

STATE ELECTION COMMISSION, HARYANA,
NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17
PANCHKULA

ORDER

No.SEC/3ME/2010/3252

Dated:- 27/10/2010

As per provisions contained in Section 13 D and 13 E of Haryana Municipal Act, 1973, every contesting candidate of Municipal Committee has to maintain his election expenditure account from the date of his nomination till the declaration of result. As per orders dated 19.12.06, State Election Commission, Haryana has fixed the time limit i.e. 'within 30 days of declaration of result' to file the election expenditure with the Deputy Commissioner or any other officer prescribed by the State Election Commission, Haryana and a candidate, who does not file his election expenditure account within time limit and makes expenditure beyond the expenditure limit fixed by the State Election Commission, may be disqualified by the State Election Commission, Haryana for three years.

2. The General Election to Municipal Committee, Hathin, District Mewat, was held on 02.03.2007. The Secretary, Municipal Committee, Hathin vide his letter No.444, dated 12/07/2007 had informed the Commission that out of 49 candidates, 20 candidates had already submitted their expenditure register. Thereafter, 15 more candidates had also submitted their election expenditure register directly in the office of the Deputy Commissioner, Mewat and remaining 14 candidates have not submitted their election expenditure register till 12/07/2010. After considering the matter, the following 29 candidates, who had failed to lodge their election expenditure account within 30 days of declaration of the results as required under Section 13D and 13E of the Haryana Municipal Act, 1973, were issued show cause notice:-

<i>Sr.No.</i>	<i>Name of candidate</i>	<i>Ward No.</i>
1.	<i>Jai Om</i>	<i>1</i>
2.	<i>Ram Kishan</i>	<i>1</i>
3.	<i>Jaipal</i>	<i>1</i>
4.	<i>Rajwati</i>	<i>2</i>
5.	<i>Kailashi</i>	<i>2</i>
6.	<i>Devki</i>	<i>2</i>
7.	<i>Kusum</i>	<i>3</i>
8.	<i>Guddi Devi</i>	<i>3</i>
9.	<i>Kunjlata</i>	<i>3</i>
10.	<i>Geetesh</i>	<i>3</i>
11.	<i>Pardeshi</i>	<i>4</i>
12.	<i>Jagveer</i>	<i>4</i>
13.	<i>Tula Ram</i>	<i>4</i>
14.	<i>Shadi lal</i>	<i>5</i>
15.	<i>Padam Singh</i>	<i>5</i>
16.	<i>Ram Gopal</i>	<i>5</i>
17.	<i>Parkash Chand</i>	<i>6</i>
18.	<i>Lachchi Ram</i>	<i>7</i>
19.	<i>Kanta</i>	<i>8</i>
20.	<i>Shashi Bala</i>	<i>8</i>
21.	<i>Shanti Devi</i>	<i>9</i>
22.	<i>Burfi Devi</i>	<i>9</i>
23.	<i>Virender Singh</i>	<i>10</i>
24.	<i>Bassi</i>	<i>11</i>
25.	<i>Haseena</i>	<i>11</i>
26.	<i>Sharda</i>	<i>13</i>
27.	<i>Nitesh Devi</i>	<i>13</i>
28.	<i>Yashveer Singh</i>	<i>13</i>
29..	<i>Surinder Singh</i>	<i>13</i>

3. All the 29 candidates were given an opportunity of personal hearing by the then State Election Commissioner, Haryana on 10/01/2008 at 11.30 A.M. at the PWD Rest House, Hathin. 23 candidates appeared for hearing, out of whom 21 candidates had stated that they had deposited their election expenditure statement but when they were asked about the receipt, they told that they were not given any receipt. During the personal hearing, Secretary, Municipal Committee, Hathin stated that 16 candidates had deposited their election expenditure statement in the office of the Deputy Commissioner, Mewat. No final decision could be take place in the matter due to the retirement of the then State Election Commissioner, Haryana. Vide commission's letter No.SEC/3ME/2008/6083, dated 25/06/2008, the Deputy Commissioner, Mewat was requested to inform the date of deposit of the expenditure registers and also inform why the receipts were not issued to the candidates who had deposited their expenditure registers. The Deputy Commissioner, Mewat, vide his letter No.882/L.F.A., dated 04/01/2010, had informed the Commission that 15 candidates had deposited their election expenditure register in the office of Deputy Commissioner, Mewat, but the registers were not complete and were not diarized. As these registers were not diarized, the date of submission of expenditure registers of the following 15 candidates could not be known:

<u>Sr.No.</u>	<u>Name of candidate</u>	<u>Ward No.</u>
1.	Jaipal	1
2.	Kailashi	2
3	Guddi Devi	3
4.	Kunjlata	3
5.	Jagveer	4
6.	Tula Ram	4
7.	Ram Gopal	5
8.	Parkash Chand	6
9.	Lachchi Ram	7
10.	Kanta	8
11.	Shanti Devi	9
12.	Virender Singh	10
13.	Haseena	11
14.	Sharda	13
15.	Nitesh Devi	13

4. The matter has been reconsidered by me and all the 29 candidates were again given a chance of personal hearing on 07/10/2010 at 2.30 P.M in the office of Deputy Commissioner, Palwal. Out of 29 candidates, only 7 candidates Sh.Ram Kishan, Sh.Vineet son in-law of Smt.Rajwati on her behalf, Sh.Padam Singh, Sh.Pardeshi, Sh.Shadi Lal, Smt.Shashi Bala and Sh. Jasbir Singh appeared before me. Out of these candidates Sh.Ram Kishan, Sh.Veneet, Sh.Padam Singh, Sh.Pardeshi, Sh.Shahdi Lal and Smt.Shashi Bala stated that they had deposited their election expenditure statement and Sh.Jasbeer Singh stated that he had not deposited the election expenditure statement. Remaining 21 candidates did not appeared.

5. During the personal hearing, Secretary, Municipal Committee, Hathin stated that out of 49 candidates, 20 candidates deposited their expenditure registers within the time limit and 16 candidates had deposited their election expenditure statement directly in the L.F.A. Branch of office of Deputy Commissioner, Mewat, which were incomplete and were returned to the Municipal Committee, Hatin to get them completed. These registers were returned to the candidates by the Secretary, Municipal Committee Hathin for

completing them but out of 16 registers, 15 complete registers were received in the office of Municipal Committee, Hathin and following 14 candidates have not deposited their expenditure registers at all:-

<u>Sr.No.</u>	<u>Name of candidate</u>	<u>Ward No.</u>
1.	Jai Om	1
2.	Ram Kishan	1
3.	Rajwati	2
4.	Devki	2
5.	Kusum	3
6.	Geetesh	3
7.	Pardeshi	4
8.	Shadi Lal	5
9.	Padam Singh	5
10.	Shashi Bala	8
11.	Burfi Devi	9
12.	Bassi	11
13.	Jasbeer Singh	13
14.	Surinder Singh	13

6. Smt.Rajwati, Sh.Pardeshi, Sh.Padam Singh, Sh.Shadi Lal, Smt.Shashi Bala and Sh.Ram Kishan have stated during the personal hearing that they had deposited their election expenditure registers, but they could not produce any proof of having deposited these registers. Besides, they did not produce a copy of the accounts so submitted.

7. After hearing, the order was reserved. The case is now being decided by this order. In view of the above, all the 14 candidates mentioned above in para 5 are hereby disqualified under section 13 D of the Haryana Municipal Act, 1973 for a period of three years from the date of this order. As regards, the remaining 15 candidates mentioned in para 3 is concerned, they had deposited some papers about which there is no clarity about the date on which they were received and what the deficiencies were. It is brought out during hearing that they had submitted the complete register. In view of this, the show cause notice against these 15 candidates is filed, giving benefit of doubt about the date etc.

Dated , Panchkula
the 27th October, 2010

Dharam Vir
State Election Commissioner, Haryana

Endst.No. SEC/3ME/2010/3253-57

Dated:-27/10/2010

A copy is forwarded to the following for information and necessary action:-

1. The Financial Commissioner and Principal Secretary, Haryana Government.
Urban Local Bodies Department, Haryana.
2. Director, Urban Local Bodies Department, Haryana, Chandigarh .
3. Deputy Commissioner, Mewat.
4. Secretary, Municipal Committee, Hathin.
5. All the concerned candidates.

Superintendent,
State Election Commission, Haryana.

Endst.No.SEC/3ME/2010/3258

Dated:- 27/10/2010

A copy is forwarded to the Controller, Printing & Stationery Department, Haryana with the request to notify these orders in the Haryana Govt. Gazette and supply five copies of this publication to the Commission.

Superintendent,
State Election Commission, Haryana.