

By Special Messenger

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

F. No. 76/Instructions/2012/EEPS/Vol. VII

Dated: 20<sup>th</sup> June, 2012

To

Shri Anil Bairwal,  
National Coordinator,  
Association for Democratic Reform (ADR)  
and National Election Watch,  
B1/6, Upper Ground Floor,  
Hauz Khas,  
New Delhi-16

Sub:- Filing of affidavits by candidates for the Presidential Election, 2012 disclosing their criminal antecedents, assets, liabilities and educational qualifications –regarding.

Sir,

I am directed to refer to the correspondence on the above subject resting with your email dated 18<sup>th</sup> June, 2012.

The matter has been considered by the Commission carefully. The Commission is of the considered view that under the existing law, the candidates for the Presidential Election cannot be required to submit their affidavits giving the abovementioned information. Your attention is invited in this context to the decision of the Hon'ble Supreme Court in *Baburao Patel Vs Dr. Zakir Hussain, (AIR 1968 SC 904)* wherein the Hon'ble Supreme Court has held that the Commission cannot lay down a new qualification for candidate for Presidential Election under Article 324 of the Constitution.

Yours faithfully,

(HARBANS SINGH)  
SECRETARY