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

No. 509/11/2004-JS.I

Dated: 03<sup>rd</sup> 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

2. 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

3. 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

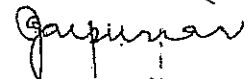
4. Whereas, the Hon'ble Delhi High Court in its judgement dated 07<sup>th</sup> August, 2015, in W.P.(C) No. 4912/1998 (KRISHAK BHARAT VS UNION OF INDIA AND ORS.) has, *inter-alia*, directed as follows:-

5. "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."

6. 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),  
from ..... Constituency.

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 3<sup>rd</sup> 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 at .....this the .....day of .....

DEPONENT