

STATE ELECTION COMMISSION, HARYANA
S.C.O.NO.16-17, SECTOR 20 D
CHANDIGARH
NOTIFICATION

No.SEC/4ME/2007/7027

Dated:- 09.05.2007

Whereas, the Superintendence, direction and control of all elections to Municipalities in the State of Haryana are vested in the State Election Commission by the Constitution of India and the Haryana Municipal Corporation Act, 1994 (Haryana Act No.16 of 1994);

AND, whereas the State Election Commission being deeply aware of the increasingly vitiative roll of unaccounted financial resources in election and the fragility of existing Law in curbing such vitiation, and to render the accounts of election expenses, it is necessary and expedient to provide, in the interest of purity of elections to the Municipalities in the State of Haryana and in the interest of conduct of such elections in fair and efficient manner and ways and means to render the accounts of expenditure at an elections by the contesting candidate in relation thereto and for matters connected therewith;

Now, therefore, in exercise of the powers conferred under Article 243ZA of the Constitution of India and Section 9 and 8B of the Haryana Municipal Corporation Act, 1994 (Act No.16) all other powers enabling it in this behalf and in supersession of the Haryana Municipal Election Expenditure (Maintenance and submission of Accounts) order, 1996 the State Election Commission, Haryana hereby makes the following order:-

1. Short title, extent, application and commencement:-

- (1) This order may be called the Haryana Municipal Corporation Election Expenditure (Maintenance and submission of accounts) Order, 2007.
- (2) It shall extend to the whole of Haryana State in relation to elections in Municipal Corporation.
- (3) It shall come into force on the date of its publication in the Haryana Government Gazette which date is hereinafter referred to the commencement of this order.

2. Definition and Interpretation:-

- (1) In this order unless the context otherwise required:-
 - (a) "ACT" means the Haryana Municipal Corporation Act, 1994 (Haryana Act No.16 of 1994) ;
 - (b) "ELECTION EXPENDITURE" means any expenditure incurred or authorised by a candidate or his election agent in connection with the election between the dates on which he has filled his/her nomination and the date of declaration of results thereof both days inclusive;
 - (c) "CORPORATION" means the Municipal Corporation declared and constituted under Section 3 and 4 of the Haryana Municipal Corporation Act, 1994;
 - (d) "RULE" means the Haryana Municipal Corporation Election Rule, 1994 ;
 - (e) "SECTION" means the Section of the Haryana Municipal Corporation Act, 1994;

(f) "STATE ELECTION COMMISSION" means the State Election Commission, Haryana constituted under Article 243K and 243ZA of the Constitution read with and Section 9 of the Act.;

(g) "SUB-PARAGRAPH" means a sub paragraph of the paragraph in which the word occurs; and

(2) Words and expressions used but not defined in this Order but defined in the Re-presentation of the People Act, 1950 or Rules made thereunder or in the Representation of the People Act, 1951 or the Rules made thereunder or the Haryana Municipal Corporation Act, 1994 or the Rules made thereunder shall have meaning respectively assigned to them in these Acts and Rules.

(3) In the absence of such definition the Punjab General Clauses Act, 1898, (Punjab Act No.1 of 1898) shall as far as may be, apply in relation to the interpretation of this Order as it applies in relation to the interpretation of a Haryana Act.

3. Notification by State Election Commission to prescribe the election expenditure limit:- For the purpose of this Order the State Election Commission shall notify under sub section (3) and section 8B of the Act from time to time the election expenditure limit at an election to be incurred by a candidate or his authorised election agent.

4. Maintenance of election expenditure account:- For the purpose of this Order every contesting candidate at an election shall have to maintain the day to day election expenditure account in accordance with the procedure laid down in Para 5 of this Order. The Returning Officer shall in writing as given in Annexure-I give a notice to the contesting candidate regarding maintenance of Election Expenditure account in the manner prescribed therewith.

5. The election expenditure shall be maintained in accordance with the procedure laid down below:-

(1) A register in a standard proforma as shown in Annexure II to this order shall be issued to each candidate by the Returning Officer immediately after his nomination for keeping the day to day record of expenditure.

(2) The register shall be duly authenticated by the Returning Officer at the time of issue.

(3) All day to day account shall be faithfully recorded in this register and in no other document by the candidate or his agent authorised by him in this behalf.

(4) All documents such as vouchers, receipts, acknowledgements etc. in support of the expenditure incurred shall be obtained from day to day as the expenditure is incurred and maintained in the correct chronological order alongwith the aforesaid register.

(5) (a) The day to day account maintained in the aforesaid register together with the supporting documents shall be made available for inspection at any time during the process of election by the Deputy Commissioner, Returning Officer, Election Expenditure Observer appointed by the Commission or any other such authority nominated by the Commission in this behalf

(b) Failure to produce this register on demand by the authority mentioned in (a) above will be considered as a major default.

- (6) (a) Each contesting candidate shall also maintain account of election expenditure in the proforma as per Annexure III to this Order for showing the total expenditure on various items listed therein and shall within 30 days from the date of declaration of the result of the election lodged with the Deputy Commissioner or any other officer, in duplicate, as authorised by the state election commission by his election agent in the proforma at Annexure-III. The Deputy Commissioner or any other officer as authorised by the state election commission shall check account of election expenses and a copy of Election Expenditure Statement submitted by the candidates shall be sent to this Commission within seven days from the date of filing such account and the list of contesting candidates who had not submitted his account of election expenses in time and who has made excess expenditure beyond of expenditure limit fixed by the State Election Commission.
- (b) The Deputy Commissioner or the Officer authorised in sub-para(a) above shall, within two days from the date on which the account of election expenses have been lodged by a candidate under sub-para(a) above, cause a notice to be affixed to the notice board of his office specifying—
- (i) the date on which the account has been lodged;
 - (ii) the name of the candidate ; and
 - (iii) the time and place at which such accounts can be inspected.
- (c) Any person shall on payment of a fee of Rs. Five be entitled to inspect any such account and on payment of such fee as may be fixed by the State Election Commission in this behalf be entitled to obtain attested copies of such account or of any part thereof.
- (7) (a) While lodging the account of election expenditure the candidate shall file the prescribed register as a part of the record.
- (b) Each candidate while lodging the returns of his election expenditure shall also file an affidavit on oath as in Annexure-IV that the expenditure shown as nil, if any, on items listed in the proforma or left blank therein, has not been incurred by him, the affidavit will also clearly state that all election expenditure on listed items relating thereto has been completely and unexceptionally included in the return and there is nothing that has not been disclosed.
- (8) A register in a standard proforma as shown in Annexure-II, Proforma as at Annexure-III and specimen of affidavit on oath as in Annexure-IV to this Order shall be issued to each candidate by Returning Officer after filling his nomination for keeping the day to day account of expenditure and for showing the total expenditure on various items.
- (9) Since the return of election expenditure filed by a candidate has to reflect “correct” account of “all” election expenses the Deputy Commissioner or the officer specified in sub-para (a) of para 6 above before accepting the account of the candidate as being in accordance with the manner prescribed, shall conduct such enquiry as he deems necessary and at the time of communicating his report to the Commission, certify to the Commission with reference to the documents filed before him and as verified by him through an

appropriate enquiry that the statement of accounts is in the manner prescribed.

- (10) The Commission intends to super-check the authenticity of the returns filed through the above procedure and shall hold the candidate personally responsible for any lapse or misrepresentation.
- (11) Disqualification for failure to lodge account of election expenses.

If the State Election Commission is satisfied that a person:-

- (a) has failed to lodge an account of election expenses within the time and in the manner required under this order ; and
- (b) has no good reason or justification for the failure, the State Election Commission shall by order published in the Official Gazette, declare him to be disqualified and may such person shall be disqualified for a period of three years from the date of the order.
- (12) These directions are absolutely mandatory and cannot be locally ordered or modified in any manner without prior written approval of the Commission. The Deputy Commissioner will not be competent to permit any relaxation.
- (13) Power of State Election Commission to issue instructions and directions :- The State Election Commission, Haryana has been authorized under sub-section (2) of Section 8B of the said Act to notify the particulars of the account to be maintained by the contesting candidate and has power to issue instructions and directions:-
- (a) in relation to any matter with respect to maintenance and submission of election expenditure return, by the contesting candidates, for which this order makes no provision or make, insufficient provision, and provision is in the opinion of the State Election Commission necessary for the smooth and orderly conduct of elections.
- (14) A copy of this order may be made available to the local unit of all recognised National and State Political Parties immediately, and a copy letter in Annexure-I to each candidate or the agent authorised by him at the time of his nomination (repeat nomination and not scrutiny of nominations) under acknowledgement.
- (15) This order may be given to the widest possible publicity through the quickest and all possible means.

Dated, Chandigarh the 9th May, 2007

CHANDER SINGH
State Election Commissioner,
Haryana.

Endst.No.SEC/4ME/2007/7028-32

Dated: 09.05.2007

A copy is forwarded to :-

1. The Commissioner and Secretary to Government, Haryana, Urban Local Bodies Department.
2. Director, Urban Local Bodies, Department, Chandigarh.
3. The Commissioner of Municipal Corporation, Faridabad.
4. Deputy Commissioner, Faridabad.

5. The Secretary of Municipal Corporation, Faridabad.

(Parmal Singh)
Superintendent,
For State Election Commissioner,
Haryana.

Endst.No.SEC/4ME/2007/7033

Dated: 09.05.2007

A copy is forwarded to the controller printing and stationery Deptt. Haryana, Chandigarh for publication in the Haryana Govt. Gazette (Extra ordinary) Dated

He is requested to supply 10 copies of the Gazette containing the send Notification to the State Election Commission for record

(Parmal Singh)
Superintendent,
For State Election Commissioner,
Haryana.

Endst.No.SEC/4ME/2007/6034-40

Dated: 09.05.2007

A copy is forwarded to all the Political Parties for information and necessary action.

(Parmal Singh)
Superintendent,
For State Election Commissioner,
Haryana.

Abstract of Section 8B and 8D of the Haryana Municipal Corporation Act, 1994 and section 10A of the Representation of People Act, 1951.

8D. Application of certain section of Central Act 43 of 1951- The provisions of sections 10A, 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B, and 135C of the Representation People Act, 1951 (Central Act 43 of 1951), shall mutatis mutandis apply to the provisions of the Act.

8B .Account of election expenses and maximum thereof -

- (1) Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.
- (2) The account shall contain such particulars, as may be notified by the State election commission in this behalf.
- (3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

10A. Disqualification for failure to lodge account of election expenses. If the Election Commission is satisfied that a person:-

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and
- (b) has no good reason or justification for the failure;

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.