not to be treated as "public holidays" under the Negotiable Instruments Act, 1881, unless the same are specifically declared as such holidays under that Act. (ECI Vide Lr. No.322/ECI/LET/FUNC/TL-LC/BIEN/2019, Dt. 21.2.2019 clarified that on 2nd & 4th Saturday R.O. shall not accept nominations.)

Nomination Papers — Required Documents:

10. As per HB for RO, 2016 at para 9.3 for election to the State Legislative Council from Council Constituencies:
 - (i) **Form-2E** appended to the Conduct of Elections Rules, 1961.
 - (ii) Security Deposit — Rs. 10,000/- or Rs. 5,000/- in case of SC/ST (proof of SC/ST shall be produced)
 - (iii) No. of Proposers: At least 10% of total electors or ten electors whichever is less for candidates set up by recognized party, and ten electors in the case for other candidates.
 - (iv) Oath or Affirmation
 - (v) Affidavit in Form 26, appended to the CE Rules 1961.
 - (vi) Documentary evidence regarding elector in an Assembly Constituency of that State.
 - vii) Form 'AA' and 'BB' (in case of candidate of a Political Party)

Number of proposers for Nomination:

11. As per HB for RO, 2016 at **para 9.3 (iii)** No. of Proposers at least 10% of total electors or ten electors, whichever is less for candidates set up by recognized party, and **ten electors** in the case for other candidates.

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

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

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

14. The maximum number of vehicles in the convoy of a candidate allowed to come within a periphery of 100 meters of RO/AROs office has been **restricted to three** and **maximum number of persons allowed is restricted to five only including candidate.**

Who can file Nomination Paper and where:

15. As per HB for RO, 2016 at para 12 all nomination papers must be presented personally either by the candidate or his proposer, and by no one else, to the Returning Officer or the specified Assistant Returning Officer at the place or places specified in the public notice between 11 AM and 3 PM on any day, other than a public holiday, fixed for the purpose. **The candidate shall submit one set of latest photograph (2 c.m. x 2.5 c.m.) alongwith the nomination paper. The photograph should bear the signature of the candidate on the reverse side of photograph. (R.O. shall collect (4) set of photograph from the candidates bearing signature with specification as prescribed)**

Affidavit in Form-26:

16. The ECI in its Lr. No. 3/4/2017/SDRNo1.11, dt.10th October, 2018 (copy enclosed) has stated that the candidates at all elections are required to file affidavit in Form-26, along with nomination paper, declaring information about criminal cases, assets, liabilities and educational qualifications. Form-26 has now been amended vide Ministry of Law & Justice Notification No. H.11019(4)/2018-Leg.II, dated: 10.10.2018. The amendments made in Form-26 are in pursuance of the directions in the judgments of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). A copy of the updated Form-26 is enclosed herewith. **The candidates are now required to file the affidavit in the amended Form-26.**

17. The candidates are now required to file the affidavit in the amended Form-26 and shall fill up all columns as directed by the Commission. The provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, have now been incorporated in Form-26 itself under Item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26. Accordingly, the candidates are now not required to file the additional affidavit prescribed under the Commission's Order No.509/11/2004-JS-I, dt.3.2.2016, as the provisions are now part of Form-26 itself.

Number of Nomination Papers :

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

Serial Number of Nomination Papers:

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

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

Deposits:

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

One Deposit sufficient for each Election:

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

Preliminary Examination of Nomination Papers:

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

24. The Commission has issued instructions regarding "**Printing of Ballot papers — Photograph of candidate** to be also printed along with the other particulars". The Returning Officer is requested to collect the photograph from the candidates as per specifications given in the ECI instructions in their Lr. Nos.576/3/2015/SDR, dt.16.03.2015 & 576/3/2015/SDR, dt.19.01.2016 along with nomination paper.

25. All the District Election Officers /Returning Officers are further informed that information on the following stages of the election should be communicated to the Chief Electoral Officer.

A. Daily Report: Every day from **16.02.2021(Tuesday) to 23.02.2021(Tuesday)** immediately after 3.00 p.m. the names of all those who filed nominations on the day (if, no nominations are filed 'Nil' report) should be communicated in the proforma prescribed i.e., in **Form-3C** by 4.00 p.m.

B. Report of Nominations: On the Last date for filing nominations i.e., on **23.02.2021(Tuesday)** in addition to daily report immediately after 3.00 p.m., the names of all those who have filed nominations should be communicated in the prescribed form appended at page 62 of the Hand Book for Returning Officers for elections to the Council of States & State Legislative Councils, 2016 duly following the guidelines mentioned at paras from 24.1 to 24.4 of Chapter-V of the Hand Book for Returning Officers, 2016.

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

C. List of Valid Nominations: On the day of scrutiny of nominations i.e., on **24.02.2021(Wednesday)** the names of all those whose nominations are found valid should be communicated in Form-4. The list of names of all those whose names have been rejected by the Returning Officer with the reasons for rejection, should also be enclosed. The names shall be arranged in alphabetical order in Telugu under three categories as in the case of **Form-7B**.

D. List of withdrawals: On the last day of withdrawals of candidatures i.e., on **26.02.2021(Friday)**, the list of candidates who have withdrawn their candidatures should be communicated in **Form-6**.

E. List of contesting candidates: On the last day of withdrawal of candidatures i.e., on **26.02.2021(Friday)**, the names of contesting candidates with party affiliations, if any, with correct spelling in Form-7B should be communicated. The names of contesting candidates in Form-7B have to be arranged under three categories i.e., (i) Candidates of recognized National and State political parties: (ii) Candidates of registered, un-recognized political parties and (iii) Other (Independent) candidates. The names of candidates have to be arranged in the said list and also on the ballot papers in the same order under these categories and the names have to be arranged in Telugu alphabetical order in each of the above mentioned three categories separately. Translated version of Form-7B in English shall also be communicated.

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

27. The ECI vide Lr. No. 576/3/2017/SDRJ, dated: 18-10-2017 (copy enclosed) has invited their Letter No. 576/3/2015, dated 16th March, 2015. regarding directions for printing Photographs of candidates also in the ballot papers and directed that, photographs of candidates shall also be printed against their names in the list of contesting candidates in Form-7B as per Commission directions vide ECI Lr. No. 576/3/2017/SDRJ, Dated: 18-10-2017, as the case may be. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the form in the gazette as well as for displaying copies thereof in the polling stations.

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28. **Six copies of Form-7B each in Telugu & English and other language prescribed if any by ECI in original (Ink signed) and also a soft copy** shall be sent through a responsible officer to reach the Chief Electoral Officer's office on the same night and one copy in **English** to the E.C.I. The names of the political parties shall be correctly indicated in the said form. It is also necessary to prepare the list of contesting candidates even in the case of un-contested election and publish it on the notice board of the Office of the Returning Officer and ensure that the complete addresses of the candidates are indicated correctly in the list of validly nominated and contesting candidates. Intimate the total number of voters and polling stations in the constituency as on the last date of filing of nominations and they are instructed to follow the COVID-19 guidelines while making nominations and through of the Election process

29. The District Election Officers / Returning Officers noted in the address entry are requested to follow the official ECI website for day to day updates and also arrange to furnish all the reports and returns promptly on due dates. The above instructions are not exhaustive. For detailed instructions the Hand Book for Returning Officers, other Hand Books/Manuals and latest instructions of the E.C.I. issued from time to time and also available on ECI website should be referred and followed.

**Dr. SHASHANK GOEL,
CHIEF ELECTORAL OFFICER &
E.O. PRL. SECRETARY TO GOVERNMENT**

To

The Collectors & District Election Officers of Nalgonda, Warangal (Urban), Warangal (Rural), Mahabubabad, Jayashankar Bhupalapally, Jangaon, Mulugu, Siddipet, Khammam, Bhadradi Kothagudem, Suryapet, Yadadri Bhuvangiri Districts (w.e.)

The Commissioner GHMC & DEO, Hyderabad, The Collectors & District Election Officers of Mahabubnagar, Nagar Kurnool, Wanaparthy, Jogulamba-Gadwal, Narayanpet, Ranagareddy, Vikarabad and Medchal-Malakajgiri Districts. (w.e.)

Copy to:

The Addl. Commissioner (Revenue, Legal & Trade License), GHMC & Returning officer, Mahabubnagar -Ranagareddy-Hyderabad, Graduates Constituency. (w.e.) (Through the DEO, Concerned)

The District Collector, Nalgonda & Returning officer, Warangal-Khammam-Nalgonda, Graduates Constituency. (w.e.) (Through the DEO, Concerned)

Sri T.V.V.N.V. Sudhakar, SLA (for placing on CEO, Website)

//FORWARDED:: BY ORDER//


SECTION OFFICER.

By E-mail/ Camp Bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

dated 20th November, 2018

To

The Chief Electoral Officer,
Telangana,
Hyderabad.

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

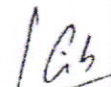
Sir,

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

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

Kindly acknowledge receipt of the letter.

Yours faithfully,


(K. J. Singh)
Under Secretary

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

No. 576/3/2016/SDR

Dated: 29th April, 2016

To

The Chief Electoral Officer,
Kerala,
Thiruvananthapuram.

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

Sir,

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

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

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

Yours faithfully,



(K.F. WILFRED)

PRINCIPAL SECRETARY

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

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI- 110001

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

Dated: 11th September, 2018

To,

The Chief Electoral Officer of
All States and Union Territories

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

Sir,

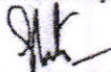
I am directed to state that the Hon'ble Supreme Court in their judgment dated 21.08.2018 in WP (C) no. 631 of 2017 (Shailesh Manubhai Parmar Vs. ECI & Ors.) has directed that None of the Above (NOTA) option should not be made applicable for elections to Council of States. It has been held that NOTA should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

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

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

Kindly acknowledge receipt.

Yours faithfully,


(N.T. Bhutia)
SECRETARY

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

No. 576/3/2017/SDR/

Dated: 18-10-2017

To

The Chief Electoral Officers of
All States and Union Territories.

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

Sir/Madam,

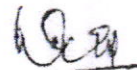
Reference is invited to the Commission's letter No. 576/3/2015, dated 16th March, 2015, regarding directions for printing photographs of candidates also in the ballot papers.

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

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

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

Yours faithfully,



(K.F. WILFRED)

SR. PRINCIPAL SECRETARY

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By Speed Post/E- Mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2015/SDR

Dated: 19th January, 2016

To,

The Chief Electoral Officers
of all States/UTs.

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

Sir,

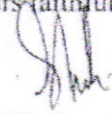
I am directed to invite reference to the Commission's letter of even number dated 16th March, 2015 on the subject cited above. In paragraph 8 of the said letter it has been directed that if the photograph of the candidate is not submitted alongwith nomination paper, the RO shall give a notice asking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

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

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

Kindly acknowledge receipt.

Yours faithfully,



(N.T. Bhutia)
Under Secretary

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

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

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

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

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

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

The specifications for the photograph are as follows:

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

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

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

Received

.....

(Signature of candidate)

Date & time:
Place:

.....

Signature of RO/ARO

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

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

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

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

OR

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

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

Date: _____

Name : _____

Address: _____

Tel No. _____

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

No.576/3/2015/SDR

Dated: 16th March, 2015

To,

The President/General Secretary/Chairperson/Convenor,
All recognized National & State Parties.

Sub: Printing of ballot papers- photograph of candidate to be also printed alongwith the other particulars on the ballot paper.

Madam/Sir,

I am directed to inform that the Commission has directed that for the elections to be held from 1st May, 2015 onwards, the ballot papers at all elections to the Houses of Parliament and State Legislatures shall contain, in addition to the existing particulars, the photograph of the candidate also printed thereon. The photograph will be printed on the right side of the name of the candidate in between his name and his symbol (where applicable). A copy of the instructions issued in this regard, vide letter dated 16-03-15 addressed to the Chief Electoral officers, is enclosed for your information.

2. It may be seen that for the purpose of printing the photograph of candidate on the ballot paper, the candidates are required to submit their latest photograph (stamp size- 2 cm in breadth and 2.5 cm in height) to the Returning Officer along with their nomination paper and, in any case, latest by the date fixed for scrutiny of nominations. The specifications for the photograph have been prescribed in the instructions referred to above.

3. You are advised to communicate these instructions to all the lower level units of the party for briefing the candidates of the party appropriately for compliance in elections to be held from 01-05-2015.

Yours faithfully,



(K.F. WILFRED)
PRINCIPAL SECRETARY

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

No.576/3/2015/ SDR

Dated: 16th March, 2015

To,

The Chief Electoral Officers
of all States and UTs.

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

Madam/Sir,

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

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

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

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

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

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

6. The specifications for the photograph are as follows:

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

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

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

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

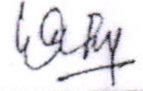
9. The Returning Officer shall display a list of validly nominated candidates with the photographs of the candidates against their names on the day following the date fixed for scrutiny of nominations. The Returning Officer shall inform the candidates at the time of scrutiny that the photographs to be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

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

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

11. Please acknowledge receipt.

Yours faithfully,



(K.F. WILFRED)
PRINCIPAL SECRETARY

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Annexure 2

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

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

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

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

OR

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

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

Date: _____

Name: _____

Address: _____

Tel No. _____



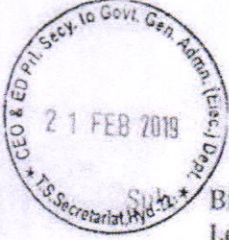
भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली-110001
ASHOKA ROAD, NEW DELHI-110001

No. 322/ECI/LET/FUNC/TL-LC/BIEN/2019

Dated: 21st February, 2019

To



The Chief Electoral Officer,
Telangana
Hyderabad.

Biennial Election to the Telangana Legislative Council by the members of Legislative Assembly-receiving of nomination papers on holidays-clarification-reg.

I am directed to refer to your letter No. 1572/Elecs.D/2019-1, dated 20.02.2019 on the subject cited, and to state that though the instructions of Commission dated 29.12.2016 are self-explanatory in nature, it is hereby clarified that the Returning Officers shall not receive any nomination paper on 23.02.2019 on account of the same being 4th Saturday which is a holiday as per Negotiable Instrument Act, 1881.

Yours faithfully,

(PRAFULL AWASTHI)
UNDER SECRETARY

Pl. i. m. s.
29/12/2016

Sl. No. 21(2)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 4/ECI/LET/FUNC/JUD/SDR/VOL.1/2016/

Dated: 29th December, 2016

To,

The Chief Electoral Officer of
all States and Union Territories.

995-1030

Subject: Receiving of nomination forms-holidays-regarding.

Sir/Madam,


I am directed to state that second proviso under Section 33(1) of the Representation of the People Act, 1951 provides that no nomination paper shall be delivered to Returning Officer on a day which is a public holiday. Under Section 2(4) of the Representation of the People Act, 1951, "Public Holiday" is defined as any day which is a public holiday for the purposes of Section 25 of Negotiable Instruments Act, 1881.

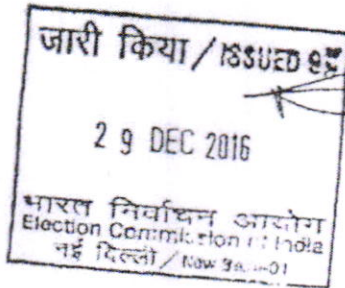
2. The M/o Finance, Government of India vide their Notification dated 20-08-2015 have declared holidays for Banks on second and forth Saturdays, under the Negotiable Instruments Act, 1881.

3. In view of the above legal position, it is informed that Returning Officers should not receive any nomination papers on 2nd and 4th Saturdays, which have been declared as holidays under the Negotiable Instrument Act, 1881 by the Finance Ministry.

4. This may be brought to the notice of all Returning Officers and other election officials and also to the political parties based in your State/Union Territory.

Yours faithfully,


(N.T. Bhutia)
Under Secretary



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7/1
8/1

ELECTION COMMISSION OF INDIA

Nirvaahan Sadan, Ashok Road, New Delhi-110 001

No. 576/3/ECI/LET/FUNC/JUD/SDR/2013

Dated: 7th February, 2019

To,
The Chief Electoral Officers of
All states and Union Territories

Subject: The CHECK LIST of documents required to be filed by a candidate along with the nomination paper regarding

Sir/Madam,

851
13 FEB 2019

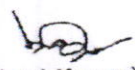
I am directed to refer to the Commission's letter of even No. dated 12th January 2017, on the subject cited, circulating therewith the Check list of documents in connection with filing of nomination by candidates. Reference is also invited to the Commission's letter No. 3/4/2017/SDR/Vol.II, dated 10.10.2018, with which the amended format of Form 26 was circulated. It would be seen that the provisions of the additional affidavit regarding dues in respect of Government accommodation have now been incorporated in the amended Form 26, and therefore, the said additional affidavit is not required to be filed by candidates.

- 50/1001
13/02/19
2. In view of the amendment in Form 26, the Checklist of documents has been amended. A format of amended Check list is enclosed herewith.
 3. Please replace the existing format of Check List in the ROs Handbook as well as in other relevant records by this amended Check List.
 4. 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, receive a copy of this letter along with the revised CHECK LIST and acknowledgement of receipt be obtained from all to ensure that they have received the same.

Kindly acknowledge receipt.

1459
13/02/19
C/CH

Yours faithfully,


(Binod Kumar)
Under Secretary

Original/Duplicate

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

Check list of documents in connection with filing of nomination

Name of constituency

Name of the candidate

Date and time of filing nomination paper

Sl. No. of nomination paper

Sl. no.	Documents	Whether filed (Write Yes/No) (if there is any defect/shortcoming in the documents, the same should be specified)
1.	Affidavit in Form 26 -- (a) Whether all columns filled up. (b) If not, which are blank column(s) (Please specify) (c) Whether the affidavit is sworn before an Oath Commissioner or Magistrate of First Class or before a Notary Public.	
2.	Certified extract of electoral roll (when candidate is an elector of a different constituency)	
3.	Form A and B (applicable in the case of candidates set up by political parties)	
4.	Copy of caste certificates (if the candidate claims to belong to SC/ST)	
5.	Security deposit (whether made)	
6.	Oath and affirmation (whether taken)	

Contd.

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[Handwritten signature]

The following documents which have not been filed should be filed as indicated below:-

- (a) _____ should be filed latest by _____
- (b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a revised Affidavit with columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected.
- (c) _____ should be filed latest by _____

Received

.....
(Signature of candidate)

.....
(Signature of RO/ARO)

Date & time:
Place:

N.B.

1. The Affidavit in Form 26 and Form A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
2. If columns have been left blank in the affidavit in Form 26, this should be specified against item 1, and candidate should be asked to submit an affidavit complete in all respect, latest by the time fixed for commencement of scrutiny of nominations. Failure to submit revised affidavit complete in all respects, even after reminder by RO will be a ground for rejection of the nomination paper.
3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
4. Certified extract of electoral roll can be filed up to the time of scrutiny.

FORM 2E
(See rule 4)
NOMINATION PAPER

Election to the Legislative Council of(State) from a Council constituency.....

*Recent stamp
size

(2cm X 2.5cm)
photograph in
white/off white*

PART I

We hereby nominate as a candidate for election to the Legislative Council of..... (State) from the constituency.
Candidate's name.....
(Father's/Mother's/Husband's name).....
His Postal address.....
.....His name is entered at Sl. No.....in Part No.
of the electoral roll for Assembly Constituency.

We declare that we are electorals and our name entered in the electoral roll for.....(Council) constituency as indicated below and we append our signatures below in token of subscribing to this nomination:--

Particulars of the proposers and their signatures

Sl.no.	Electoral Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll	Sl.No. in that Part			
1	2	3	4	5	6

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- *10.

*There should be ten per cent. of the electors of the constituency or ten such electors whichever is less, as proposers.

I, the above-mentioned candidate, assent to this a nomination and hereby declare:—

- (a) I am a citizen of India and have not acquired the citizenship of any foreign State;
- (b) I have completedyears of age;
- (c) I am set up at this election by theparty;
- (d) my name and my (father's/mother's/husband's name) has been correctly spelt out above in(name of the language); and
- (e) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of.....(State) fromCouncil constituency.

I also declare that I have not been and shall not be, nominated as a candidate at the present biennial election/bye-elections being held simultaneously, to the Legislative Council of(State) from more than two Council constituencies in the State.

Date.....

Signature of the Candidate

*Score out the words not applicable

PART II

(To be filled by the candidate)

(1) Whether the candidate—

(i) has been convicted—

(a) of any offence(s) under sub-section (1); or

(b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

} Yes/No

If the answer is “Yes”, the candidate shall furnish the following information:

(i) Case/First information report No./Nos.

(ii) Police station(s)..... District(s).....

State(s).....

- (iii) section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted
- (iv) date(s) of conviction(s).....
- (v) Court(s) which convicted the candidate.....
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)..... Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
 - (a) Date(s) of disposal.....
 - (b) Nature of order(s) passed.....

(2) Whether the candidate is holding any office of profit under the Government of India or State Government? (Yes/No)

-If Yes, details of the office held.....

(3) Whether the candidate has been declared insolvent by any Court?..... (Yes/No)

-If Yes, has he been discharged from insolvency.....

(4) Whether the candidate is under allegiance or adherence to any foreign country?..... (Yes/No)

-If Yes, give details.....

(5) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?..... (Yes/No)

-If Yes, the period for which disqualified.....

(6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?..... (Yes/No)

-If Yes, the date of such dismissal.....

(7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any

goods to that Government or for execution of works undertaken by that Government?.....(Yes/No)

-If Yes, with which Government and details of subsisting contract(s).....

(8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central/ Government or State Government has not less than twenty-five percent share?..... (Yes/no)

-If Yes, with which Government and the details thereof.....

(9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act..... (Yes/No)

- If yes, the date of disqualification.....

Place:

Date:

Signature of the candidate

PART III

(To be filled by the Returning Officer)

Serial No. of Nomination Paper.....

This nomination was delivered to me at my office at (hour) on (date) by the candidate/proposer(Name).

Date.....

Returning Officer

PART IV

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:—

.....
.....

Date.....

Returning Officer

PART V

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper

The nomination paper ofa candidate for election to the Legislative Council of (State) from the.....Graduates'/(Teachers'/Local Authorities') constituency was delivered to me at my office at (hour) on.....(date) by the candidate/proposer..... (Name). All nomination papers will be taken up for scrutiny at (hour) on(date) at(Place).

Date.....

Returning Officer

Note:—wherever alternative is provided score out the word(s) not applicable.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/ECI/LET/FUNC/JUD/SDR/2013

Dated: 7th February, 2019

To,

The Chief Electoral Officers of
All states and Union Territories

Subject: The CHECK LIST of documents required to be filed by a candidate along with the nomination paper-regarding

Sir/Madam,

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2. In view of the amendment in Form 26, the Checklist of documents has been amended. A format of amended Check list is enclosed herewith.

3. Please replace the existing format of Check List in the ROs Handbook as well as in other relevant records by this amended Check List.

4. 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, receive a copy of this letter along with the revised CHECK LIST and acknowledgement of receipt be obtained from all to ensure that they have received the same.

Kindly acknowledge receipt.

Yours faithfully,



(Binod Kumar)
Under Secretary

Original/Duplicate

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

Check list of documents in connection with filing of nomination

Name of constituency

Name of the candidate

Date and time of filing nomination paper

Sl. No. of nomination paper

Sl. no.	Documents	Whether filed (Write Yes/No) {if there is any defect/shortcoming in the documents, the same should be specified}
1.	Affidavit in Form 26 – (a) Whether all columns filled up. (b) If not, which are blank column(s) (Please specify) (c) Whether the affidavit is sworn before an Oath Commissioner or Magistrate of First Class or before a Notary Public.	
2.	Certified extract of electoral roll (when candidate is an elector of a different constituency)	
3.	Form A and B (applicable in the case of candidates set up by political parties)	
4.	Copy of caste certificates (if the candidate claims to belong to SC/ST)	
5.	Security deposit (whether made)	
6.	Oath and affirmation (whether taken)	

Contd.

The following documents which have not been filed should be filed as indicated below: -

- (a) _____ should be filed latest by _____
- (b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a revised Affidavit with columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected.
- (c) _____ should be filed latest by _____

Received

.....
(Signature of candidate)

.....
(Signature of RO/ARO)

Date & time:

Place:

N.B.

1. The Affidavit in Form 26 and Form A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
2. If columns have been left blank in the affidavit in Form 26, this should be specified against item 1, and candidate should be asked to submit an affidavit complete in all respect, latest by the time fixed for commencement of scrutiny of nominations. Failure to submit revised affidavit complete in all respects, even after reminder by RO will be a ground for rejection of the nomination paper.
3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
4. Certified extract of electoral roll can be filed up to the time of scrutiny.

Form 26
(See rule 4A)

**Please affix your
recent passport
size photograph
here**

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

PART A

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

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

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

(**strike out whichever is not applicable)

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

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

(i).....

(ii).....

(iii).....

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

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income Tax Return(in Rupees) for the last five Financial Years completed (as on 31 st March)	
	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent 1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

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

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

(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 (give no. of the Section, e.g. Section.....of IPC, etc.).			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

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

OR

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

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

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Section..... of 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 (g) above is YES, give details and present status of appeal			

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

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

Note:

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

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

A. Details of movable assets :

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

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

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

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

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

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

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

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

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

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	<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)					

	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)	<u>Residential Buildings</u> (including apartments): -Location (s) -Survey number(s)					
	Area (Total measurement in sq. ft)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self – acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					

(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

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

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

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/Financial Institution(s) Name of 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)	<p><u>Government Dues:</u></p> <p>Dues to departments dealing with Government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely:-</p> <p>(i) The address of the Government accommodation:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>				<p>YES/NO</p> <p>(Pl. tick the appropriate alternative)</p>				
(iii)	<p>Dues to department dealing with Government transport (including aircrafts and helicopters)</p>									

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

(9) Details of profession or occupation:

(a) Self.....

(b) Spouse

(9A) Details of source(s) of income:

(a) Self

(b) Spouse

(c) Source of income, if any, of dependents,.....

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

(a) details of contracts entered by the candidate.....

(b) details of contracts entered into by spouse

(c) details of contracts entered into by dependents

(d) details of contracts entered into by Hindu Undivided Family or trust in which the

candidate or spouse or dependents have interest

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

(f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share

(10) My educational qualification is as under:

.....

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

PART – B

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

1.	Name of the candidate	Sh./Smt./Kum.					
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		PAN of	Year for which last Income Tax Return filed	Total Income Shown			
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	Details of Assets and Liabilities (including offshore assets) in rupees						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
	I	Purchase Price of self-acquired immovable property					
	II	Development/const ruction cost of immovable property after purchase (if applicable)					

	III	Approximate Current Market Price - (a) Self-acquired assets (Total Value) (b) Inherited assets (Total Value)						
9.		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 the.....day
of.....

DEPONENT

- Note:** 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.
- Note:** 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.
- Note:** 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable”, as the case may be, should be mentioned.
- Note:** 4. The affidavit should be either typed or written legibly and neatly.
- Note:** 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

FORM OF OATH OR AFFIRMATION

(To be made by a candidate for election to the Legislature of a State)

I..... having been nominated as a candidate to fill a seat in the Legislative Assembly (*or Legislative Council) do swear in the name of the God / Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block
letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati
at (Place) at(hour) this the.....
day of200 before me.

Signature of authorized person
Name and designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Legislative Assembly (*or Legislative Council) has made and subscribed the oath / affirmation as required by the Constitution of India before me at (hour) on (date).

Signature of authorized person
Name Designation and Seal

Date:

**Score out which is not applicable.*

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

Conduct of Elections Rules, 1961
(Statutory Rules and Order)

FORM 5
[See rule 9(1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the*

The Returning Officer,

I,....., a ¹[candidate validly nominated] at the above election do hereby give notice that I withdraw my candidature.

Place

Date

Signature of ¹[validly nominated candidate].

This notice was delivered to me at my office at(hour) on.....

(date) by.....(name), the+.....

Date.....

Returning Officer.

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature bya ¹[validly nominated candidate] at the election to the*.....was delivered to me by the+.....at my office at.....(hour) on (date).

Returning Officer.

*Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of.....(State).
- (4) Council of States by the members of the electoral college of..... (Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the..... constituency.

+Here insert one of the following alternatives as may be appropriate:—

- (1) Candidate.
- (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

Conduct of Elections Rules, 1961
(Statutory Rules and Order)

FORM 6
[See rule 9(2)]

NOTICE OF WITHDRAWAL OF CANDIDATURES

Election to the*

Notice is hereby given that the following ¹[validly nominated +candidate]/candidates at the above election withdraw +his candidature/their candidatures today.

Name of ¹ [validly nominated candidate]	Address of ¹ [validly nominated candidate]	Remarks
1.		
2.		
3.		
etc.		

Date.....

Returning Officer.

*Appropriate particulars of the election to be inserted here.
+Strike off the inappropriate alternative.

Conduct of Elections Rules, 1961
(Statutory Rules and Order)

FORM 8

[See rule 12(1)]

APPOINTMENT OF ELECTION AGENT

(To be filled by the Returning Officer)

Election to the*

To

The Returning Officer,

I,.....,of..... a candidate at the above election do hereby appoint.....of.....as my election agent from this day at the above election.

Place.....

Date.....

Signature of candidate.

I accept the above appointment.

Place.....

Date.....

Signature of election agent

[Approved.

Signature and Seal of the Returning officer.]

*Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of.....(State).
- (4) Council of States by the members of the electoral college of.....(Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from theconstituency.

Conduct of Elections Rules, 1961
(Statutory Rules and Order)

FORM 10

[See rule 13(2)]

*APPOINTMENT OF ELECTION AGENT

Election to the**

I, † a candidate/the election agent ofwho is a candidate at the above election do hereby †[appoint.....(Name and address)].....as a polling agent to attend † polling station No..... at/place fixed for the poll..... at.....

Place

Date.....

Signature of †candidate/election agent.

I agree to act as such polling agent.

Place.....

Date

Signature of polling agent.

Declaration of polling agent to be signed before Presiding Officer

I hereby declare that at the above election I will not do anything forbidden by section 128†† of the Representation of the People Act, 1951, which † I have read/has been read over to me.

Date

Signature of polling agent.

Signed before me.

Date.....

Presiding Officer.

*To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

**Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from theconstituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of(State).
- (4) Council of States by the members of the electoral college of..... (Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from theconstituency.

†Strike off the inappropriate alternative.

††Section 128 of the Representation of the People Act, 1951:—

"128. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2020/SDR/VOL.I

Dated: 28th September, 2020

To,

The Chief Electoral Officer of

1. Assam
2. Bihar
3. Chhattisgarh
4. Gujarat
5. Haryana
6. Jharkhand
7. Karnataka
8. Kerala
9. Madhya Pradesh
10. Nagaland
11. Tamil Nadu
12. Uttar Pradesh
13. West Bengal
14. Odisha
15. Manipur, and
16. Telangana

Subject: The Election Commission's Notifications under Section 60(c) of the RP Act, 1951 – issue of postal ballot to electors above the age of 80 years, electors with physical disability and electors in quarantine due to COVID-19 - regarding.

Sir,

In continuation of the Election Commission's letter of even no. dated 17th September, 2020 on the subject cited, I am directed to state that under para 2.3 of the guidelines annexed thereto, it is mentioned that for availing the facility of postal ballot by absentee voters under category of "COVID-19" suspect or affected person, a certificate in this respect issued by the Competent Health Authority, as may be notified by the State Govt/UT Administration, has to be submitted with Form 12D, addressed to the Assistant Returning Officer of the concerned Parliamentary/ Assembly Constituency.

2. Accordingly, a performa of certificate to be issued by Competent Health Authority to COVID-19 suspect/ affected person has been devised and is enclosed herewith. This may be circulated to all the concerned election officials, immediately.


3. An absentee voter in COVID-19 suspect/affected category, desirous to avail

facility of postal ballot paper, shall apply in Form 12D and submit the same together with the certificate in this enclosed performa, duly issued by the Competent Health Authority.

4. As the application for postal ballot facility should reach to the RO within 5 days following the date of notification of the election concerned, the Competent Health Authority shall be notified by the State Govt/UT Administration, immediately.

5. The Commission's above instruction shall be brought to notice of all concerned, for their compliance.

Yours faithfully,


(N.T. Bhutia)
Secretary

Email/Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2021/SDR/VOL.I

Dated: 2nd February, 2021

To,

The Chief Electoral Officer of
all States & Union Territories

Subject: Guidelines for voting through postal ballot by Absentee Voters in the category of Senior citizens, PwDs and Covid-19 suspect or affected persons - regarding.

Ref.:- (i) Letter No. 52/2020/SDR/Vol.I dated 17.09.2020 and
(ii) Letter No. 52/2020/SDR/vol.I dated 03.10.2020

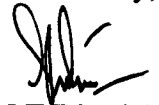
Sir/Madam,

I am directed to refer to the Commission's letters mentioned above and to forward herewith the revised guidelines for voting through postal ballot by absentee voters in the category of senior citizens (above 80 years of age), persons with disability flagged in the electoral roll and Covid-19 suspect or affected persons, for compliance in all future elections.

2. This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also to the State Units of recognized political parties and all registered unrecognized political parties based in your State/Union territory, for their information.

Kindly acknowledge.

Yours faithfully,



(N.T. Bhutia)
Secretary

Standard Distribution

Guidelines for Voting through postal ballot by Absentee Voters in the category of Senior Citizens, PwDs and Covid-19 suspect or affected persons

1. Following categories of Absentee voters, in pursuance of the Conduct of Elections (Amendment) Rules, 2019, and the Conduct of Elections (Amendment) Rules, 2020 read with the Election Commission's decision dated 16th July, 2020 have been given the facility of voting through postal ballot (PB) paper :

- (i) Senior citizens (above 80 years of age),
- (ii) Persons with disability flagged in the electoral roll and
- (iii) COVID 19 suspect or affected persons.

2. Process for applying PB by absentee voters.

(2.1) An Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer (RO) of the constituency concerned, in Form-12D, giving all requisite particulars. **Such application seeking postal ballot facility should reach to the RO during the period from date of announcement of election to five days following the date of notification of the election concerned.**

(2.2) As per the amended provisions under Rule 27E and 27-I of CER, 1961 the issue of Postal ballot paper to the absentee voter and return of the ballot paper after voting shall be in such manner as the Commission may direct. Accordingly, the Commission has laid down the following procedure/guidelines for facilitating voting through postal ballot by the absentee voters of senior citizen category (AVSC), absentee voters belonging to PWD category (AVPD) and absentee voters belonging to COVID 19 category (AVCO)

(2.3) If any elector at the time of election is hospitalized on account of COVID-19, in a hospital within the State or is in Home/ Institutional Quarantine on account of COVID-19 and hence not be in a position to cast vote personally at the polling station as per medical advice and if such elector makes request for issue of Postal Ballot, the RO concerned, on being satisfied about the genuineness of the application, shall provide the postal ballot to the elector. The RO shall make arrangement to deliver Postal Ballot and to get the same collected

back from the said elector before the date fixed for poll in the Constituency. This arrangement shall be made in coordination with the Nodal Officer for COVID-19, designated by the Chief Secretary, on the directions of the Commission. Application for postal ballot paper from such electors (Form 12D) should be accompanied by copy of certificate/ instructions from competent health authorities which show that the applicant is hospitalized in the State or is in quarantine within the State (Home or Institutional) on account of COVID 19.

(2.4) In case of absentee voters belonging to PWD category (AVPD), who opt for postal ballot, application (Form 12D) should be accompanied by a copy of benchmark disability certificate specified by the concerned appropriate Government, under the Rights of Persons with Disabilities Act, 2016.

3. Action by RO-

(3.1) Distribution of Form 12D by BLO:

- (a) BLO will visit to the houses of the absentee voters in category of AVSC, AVPD and AVCO, as per details provided by the RO, in the Polling Station area and deliver Form 12D to the concerned electors and obtain acknowledgements from them.**
- (b) BLO shall deposit all the Acknowledgements obtained from the electors with the RO.**
- (c) If an elector is not available, BLO will share his/her contact details and revisit to collect it within five days of the notification.**
- (d) The elector may or may not opt for Postal Ballot. If he/she opts for Postal Ballot, then the BLO will collect the filled-in-Form 12D from the house of the elector within five days of the notification and deposit with the RO forthwith.**
- (e) Sector Officer shall supervise the process of distribution and collection of Form 12D by BLOs under the overall supervision of RO.**

(3.2) On receipt of application in Form-12D, the RO will draw a list (format as annexure-1) of all Absentee Voters in the 3 categories, i.e. (a) 'AVSC', (b) 'AVPD' and (c) AVCO, whose applications have been received in time and are in order.

(3.3) On the last date for making nominations for the election, the electoral roll is frozen for that election and no further addition or deletion can be carried out in the roll till the completion of the election. At this stage, RO shall verify and ensure that the applicants for postal ballots are registered as elector and their electoral particulars given in Form 12-D are correct with reference to the existing electoral roll. All the electors, whose particulars with reference to the electoral roll have been found to be correct, shall be issued postal ballot paper as Absentee Voters in the category of AVSC and AVPD. In case of Absentee Voters belonging to the category of COVID-19 (AVCO), before issuing FORM 12D, the RO shall check certificate of competent authority, duly appointed by the State Government/UT administration to the effect that the elector is under home quarantine or institutional quarantine due to COVID-19.

(3.4) The RO shall indicate entry 'PB' in the marked copy of the electoral roll against the names of such electors, to show that a postal ballot paper has been issued to them, without however recording therein the sl. no. of the ballot papers issued to them.

(3.5) The RO shall also ensure that elector who has been issued postal ballot is not allowed to vote at a polling station. 9.

(3.6) Further, the RO shall share list of all such PwD and 80+ electors, whose applications in Form 12D for availing Postal Ballot facility have been approved by him, with the Contesting Candidates of recognized political parties in printed hardcopy.

4. Form and design of Postal ballot paper

The postal ballot paper for Absentee Voters shall be of the same form and language as the postal ballot paper for the voters on election duty. In this

connection, reference is invited to the Commission's Directions No. 52/2015/SDR/Vol.1 dated 18th September, 2015 and 52/2016/SDR/Vol.1 dated 24th February, 2016, regarding the form of postal ballot paper for voters on election duty (copy enclosed).

5. Visits of Polling Officials, briefing of electors and collection of marked ballot papers:-

(5.1) Separate teams of poll officers, comprising two officials out of which at least one should be not below the rank/level of the official appointed as polling officer for Polling Station in the State, should be appointed for the purpose.

(5.2) Number of teams of Polling Officials to be appointed would depend on the number of Absentee Voters to whom postal ballot papers have been issued.

(5.3) The team of polling officials shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.

(5.4) The electors will be intimated, in advance, about the date and approximate time of visit of poll officials. Such intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form-12D. In other cases, the intimation may be given by post and /or through the BLO.

(5.5) If the elector is not present at the given address at the first visit, the team shall pay a second visit after leaving intimation about the time of second visit. If the elector is not present even at the second visit, no further visit or action is required in his/her case.

(5.6) The candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots for this category. They may, if desired,

depute their authorized representatives (including BLAs), with prior intimation to the Returning Officer, to watch the process.

(5.7) The list of AVSCs, AVPDs and AVCOs shall be divided for distribution among the different teams of Polling Officials in such manner that each team gets a list of persons in geographically compact area.

(5.8) The visiting polling official shall ascertain the identity of the elector before issuing postal ballot paper.

(5.9) Name of elector and the document produced for identification shall also be entered in a register (annexed as annexure-2) to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. Further, a tick mark shall be placed against the name of the elector in the list of AVSC, AVPD and AVCO to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody by the team.

(5.10) It shall be the responsibility of each team of polling officials to (a) issue postal ballot to each of the Absentee Voters assigned to it, (b) brief the elector about the procedure to be followed for voting through postal ballot, (c) make sure that the elector votes without anyone influencing his/her choice, and ensuring the secrecy of voting, all activities at the address of the elector concerned. However, if any elector is not able to cast vote by himself due to blindness or physical infirmity, he/she shall be allowed to take the assistance of any adult person for casting vote.

(5.11) While briefing the electors about the procedure of voting and formalities to be observed on their part, the polling official shall clearly explain the following points to them:-

- (a) making the declaration in Form 13A and getting it attested by the poll officer himself,
- (b) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (Form 13B)
- (c) manner of marking vote, i.e by placing either cross mark or tick mark against the name of the candidate of choice,

- (d) folding and placing the marked ballot in the smaller envelope and closing the envelope,
- (e) Placing the declaration in Form 13A, duly filled up, signed and attested along with closed envelope (Form 13B) containing the marked ballot paper inside the larger envelope (Form 13C),
- (f) Closing the larger envelope and handing over the same to the poll officer.

(5.12) Poll officer is authorized to attest the declaration in Form 13A in the case of AVSC, AVPD and AVCO. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'. In the case of a COVID affected person on treatment in Hospital, the Medical Officer attending to the person also authorized to attest the declaration.

(5.13) After vote is cast on postal ballot and the envelope in Form 13C is ready, the Poll Officials will collect the same.

(5.14) Each team of polling officials should be provided with the list of AVSC, AVPD and AVCO electors, adequate number of postal ballot papers, envelopes, pen, ink-pad (for thumb impression wherever required), glue stick for closing the envelopes, a sufficiently big canvas bag for keeping the envelopes of polled ballots and the counterfoils safely and other essential stationeries that may be considered necessary.

(5.15) Police Security cover shall be provided to the poll officers for their visits. Arrangement for videography of the proceedings at the address of AVSC/ AVPD/AVCO should also be made. For this purpose, a videographer should accompany the poll officers. It shall be ensured that the secrecy of vote is not violated while carrying out the videography exercise.

(5.16) Visits by teams of poll officers to the address of AVSC, AVPD and AVCO electors should be planned in such a way that the same is completed one day prior to the date fixed for poll in the constituency. For instance, if poll is scheduled for 10th of Month, the postal voting for AVSC, AVPD and AVCO should be completed by 9th of that Month.

(5.17) For the poll officers deputed to AVCO electors appropriate protection equipment including PPE kit shall be provided. This should be done in consultation with the Nodal Health Officer for AVCOs.

6. Deposit of envelopes containing marked ballot papers and counterfoils

At the end of each day of visit by poll officers to the address of AVSC/AVPD/AVCO electors, the envelopes in Form-12C containing postal ballot paper etc. and the counterfoils of ballot papers containing the signature/thumb impression of electors and other particulars, shall be collected by the ARO designated of postal voting by the absentee voters. The ARO shall make arrangements to have the same delivered at the headquarters of the RO for keeping them in safe custody. The ARO shall maintain the record indicating the number of ballots sent on each day. This should also be shared with the RO on a daily basis.

7. Contesting candidates will be duly informed about the Election Commission's above guidelines.

-----*

Annexure-1

List of AVSC, AVPD and AVCO electors entitled to vote through postal ballot

Name of Election: _____

Name of Constituency: _____

Sl.no.	Name of Elector	Part Number	Sl. Number in the Part	EPIC number

Signature of RO

Date:

Annexure-2

List of AVSC/AVPD/AVCO electors issued with postal ballot

Name of Election: _____

Name of Constituency: _____

Sl.no.	Name of Elector	Sl. No. in the list of AVSC/AVPD electors	Document produced for identification	Date on which voted	Signature/Thumb impression of elector

Signature of Poll Officer

Name : _____

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI- 110001

No. 52/2015/SDR-Vol.I

Dated: - 18th September, 2015

To,

The Chief Electoral Officer of
All States and Union Territories.

Sub: - Particulars to be printed on the ballot papers-reg.

Sir,

In partial modification of the Commission's existing directions on printing of particulars on the ballot papers, the Commission has amended the particulars of postal ballot papers as follows: -

1. There would be separate particulars for the two types of postal ballot papers, i.e. (i) postal ballot papers for service voters and (ii) postal ballot papers for the other categories of electors entitled to vote by postal ballot. For service voters, the postal ballot paper shall continue to be as per the existing directions with the modification that the width of the ballot paper, when printed in one column, shall be between 4" and 5" as considered necessary. The particulars regarding names of candidate and party affiliation shall continue to be printed in the official language of the State and in English.
2. As for the postal ballot paper for the second category mentioned above, i.e., for those entitled to vote by postal ballot other than service voters, the election symbol allotted to the candidates shall also be printed thereon. The particulars on the ballot paper shall be printed only in the official language of the State. The width of ballot paper, when printed in one column, shall be between 4" and 5" as considered necessary. On all other aspects, the existing directions shall continue to apply.
3. On both types of postal ballot papers, the photographs of candidates shall be printed, as already directed by the Commission's letter No. 576/3/2015/SDR/Vol.II dated 21-05-2015

The above direction may be immediately conveyed to the District Election Officers, Returning Officers, Assistant Returning Officers and Presiding Officer of all Parliamentary and Assembly Constituencies in the State/UT. This may also be brought to the notice of all political parties based in your State, including the State units of National and State recognised political parties.

Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhunia)

Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

DIRECTION

Dated: 18th September, 2015

No. 52/2015/SDR/Vol.I: In partial modification of the Commission's existing directions on the language and particulars on the ballot papers, the following modifications have been made:-

1. There shall be separate particulars for the two types of ballot papers-(i) postal ballot papers for service voters and (ii) the other categories of electors entitled to vote by postal ballots.

(i) For service voters, the postal ballot paper shall continue to be as per the existing directions, with the modification that the width of the ballot paper, when printed in one column, shall be between 4"and 5" as considered necessary. The particulars regarding names of candidates and party affiliation shall be printed in the official language of the State and in English.

(ii) For the postal ballot paper for other categories of electors i.e. for special voters, electors on preventive detention and the electors appointed for election duties, the election symbols allotted to the candidates shall also be printed. The election symbol shall be printed between the photograph of the candidate and the space for marking vote. The particulars on the postal ballot paper in this case shall be printed only in the official language of the State. The width of ballot paper, when printed in one column, shall be between 4"and 5" as considered necessary. On all other aspects, the existing directions shall continue to apply.

2. The above direction shall apply in relation to all elections to the House of the People, Legislative Assemblies to be held hereafter.

By Order,


(ANUJ JAIPURIAR)
Secretary

By Speed Post/E- Mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI- 110001

No. 52/2016/SDR-Vol.I

Dated: - 24th February, 2016

To,

The Chief Electoral Officer of
all States and Union Territories.

Sub: - Particulars to be printed on the postal ballot papers-reg.

Sir,

I am directed to say that the Commission's existing directions on printing of particulars on the ballot papers, have been amended. The particulars and language(s) of postal ballot papers would be as follows: -


1. There would be separate particulars for the two types of postal ballot papers. i.e. (i) postal ballot papers for service voters, and (ii) postal ballot papers for the other categories of electors entitled to vote by postal ballot. For service voters, the postal ballot paper shall continue to be as per the existing directions with the modification that the width of the ballot paper, when printed in one column, shall be between 4" and 6" as considered necessary. The particulars regarding names of candidates and party affiliation shall continue to be printed in the official language of the State and in English. Election Symbol is not to be printed on the Postal Ballot for service voters. However, photographs of candidates shall be printed as per the existing instructions.
2. As for the postal ballot paper for second category mentioned above i.e., for those entitled to vote by postal ballot other than service voters, the election symbol allotted to the candidates and photographs of candidates shall also be printed thereon. The particulars on the ballot paper shall be printed in the official language of the State and also in English (where English is not the official language). The party affiliation is not required to be printed on the ballot paper in the case of postal ballot for these categories of electors. The width of ballot paper, when printed in one column, shall be between 4" and 6", as considered necessary. On all other aspects, the existing directions shall continue to apply.
3. On both types of postal ballot papers, the photographs of candidates shall be printed as already directed by the Commission's letter No. 576/3/2015/SDR/Vol.II dated 21/05/2015.

The above direction may be immediately conveyed to the District Election Officers, Returning Officers, and Assistant Returning Officers for all Parliamentary and Assembly Constituencies in the State/UT. This may also be brought to the notice of all political parties based in your State, including the State units of National and State recognized political parties.

Acknowledgement received from the aforesaid political parties may be forwarded to the Commission.

Kindly acknowledge receipt.

Yours faithfully,


(N.T. Bhutia)

Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

DIRECTION

Dated: 24th February, 2016

No. 52/2016/SDR/Vol.I. In partial modification of the Commission's existing directions on the language and particulars on the postal ballot papers, the following modifications have been made:-

1. There would be separate particulars for the two types of postal ballot papers. i.e. (i) postal ballot papers for service voters and (ii) postal ballot papers for the other categories of electors entitled to vote by postal ballot. For service voters, the postal ballot paper shall continue to be as per the existing directions with the modification that the width of the ballot paper, when printed in one column, shall be between 4" and 6", as considered necessary. The particulars regarding names of candidate and party affiliation shall continue to be printed in the official language of the State and in English. Photographs of candidates shall be printed on the postal ballot paper as per the existing instructions.
2. As for the postal ballot paper for second category mentioned above i.e. for those entitled to vote by postal ballot other than service voters, the election symbol allotted to the candidates and photographs of candidates shall also be printed thereon. The particulars on the ballot paper shall be printed in the official language of the State and also in English (where English is not the official language). Further, the party affiliation is not required to be printed on the ballot paper in the case of these categories of electors. The width of ballot paper, when printed in one column, shall be between 4" and 6" as considered necessary. On all other aspects, the existing directions shall continue to apply.
3. Printing of photographs of candidates shall be as per the instructions in the Commission's letter No. 576/3/2015/SDR/Vol.II dated 21/05/2015.

By Order,


(ANUJ JAIPURIAR)
SECRETARY

**Certificate to be submitted by COVID-19
Suspect/ Affected Person alongwith Form 12D**

It is certified that Shri/ Smt/Ms son/daughter/wife of
.....resident of.....
village/mohalla.....Town/city/tehsil.....
District(State) is tested as positive or identified as suspect
on..... by the Govt. Hospital/Lab or the Hospital/Lab recognized by the Government
as COVID Hospital or under home quarantine or institutional quarantine due to COVID 19

Full Signature of Competent Health Authority*

------(Name)

------(Address)

------(Rubber Stamp)

**Competent Health Authority as may be notified by the State Govt. or Union Territory
Administration for this purpose.*

Please strike out whichever is not applicable.

FORM 12D

[see rule 27-C]

PART I

Letter of intimation to Assistant Returning Officer

(for absentee voters)

To

The Assistant Returning Officer,

(for the notified class of electors)

..... Parliamentary/Assembly constituency

..... (designation and address of ARO)

Sir,

I,.....son/daughter/wife ofresident ofvillage/mohalla.....
Town/city/tehsil.....District.....(State) belong to the class of absentee voter and
wish to cast my vote by post at the election to the House of the People/Legislative Assembly
from theParliamentary/Assembly constituency.

My complete present postal address is as under:-

House/dwelling unit/tent number.....

Camp/mohalla/village.....

Ward/town/tehsil.....

District.....

State.....PIN CODE.....

Mobile Phone No. (if available).....

My name is entered at serial number.....in part No.....of the electoral roll
for.....Parliamentary/Assembly constituency.

I am working as.....(designation of the office held) in.....

(Name and full address of organization).

I will be on duty in the above-mentioned office on the day of poll for the above-mentioned election.

*On account of my official duties on the date of poll, I will not be in a position to be present in the polling station assigned to me on the day of poll.

Or

*I am.....years of age/am a person with disability, and am not in a position to go to the polling station to cast vote.

It is requested that postal ballot paper may be issued to me as absentee voter for the above election.

Yours faithfully,

.....

(Full name and signature)

PART II

(for absentee voter other than senior citizen or persons with disability)

Certificate by the nodal officer appointed by the Organization concerned.

It is hereby certified that the particulars given by the applicant in Part I are correct, and it is further certified that the applicant will be on official duty on the day of poll, and he/she will not be in a position to be present in the polling station on the day of poll.

.....

(full signature of the attesting Officer)

.....(Name)

.....(address)

.....(rubber stamp)

- Strike off whichever is not applicable and tick the relevant statement.

Note- This Application must reach RO within 5 days following the date of notification of election.

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

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

August, 2020



Election Commission of India
Nirvachan Sadan, Ashoka Road, New Delhi-110 001

(Available at eci.gov.in)

Code: 324.6.SDR.BK.001.2020

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

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

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

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

3-No. 3/4/2019/SDR/Vol.III dated 30th August, 2019

4-No. 3/4/2020/SDR/Vol.III dated 6th March, 2020

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

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

INTRODUCTION

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

(i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.

(ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate.

(iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.

(iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.

(v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.”

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

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

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

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

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

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

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

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

(3) This information shall also be published in :

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

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

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

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

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

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

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

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

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

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

(Illustration: if the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the publication of declaration shall be done in the following time period: -

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

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

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

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

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

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

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

Format C-1

(for candidate to publish in Newspapers, TV)

Declaration about criminal cases

(As per the judgment dated 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:

(A) Pending criminal cases				
Sl. No.	Name of Court	Case No. and dated	Status of case(s)	Section(s) of Acts concerned and brief description of offence(s)

(B) Details about cases of conviction for criminal offences			
Sl.no.	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed	Maximum 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:-

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

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

Format C-2

(For political party to publish in website, newspapers, TV)

Declaration about criminal antecedents of candidates set up by the party

(As per the judgment dated 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 constituency	Name of candidate	(A) Pending criminal cases		(B) Details about cases of conviction for criminal offences		
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed	Maximum 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:-

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

Format C-3

(Reminder to the Candidate)

Office of Returning Officer

Name of Constituency : _____

Name of State : _____

Name of Election : _____

It is informed that as per the judgment dated 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 **C-1** for publishing the information is enclosed herewith. **You shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, you shall submit a report about publishing of the declaration regarding cases in Format C-4 with copies of the newspapers publishing the information about criminal cases, alongwith the account of election expenses, within 30 days of**

declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned

Date:

Signature_____

Name of the RO/ARO _____

Signature of Candidate _____

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

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:

SI. No.	Newspaper			Television			Mode of Payment (electronic/cheque/DD/Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & time of insertion/telecast	Expenses that may have been incurred (in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date:-

Name & Signature of Candidate

Note: - (i) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted alongwith the account of election expenses.

(ii) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.

Report by Political Party about publishing of declaration regarding criminal cases

Name of political party: _____

Name of Election : _____

It is certified that _____ (name of political party) has published the declaration about the candidates with criminal antecedents on the website of the party, in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 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.

Format C-6

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

Name of State/UT-

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

Date (s) of Poll-

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

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

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

Format C-7

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

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

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

Name of Political Party: _____

***Name of the Election:** _____

Name of State/UT: _____

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

Name of the candidate-.....

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

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

Name of the candidate-.....

.....and so on

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

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

Note:-

- (1) Political parties (at the Central and State election level) shall upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.
- (2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere “winnability” at the polls.
- (3) This information shall also be published in:
 - (a) One local vernacular newspaper and one national newspaper;
 - (b) On the official social media platforms of the political party, including Facebook & Twitter.
- (4) The matter in newspapers shall be published in font size of at least 12.
- (5) The above information shall be published State wise for each State/UT.
- (6) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**
- (7) The political party concerned shall then submit a report of compliance in Format C-8 with the Election Commission within 72 hours of the selection of the said candidate.**

Format C-8

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

Name of political party : _____

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

(Facebook, Twitter etc.) (ii)

(iii)

Name of Election: _____

Gen Election/ Bye –election toLokSabha/Leg Assembly/Biennial election/ Bye election to Council of States/Leg Council

(Write the appropriate alternative)

Name of State: _____

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

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

Declaration

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

Place:

Signature of office bearer of the Political Party

Name and designation.....

Date:

(seal of the Party)

Note:-This report shall be furnished at least two weeks before the date on which nomination is proposed to be filed or within 48 hours of selection of the candidate, whichever is earlier.

Format-CA

Statement showing details of Candidates with criminal antecedents, sponsored by the political parties in election to House of People/Legislative Assembly/Council of States/Legislative Councils to be held in _____20

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

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

Signed by RO of the Constituency _____

Date:

Countersigned by CEO _____ State

Annexure

Sl.no.	Commission's Instruction	Date	Page No.
1.	No. 3/4/2017/SDR/Vol.II	10 th October, 2018	22-25
2.	No. 3/4/2019/SDR/Vol.I	19 th March, 2019	26-29
3.	No. 3/4/2019/SDR/Vol.III	30 th August, 2019	30
4.	No. 3/4/2020/SDR/Vol.III	6 th March, 2020	31-33
5.	No. 3/4/2020/SDR/Vol.III	19 th March, 2020	34
6.	No. 3/4/2020/SDR/Vol.IV	16 th September, 2020	35-37

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi –110 001

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 judgments of the Hon'ble Supreme Court in Writ Petition(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). A copy of the said notification along with a copy of the updated Form-26 is enclosed herewith. The candidates are now required to file the affidavit in the amended Form-26.

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

“(i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.

(ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate.

(iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.

(iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.

(v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media.

When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.”

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

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

(Illustration: If the lost 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 Fom-26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as Format C-3. The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.

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

4. The Political Parties — recognized parties and registered un-recognized parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in Format C-2, annexed hereto. Publishing of the declaration in newspapers and TV channels is required to be done atleast on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of

poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

5. It may also be noted that the provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, that may have been allotted to the candidates, have now been incorporated in Form-26 itself under Item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26. Accordingly, the candidates are now not required to file the additional affidavit prescribed under the Commission's Order No. 509/11/2004-JS-I, dated 3rd February, 2016, as the provisions are now part of Form-26 itself.

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

7. Please acknowledge receipt and confirm action taken.

Yours faithfully,

(K.F.WILFRED)
Sr. PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi –110 001

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

Dated: 19th March, 2019

To,

The Chief Electoral Officers of
All States and UTs

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

Sir/Madam,

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

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

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

Yours faithfully,

(N.T. Bhutia)
Secretary

Copy to: All Recognized National and State Political Parties

Annexure

FAQs : Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court judgement dated 25-09-2018 in WP(Civil) No. 536 of 2011.

Q.1 Which newspapers are to be chosen for publicity by such candidates?

Ans. As per direction in the judgement of the Hon'ble Supreme Court, the declaration is required to be published in newspapers with wide circulation in the area concerned. The CEO may get an indicative list of various newspapers which have wide circulation in the various district/different constituency areas in the State prepared by the State DIP. This indicative list should be shared with the political parties and the candidates.

Q.2 When has it to be publicised?

Ans. It has already been clearly mentioned in the Commission's letter dated 10-10-2018 that the publishing has to be during the period starting from the day following the last date for withdrawal of candidature and up to two days before the date of poll.

Q.3 There is no column for signature. Who will authenticate it?

Ans. The format contains column for mentioning the name and address of the candidate and the name of the political party on the top portion of the format. Thus, the name of the publisher will be clear from the declaration. There is no need for publishing the information with the signature of the publisher.

Q.4 What if someone publishes false information about criminal cases of another candidate?

Ans. There are already provisions to deal with any case of publication of false statement in relation to a candidate [Section 123 (4) of the RP Act, 51 and Section 171G of IPC].

Q.5 Which TV channel the declaration has to be publicised?

Ans. Please refer to the answer against Q.1 above. It has to be done in TV channels which are available/popular in the areas concerned.

Q.6 What will be the font size and duration of publicity in TV?

Ans. Font size should be the standard size used for displaying printed material on TV. Its duration may not be less than 7 seconds.

Q.7 If a candidate does not have any criminal record, whether he/she is required to publicise?

Ans. No. Only those candidates who have either pending criminal cases or who have been convicted in the past are required to publish the declaration.

Q.8 Whether FIR cases have to be published by the concerned candidates and political parties?

Ans. Yes. Under the heading 'Case No. and status of case', details regarding FIRs, mentioned in Item-5 of Form-26, are required to be mentioned.

Q.9 If after filing nomination, status of criminal case changes, whether candidate can revise the details?

Ans. It will be open to the candidate concerned to notify the revised status to the Returning Officer and to publish that revised status only. If it is NIL, the candidate is not required to publish it.

Q. 10 Who will bear the expenses for publishing?

Ans. Expenses, if any, will be borne by the candidate and the political parties in respective cases.

Q. 11 Whether expenditure on this account will be accounted for?

Ans. Yes. This being an expenditure in connection with the election, if **expense is incurred in this regard**, the same will be counted for the purposes of election.

Q.12 Can RO act on any discrepancy in such details if pointed out?

Ans. No. RO is not supposed to enquire into correctness of declarations published by candidate/political parties.

Q.13 In what manner, such candidates will submit the information about publicity of cases to the DEO?

Ans. Separate formats have been specified by the Commission for the candidates and the political parties to submit report about publishing of the declaration. These are Format-C-4 for candidates and Format-C-5 for political parties.

Q.14 What happens if such candidates or such political parties do not publicise in the manner prescribed?

Ans. Such failure may be a ground for post-election action like election petition or contempt of Hon'ble Supreme Court.

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

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

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

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

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2019/SDR – Vol.III

Dated: 30th August, 2019

To,

The Chief Electoral Officers of
all States and Union Territories.

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

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

Sir/Madam,

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

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

Yours faithfully,

(N.T. Bhutia)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 6th March, 2020

To

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

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

Sir/Madam,

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

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

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

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

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

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

(3) This information shall also be published in :

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

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

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

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

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

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

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

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

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

Yours faithfully,

(NARENDRA N.BUTOLIA)
PRINCIPAL SECRETARY

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

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2020/SDR – Vol.III

Dated: 19th March, 2020

To

The Chief Electoral Officers of
All States and UTs

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

Sir,

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

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

Yours faithfully

(N.T.Bhutia)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 16th September, 2020

To,

The Chief Electoral Officers of
all States and Union Territories.

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

Sir/Madam,

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

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

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

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

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

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

(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the first block for publishing of declaration shall be done between 11th and 14th of the Month, second and third blocks shall be between 15th and 18th and 19th and 22nd of that Month, respectively.)

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

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

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

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

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

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

10. This letter may be circulated to all DEOs/ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all the political parties based in the State i.e. the State Units of the recognized parties and recognized State parties of other States and all registered un-recognized political parties with head quarters based in your State/Union Territory, with instruction to take note of the above directions for strict compliance both by the parties and their candidates in all future elections.

11. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(N.T.Bhutia)
Secretary

Code: 324.6.SDR.BK.001.2020