

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi – 110 001

No. 509/11/2004-JS.I

Dated 03rd February, 2016

ORDER

Sub : Judgement of the Hon'ble Delhi High Court in W.P.(C) No.4912/1998 (KRISHAK BHARAT vs UNION OF INDIA AND ORS) – candidates to submit, No Demand Certificate from agencies providing electricity, water and telephone along with their nomination papers – regarding

Whereas, vide its order no.3/ER/2003/JS.II, dated 27.03.2003, issued in pursuance of the judgement dated 13.03.2003 of the Hon'ble Supreme Court in C.A.(C)No.490 of 2002, the Commission had directed that the candidates filing nominations for elections to the Houses of Parliament and State Legislatures shall file an affidavit declaring their criminal antecedents, if any, assets, liabilities and educational qualifications, and also specified the format for such affidavit; and

Whereas, it was specified in the format that in the case of candidates holding or having held any public office 'No Due Certificate' shall also be submitted in respect of Government dues; and

Whereas, having considered representations from some quarters regarding difficulty in obtaining "No Dues Certificate" the Commission decided to discontinue the requirement of submitting "No Dues Certificate" as communicated to all concerned vide its letter No.3/ER/2004/JS.II dated 09-03-2004; and

Whereas, the Hon'ble Delhi High Court in its judgement dated 07th August, 2015, in W.P.(C) No.4912/1998 (KRISHAK BHARAT VS UNION OF INDIA AND ORS) has, inter-alia, directed as follows:-

"The ECI to, as directed in the earlier orders in this petition, continue to insist upon the candidates desirous of contesting an election to parliament or to Legislative Assembly, along with their nomination from furnishing an affidavit of their being not in arrears of any public dues and if such candidate is in occupation of or in the past ten years been in occupation of any government accommodation to furnish a No Dues Certificate from the agency providing electricity, water and telephone to the said accommodation."

Now, therefore, in pursuance of the above mentioned direction of the Hon'ble Delhi High Court, the commission hereby directs that at every election to either House of Parliament and to the State Legislature, every candidate at the time of filing nomination paper, shall also file an additional affidavit in the format attached as Annexure to this order along with the 'No Demand Certificate' from the agencies providing electricity, water and telephone with also rent, in case he had been in occupation of any Govt. accommodation during the last 10 years. This affidavit would be in addition to the affidavit required to be filed in Form-26, and shall be got attested by an Oath Commissioner, or Notary Public, or Magistrate of the First Class. The outer limit for filing this affidavit would be 3:00 P.M on the last date of filing nomination paper. Failure to file the affidavit along with the 'No Demand Certificate' would be treated as a defect of substantial nature for the purpose of Section-36 of the Representation of the People Act, 1951.

By Order of the Commission
 (Anuj Jaipuria)
 SECRETARY

Annexure

ADDITIONAL AFFIDAVIT TO BE SUBMITTED BY CANDIDATES

(Order No.509/11/2004-JS.I dated 3.2.2016)

Election to (Name of the House),
from Constituency.

I(Name of candidate),
son/daughter/ wife ofAged.....years, resident
of

.....a
candidate at the above election, do solemnly affirm and state on oath as under:-

(i) I have not been allotted any govt, accommodation at any time during the
period of last 10 years prior to the date of notification of the current
election.

OR

(ii) I have been allotted govt. accommodation at
.....(mention
the address of the accommodation)during the period of last 10 years
prior to the date of notification of the current election, and there are no
arrears of any dues to be paid towards rent for the accommodation or
any arrears to the agencies providing electricity, water and telephone at
the said accommodation as on(the date should be the
last date of the 3rd month prior to the month in which the election is
announced)

(iii) "No Dues Certificates" from the agencies concerned are attached hereto.

VERIFICATION

I, the deponent above named, do hereby verify and declare that the above statements
are correct to the best of my knowledge, and no part of it, is false.

Verified atthis theday of

DEPONENT