

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

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

To

The Chief Electoral Officer of  
all States and Union Territories.

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

Sir/Madam,

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

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

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

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

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

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

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

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

Yours faithfully,

(Ashish Chakraborty)  
Secretary

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