

By Speed Post/E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

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

Dated: 12th January, 2017

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,

I am directed to state that the CHECK LIST of documents required to be filed by a candidate along with the nomination paper was prescribed by the Commission vide letter No.576/3/2009/SDR dated 10-02-2009 in order to ensure transparency and accountability and to streamline the procedure of filing of nomination and scrutiny of nomination papers. The CHECK LIST was modified in pursuance of Hon'ble Supreme Court judgment dated 09-12-2011 in CA No.4956 of 2010 – Ramesh Rout Vs. RavindraNath Rout and circulated vide letter No.576/3/2013/SDR dated 21-01-2013. The same CHECK LIST was further amended to comply with the direction of the Apex Court in the WP (C) No. 121 of 2008- Resurgence India vs. Election Commission of India and others to insert a column to deal with cases when candidates leave blank columns, in the affidavit, and the same was circulated vide letter No. 576/3/2013-SDR dated 30.09.2013.

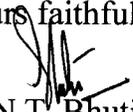
2. Your attention is invited to the Commission's order dated 509/11/2004-JS-I dated 03.02.2016 regarding the additional affidavit to be filed by the candidates relating to their public dues, if any. In views of the requirement of the additional affidavit, the same CHECK LIST has been further amended to include information about Additional Affidavit.

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 Commission has directed that the revised format of the CHECK LIST should be brought to the notice of the all Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha and Legislative Councils (in the States having Legislative Council). You may kindly ensure that all the Returning Officers,

including Returning Officers for elections to Council of States and Legislative Councils (in States where Legislative Council is in existence), receive a copy of this letter along with the revised CHECK LIST and acknowledgement of receipt be obtained from all to ensure that they have received the same.

Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhutia)
Under Secretary

Note: - The revised CHECK LIST has already been circulated to CEOs of Goa, Manipur, Punjab, Uttar Pradesh & Uttarakhand vide Commission's even letter dated 05-01-2017.

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. | Additional Affidavit as required under Election Commission's Order No. 509/11/2004-JS.I Dated 03-02-2016 regarding public dues. | |
| 3. | Certified extract of electoral roll (when candidate is an elector of a different constituency) | |
| 4. | Form A and B (applicable in the case of candidates set up by political parties) | |
| 5. | Copy of cast certificates (if the candidate claims to belong to SC/ST) | |
| 6. | Security deposit (whether made) | |
| 7. | 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, Additional Affidavit and Form A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
2. The nomination paper will be rejected if a candidate fails to file a revised affidavit filling the blanks in Form 26 even after reminder by RO by the hour fixed for scrutiny of 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.
5. Security deposit should be made either before filing of nomination paper or at the time of filing of nomination paper. Therefore, there is no question of issuing notice for making the security deposit.