

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/4/2019/SDR – Vol.I

Dated: 28<sup>th</sup> February, 2019

To,

The Chief Electoral Officers of  
All States and UTs.

**Sub: Amendments in Form-26 (Format of Affidavit to be filed by candidates).**

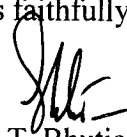
Sir,

I am directed to invite reference to the Commission's letter No. 3/4/2017/SDR/Vol II dated 10/10/2018, on the subject cited, and to state that Form 26 appended to the CE Rules 1961 has been further amended vide Ministry of law and Justice Notification no. S.O.1023 (E). dated 26/02/2019 (copy enclosed). The consolidated Form-26 after incorporating the amendments is enclosed herewith. The candidates are now required to file the affidavit in this amended form-26.

2. This letter may be circulated to all DEOs, ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all Political parties based in the State, i.e. the State Units of the recognized Parties and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instructions to take note of the amendments in Form-26. Adequate publicity shall also be given in this regard so that all concerned are aware of the amendments in Form-26.

3. Please acknowledge receipt and confirm action taken

Yours faithfully,

  
(N.T. Bhutia)  
Secretary

**Form 26**  
**(See rule 4A)**

**Please affix your  
recent passport  
size photograph  
here**

**AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH  
NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION  
TO.....(NAME OF THE HOUSE)  
FROM.....CONSTITUENCY (NAME OF THE  
CONSTITUENCY)**

**PART A**

I.....\*\*son/daughter/wife  
of.....Aged.....  
years, resident of.....(mention  
full postal address), a candidate at the above election, do hereby solemnly affirm and  
state on oath as under:-

**(1)** I am a candidate set up by-----

(\*\*name of the political party) / \*\*am contesting as an Independent candidate.

(\*\*strike out whichever is not applicable)

**(2)** My name is enrolled in.....(Name of the  
Constituency and the state), at Serial No.....in Part No.....

**(3)** My contact telephone number(s) is/are.....and my  
e-mail id (if any) is..... and my social media account(s) (if  
any) is/are

(i).....

(ii).....

(iii).....

**(4) Details of Permanent Account Number (PAN) and status of filing of Income tax return:**

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income Tax Return (in Rupees) for the last five Financial Years completed (as on 31 <sup>st</sup> March)	
	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent 1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

5.	Dependent 2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
6.	Dependent 3...			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

**(5) Pending criminal cases**

**(i) I declare that there is no pending criminal case against me. (Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)**

**OR**

**(ii) The following criminal cases are pending against me:**

**(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)**

**Table**

<b>(a)</b>	<b>FIR No. with name and address of Police Station concerned</b>			
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<b>(b)</b>	<b>Case No. with Name of the Court</b>			
<b>(c)</b>	<b>Section(s) of concerned Acts/Codes involved (give no. of the Section, e.g. Section.....of IPC, etc.).</b>			
<b>(d)</b>	<b>Brief description of offence</b>			
<b>(e)</b>	<b>Whether charges have been framed (mention YES or NO)</b>			
<b>(f)</b>	<b>If answer against (e) above is YES, then give the date on which charges were framed</b>			
<b>(g)</b>	<b>Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)</b>			

**(6) Cases of conviction**

**(i) I declare that I have not been convicted for any criminal offence. (Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)**

**OR**

**(ii) I have been convicted for the offences mentioned below:**

**(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)**

**Table**

<b>(a)</b>	<b>Case No.</b>			
<b>(b)</b>	<b>Name of the Court</b>			
<b>(c)</b>	<b>Sections of Acts/Codes involved (give no. of the Section, e.g. Section..... of IPC, etc.).</b>			
<b>(d)</b>	<b>Brief description of offence for which convicted</b>			
<b>(e)</b>	<b>Dates of orders of conviction</b>			
<b>(f)</b>	<b>Punishment imposed</b>			
<b>(g)</b>	<b>Whether any Appeal has been filed against conviction order (Mention YES</b>			

(h)	If answer to (g) above is YES, give details and present status of appeal			
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(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

**[candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6(i), above]**

**Note:**

1. **Details should be entered clearly and legibly in BOLD letters.**
2. **Details to be given separately for each case under different columns against each item.**
3. **Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.**
4. **Additional sheet may be added if required.**
5. **Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W. P (C) No. 536 of 2011.**

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

**A. Details of movable assets :**

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment

Note: 6. Details should include the interest in or ownership of offshore assets.

**Explanation,- For the purpose of this Form, the expression “offshore assets” includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries’;**

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, Debentures/Shares and units in companies/Mutual Funds and others and the amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance Policies and investment in any Financial instruments in Post office or Insurance Company and the amount						



(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount.						
(vi)	Motor Vehicles/Aircrafts/ Yachts/Ships (Details of Make, registration number. etc. year of purchase and amount )						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/interest						
(ix)	<b>Gross Total value</b>						

**B. Details of Immovable assets:**

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	<b><u>Agricultural Land</u></b> Location(s) Survey number(s)						
	Area (total measurement in acres)						

	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate Current market value						
(ii)	<b><u>Non-Agricultural Land</u></b>						
	Location(s) Survey number(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	<b><u>Commercial Buildings</u></b> (including apartments) -Location(s) -Survey number(s)						

	Area (total measurement in sq. ft.)					
	Built-up Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the property by way of development, construction etc.					
	Approximate current market value					
(iv)	<b><u>Residential Buildings</u></b> (including apartments): -Location (s) -Survey number(s)					
	Area (Total measurement in sq. ft)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self – acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					

(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: Please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	<b>Loan or dues to Bank/Financial Institution(s)</b> Name of Bank or Financial Institution, Amount outstanding, Nature of loan						
	<b>Loan or dues to any other individuals/entity other than mentioned above.</b> Name(s), Amount outstanding, nature of loan						
	<b>Any other liability</b>						
	<b>Grand total of liabilities</b>						

(ii)	<p><b><u>Government Dues:</u></b></p> <p>Dues to departments dealing with Government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely:-</p> <p>(i) The address of the Government accommodation:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on .....(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>	<p>YES/NO</p> <p>(Pl. tick the appropriate alternative)</p>
(iii)	<p>Dues to department dealing with Government transport (including aircrafts and helicopters)</p>		

		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income Tax dues						
(v)	GST dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

**(9) Details of profession or occupation:**

(a) Self.....

(b) Spouse .....

**(9A) Details of source(s) of income:**

(a) Self .....

(b) Spouse .....

(c) Source of income, if any, of dependents,.....

**(9B) Contracts with appropriate Government and any public company or companies**

(a) details of contracts entered by the candidate.....

(b) details of contracts entered into by spouse .....

(c) details of contracts entered into by dependents .....

(d) details of contracts entered into by Hindu Undivided Family or trust in which the

candidate or spouse or dependents have interest .....

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners .....

(f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share .....

**(10) My educational qualification is as under:**

.....

(Give details of highest School / University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)

**PART – B**

**(11). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART - A:**

1.	Name of the candidate		Sh./Smt./Kum.				
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		<b>PAN of</b>	Year for which last Income Tax Return filed		Total Income Shown		
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	<b>Details of Assets and Liabilities (including offshore assets) in rupees</b>						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	<b>Dependent-3</b>
A.	<b>Moveable Assets (Total value)</b>						
B.	<b>Immovable Assets</b>						
	I	Purchase Price of self-acquired immovable property					
	II	Development/const ruction cost of immovable property after purchase (if applicable)					



	III	Approximate Current Market Price -						
		(a) Self-acquired assets (Total Value)						
		(b) Inherited assets (Total Value)						
9.		<b>Liabilities</b>						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
10.		<b>Liabilities that are under dispute</b>						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
11.		<b>Highest educational qualification:</b> (Give details of highest School /University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)						

## VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this the.....day  
of.....

**DEPONENT**

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**Note:** 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

**Note:** 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

**Note:** 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned.

**Note:** 4. The affidavit should be either typed or written legibly and neatly.

**Note:** 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 891]

नई दिल्ली, मंगलवार, फरवरी 26, 2019/ फाल्गुन 7, 1940

No. 891]

NEW DELHI, TUESDAY, FEBRUARY 26, 2019/PHALGUNA 7, 1940

विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

का.आ. 1022(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात्, विधान सभा निर्वाचनों का संचालन (सिक्किम) नियम, 1979 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

- (1) इन नियमों का संक्षिप्त नाम विधान सभा निर्वाचनों का संचालन (सिक्किम) (संशोधन) नियम, 2019 है।  
(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- विधान सभा निर्वाचनों का संचालन (सिक्किम) नियम, 1979 में (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के प्ररूप 2च में,—  
(क) भाग 3 में "मैं यह भी घोषणा करता हूँ" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:--

मैं यह भी घोषणा करता हूँ कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिक्किम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:—

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पद धारण किया हुआ है?..... (हां/नहीं)

—यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है.....

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8 के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है? .....(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत अंश है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हिता की तारीख ....."

3. मूल नियमों के प्ररूप 2छ में,—

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:—

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिक्किम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:--

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ के पद पर है?..... (हां/नहीं)

- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है? .....(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) को जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत शेयर है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हता की तारीख ....."

4. मूल नियमों के प्ररूप 2ज में,--

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंतःस्थापित किया जाएगा:--

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिक्किम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्:—

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पदधारण किया हुआ है?..... (हां/नहीं)

- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है .....

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें .....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है? .....(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख .....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मों के निष्पादन के लिए कोई अंश है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत शेयर है प्रबंध अधिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क ने अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हिता की तारीख ....."

[फा.सं.एच-11019/13/2016-वि.2]

डॉ. रीटा वशिष्ठ, अपर सचिव

नोट टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ.संख्यांक 519, तारीख 7 सितंबर, 1979 द्वारा प्रकाशित किए गए थे और का.आ.सं. 3263(अ), तारीख 16 सितंबर, 2016 द्वारा उनका अंतिम संशोधन किया गया।

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

## NOTIFICATION

New Delhi, the 26<sup>th</sup> February, 2019

**S.O. 1022(E).**—In exercise of the powers conferred by section 169 read with section 33 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Assembly Elections (Sikkim) Rules, 1979, namely:—

1. (1) These rules may be called the Conduct of Assembly Elections (Sikkim) Amendment Rules, 2019.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Assembly Elections (Sikkim) Rules, 1979 (hereinafter referred to as the principal rules), in Form 2F,—

- (a) in Part III, after the Paragraph relating to “further declaration” and before the “(Signature of the Candidate)”, the following Paragraph shall be inserted, namely:—

“I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.”;

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the “(Signature of the Candidate)”, the following Paragraphs shall be inserted, namely:—

“2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

— If Yes, details of the office held-----

3. Whether the candidate has been declared as an insolvent by any court?----- (Yes/No).

— If Yes, has he been discharged from the insolvency -----

4. Whether the candidate is under allegiance or adherence to any foreign country? ----- (Yes/No).

— If Yes, give details -----

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

— If Yes, the period for which the candidate has been disqualified -----

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

— If Yes, the date of such dismissal -----

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?----- (Yes/No).

— If Yes, with which Government and the details of subsisting contract(s) -----

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

— If Yes, with which Government and the details thereof -----

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

— If yes, the date of disqualification-----”.

3. In the principal rules, in Form 2G,—

- (a) in Part III, after the Paragraph relating to “further declaration” and before the “Signature of the Candidate”, the following Paragraph shall be inserted, namely:—

“I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.”;

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the “(Signature of the Candidate)”, the following Paragraphs shall be inserted, namely:—

“2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

– If Yes, details of the office held-----.

3. Whether the candidate has been declared as an insolvent by any court?----- (Yes/No).

– If Yes, has he been discharged from the insolvency -----.

4. Whether the candidate is under allegiance or adherence to any foreign country? --- (Yes/No).

– If Yes, give details -----.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

– If Yes, the period for which the candidate has been disqualified -----.

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

– If Yes, the date of such dismissal -----.

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?-- (Yes/No).

– If Yes, with which Government and the details of subsisting contract(s) -----.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

– If Yes, with which Government and the details thereof -----.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

– If yes, the date of disqualification-----.”.

4. In the principal rules, in Form 2H,—

- (a) in Part III, after the Paragraph relating to “further declaration” and before the “Signature of the Candidate”, the following Paragraph shall be inserted, namely:—

“I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.”;

- (b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the “(Signature of the Candidate)”, the following Paragraphs shall be inserted, namely:—



"2. Whether the candidate is holding any office of profit under the Government of India or the State Government?----- (Yes/No).

- If Yes, details of the office held -----.

3. Whether the candidate has been declared as an insolvent by any court? ----- (Yes/No).

- If Yes, has he been discharged from the insolvency -----.

4. Whether the candidate is under allegiance or adherence to any foreign country? ----- (Yes/No).

- If Yes, give details -----.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?----- (Yes/No).

- If Yes, the period for which the candidate has been disqualified -----.

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? ----- (Yes/No).

- If Yes, the date of such dismissal -----.

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government? ----- (Yes/No).

- If Yes, with which Government and the details of subsisting contract(s) -----.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?----- (Yes/No).

- If Yes, with which Government and the details thereof -----.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951----- (Yes/No).

- If Yes, the date of disqualification-----."

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA, Addl. Secy.

**Foot Note :** The principal rules were published in the Gazette of India, Extraordinary, vide number S.O. 519, dated the 7<sup>th</sup> September, 1979 and were last amended vide number S.O. 3263 (E), dated the 16<sup>th</sup> September, 2016.

### अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

**का.आ. 1023(अ).**—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2019 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्वाचनों का संचालन नियम, 1961 के प्ररूप 26 में,-

1. भाग अ में,-

(i) पैरा 4 और उसके नीचे की सारणी के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"(4) स्थायी खाता संख्या (पैन) और आयकर विवरणी फाइल करने की प्रास्थिति:

क्रम सं.	नाम	पीएएन (स्थायी खाता संख्या)	वह वित्तीय वर्ष जिसके लिए अंतिम आय-कर विवरणी फाइल की गई है	पिछले पांच वित्तीय वर्षों (31 मार्च को) के लिए आय-कर विवरणी में दर्शित कुल आय(रुपये में)
1.	स्वयं			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	पति/पत्नी			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	हिंदू अविभक्त कुटुंब (यदि अभ्यर्थी कर्ता या सहदायिक है)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	आश्रित-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	आश्रित-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	आश्रित-3			(i)

				(ii)
				(iii)
				(iv)
				(v)

**टिप्पण :** स्थायी खाता संख्या (पैन) धारक के लिए स्थायी खाता संख्या (पैन) का उल्लेख करना आज्ञापक होगा और कोई स्थायी खाता संख्या (पैन) न होने की दशा में यह स्पष्ट रूप से कथन करना चाहिए कि "कोई स्थायी खाता संख्या (पैन) आबंटित नहीं हुआ है"।

(ii) पैरा 7 में,-

(क) "क. जंगम संपत्तियों का ब्यौरा" शीर्षक के नीचे "टिप्पण 5" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

**टिप्पण: 6.** ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।

**स्पष्टीकरण,-** इस टिप्पण के प्रयोजन के लिए "अपतट आस्तियों" पद से विदेशी बैंकों और किसी अन्य विदेशी निकाय या संस्था में सभी जमा राशियों या विनिधानों के ब्यौरे और विदेशों में सभी आस्तियों और दायित्वों के ब्यौरे अभिप्रेत हैं;

(ख) सारणी में "पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा ;

(ग) "ख. स्थावर आस्तियों के ब्यौरे" शीर्षक के नीचे-

(अ) "टिप्पण 2" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

**टिप्पण : 3.** ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।"

(आ) सारणी में "पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा।"

(iii) पैरा (8) की सारणी में, दोनों स्थानों पर आने वाले "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा ;

II. भाग ख में, पैरा (11) के नीचे सारणी में-

(i) क्रम संख्या 7 में, प्रविष्टि (ग) के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

"(ग) हिंदू अविभक्त कुटुंब

(घ) आश्रित";

(ii) क्रम संख्या 8 में,

(क) विद्यमान शीर्षक के स्थान पर निम्नलिखित शीर्षक रखा जाएगा, अर्थात् :-

"आस्तियों और दायित्वों (अपतट आस्तियों सहित) के रूपों में ब्यौरे";

(ख) सारणी में, "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंतःस्थापित किया जाएगा;

III. उक्त प्ररूप के अंत में सत्यापन के पश्चात् आने वाले "टिप्पण:4" के पश्चात् निम्नलिखित टिप्पण अंतःस्थापित किया जाएगा, अर्थात्:-

"टिप्पण: 5. शपथ पत्र का प्रत्येक पृष्ठ अभिसाक्षी द्वारा हस्ताक्षरित होना चाहिए। इसके अतिरिक्त, शपथ पत्र के प्रत्येक पृष्ठ पर ऐसे नोटरी या शपथ आयुक्त या मजिस्ट्रेट जिसके समक्ष शपथ पत्र सत्यापित किया जाता है, की स्टांप होनी चाहिए।"

[फा. सं. एच-11019/13/2016-विधायी 2]

डॉ. रीटा वशिष्ठ, अपर सचिव

पाद टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ. संख्यांक 859, तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए थे और का.आ. संख्यांक 5196(अ), तारीख 10 अक्टूबर, 2018 द्वारा अंतिम संशोधन किया गया था।

### NOTIFICATION

New Delhi, the 26<sup>th</sup> February, 2019

S.O. 1023(E).—In exercise of the powers conferred by section 169 read with section 33 of the Representation of People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961 in FORM 26,—

I. in PART A—

(i) for paragraph (4) and the Table thereunder, the following shall be substituted, namely:—

"(4) Details of Permanent Account Number (PAN) and status of filing of income tax return:

Sl.No.	Names	PAN	The financial year for which the last income-tax return has been filed.	Total income shown in income tax return (in Rupees) for the last five Financial Years (as on the 31 <sup>st</sup> March).
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta)			(i)

	or Coparcener)			(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	Dependent-3			(i)
				(ii)
				(iii)
				(iv)
				(v)

**Note:** It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(ii) in paragraph (7), —

(a) under the heading "A. Details of movable assets", after "Note 5", the following Note shall be inserted, namely:—

**Note : 6.** Details should include the interest in or ownership of offshore assets.

**Explanation,—** For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries;

(b) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted.;

(c) under the heading "B. Details of Immovable Assets"—

(A) after the "Note 2", the following Note shall be inserted, namely:—

**Note: 3.** Details should include the interest in or ownership of offshore assets."

(B) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted."

(iii) in paragraph (8), in the table, after the column "Spouse" occurring at both the places, a new column with heading "HUF" shall be inserted.;

II. in PART B, in paragraph (11), in the Table thereunder—

(i) in serial No. 7, for entry (c), the following entries shall be substituted, namely:—

"(c) HUF

(d) Dependent";

(ii) in serial No. 8, —

(a) for the existing heading, the following heading shall be substituted, namely:—

“Details of Assets and Liabilities (including offshore assets) in rupees”;

(b) in the Table, after the column “Spouse”, a new column with heading “HUF” shall be inserted;

III. at the end of the said FORM, after the “Note: 4”, occurring below the heading “Verification”, the following Note shall be inserted, namely:—

“Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.”.

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA, Addl. Secy.

Footnote :—The principal rules were published in the Gazette of India, Extraordinary, *vide* number S.O. 859, dated the 15<sup>th</sup> April, 1961 and last were amended *vide* number S.O. 5196(E), dated the 10<sup>th</sup> October, 2018.