

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No.3/ER/2013/SDR

Dated: 7th March, 2013

To

The Chief Electoral Officers of
all States and Union Territories.

Subject: Elections -e-filing of affidavits-regarding.

2013 Sir/Madam,

As you are aware, the candidates at the elections to the Parliament and State Legislatures are required to file an affidavit in Form-26 giving information, inter-alia, about their criminal antecedents, assets, liabilities etc. along with the nomination paper, to enable the electors to obtain information about the background of the candidates.

2. Filling of affidavit by a candidate is now governed by the provisions of Section 33A of Representation of the People Act, 1951 and Rule 4A of Conduct of Elections Rules, 1961. The affidavit is required to be filed in Form-26 (as revised). As per Rule 4A, the candidate is required to submit to the RO the affidavit sworn by the candidate before a Magistrate of the First class/Notary Public. Dissemination of the information in the affidavit is done by way of displaying copies on the notice boards of ROs/AROs, furnishing copies thereof to media and others on demand and also by uploading scanned copies of affidavits on the website.

3. The Commission has been receiving proposals for insisting on online filing of the affidavit in Form-26 by the candidates to facilitate the electors and other interested persons/groups in analysing the statements in the affidavits, comparison of profiles of candidates etc.

4. For considering the proposal for e-filing of the affidavit, the following aspects have to be considered:

a) It has to be considered whether the facility for e-filing can be provided in the offices of Returning Officers of all constituencies across India.

b) If e-filing is made compulsory(for which rules will need to be amended), then if the facility is not available in any place, that may lead to problems for the candidates and even rejection of their nomination paper if they fail to e-file affidavit within the prescribed time limit.

Handwritten signatures and initials:
J. H. [unclear]
D. [unclear]
S. [unclear]
M. R. [unclear]

3. The Commission desires that before taking final decision in the matter, the CEOs of all States/UTs may also examine the matter and give their views/comments, specially on the point whether it will be possible to provide necessary uninterrupted support in every constituency headquarters (place where nomination papers are traditionally filed) to the candidates for e-filing of affidavits.

4. You are requested to kindly give your views/comments in the matter latest by 31st March, 2013.

Yours faithfully,

(K.F.Wilfred)
Principal Secretary