

Please Issue

today

8/4-2-16

By Speed Post/e-mail.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 509/11/2004-J.S.I/22-57

Dated: 4th February, 2016.

To,

The Chief Electoral Officers
of all States/UTs.

Subject :- Judgment of the Hon'ble Delhi High Court in W.P.(C) No.4912/1998 (Krishak Bharat Vs Union of India & Ors.)- Candidates to submit 'No Demand Certificate' from agencies providing electricity, water and telephone along with their nomination papers - regarding.

Sir/Madam,

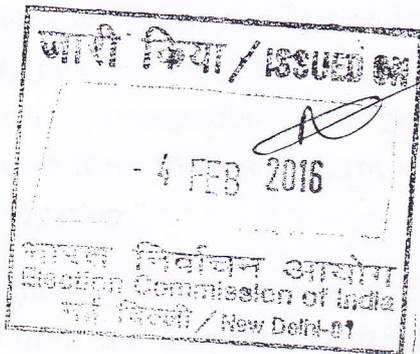
I am directed to refer to the aforesaid matter and to request you to kindly deliver the Commission's following order and letter to the President/General Secretary/Chairperson/Convenor of all registered unrecognised Political Parties based in your States/UTs. Acknowledgment obtained from them may also be forwarded to the Commission, at the earliest.

- (1) Order No.509/11/2004-JS.I, dated 3rd February,2016 (copy enclosed)
- (2) Letter No.509/11/2004-J.S.I, dated 3rd February, 2016 (copy enclosed)

Kindly acknowledge the receipt.

Yours faithfully,

(N.T.BHUTIA)
UNDER SECRETARY



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

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 alongwith 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 3:00P.M.on the last date of filing nomination paper. Failure to file the affidavit alongwith the 'No Demand Certificates' would be treated as a defect of substantial nature for the purposes of Section-36 of the Representation of the People Act, 1951.

By Order of the Commission,


(Anuj Jaipuria)
SECRETARY

Additional Affidavit to be submitted by candidates

Election to(Name of the House),
fromConstituency.

I..... (name of candidate), son/daughter/wife of,
aged---- 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 abovenamed, 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

By e-mail/Speed Post

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

No. 509/11/2004-JS.I / 519-574

Dated : 03rd February, 2016

To

1. The President/General Secretary/Chairperson/Convenor of all Recognised National and State Parties.
2. The President/ General Secretary/ Chairperson/Convenor of every registered unrecognised Political Parties.

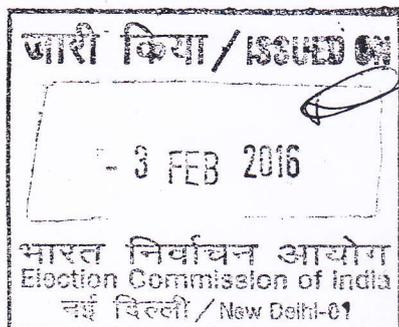
Sub : Judgement of the Hon'ble Delhi High Court in W.P.(C) No. 4912/1998 (KRISHAK BHARAT VS UNION OF INDIA AND ORS.) – proposal to mandate political parties fielding candidates in election to submit Affidavit that the candidates are not in arrears of public dues - regarding.

Sir/Madam,

I am directed to enclose herewith copy of the Judgement dated 07th August, 2015 of the Hon'ble Delhi High Court in the above matter. Your attention is invited to the direction in point J under paragraph 13 of the judgement, which is reproduced below:-

“J. The ECI to within six months hereof also consider the possibility of requiring political parties fielding candidates in any election to also furnish an affidavit that they are not in arrears of any electricity, water, telephone or other public dues, as a pre-condition to their fielding candidates in any election.”

The Commission desires to obtain the views of the political parties on this point. Your response, if any, may be submitted latest by 15th February, 2016. If nothing is heard from the Party by then, it will be presumed that your Party has no specific views in this regard.



Yours faithfully,

Anuj Jaipuria
(Anuj Jaipuria)
SECRETARY

Tel/Fax No.- 011-23052243/011-23052059

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