

[Abstract from Haryana Govt. Gazettee (Extra) dated the 3rd June 1996]

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

The 31st May, 1996

**THE HARYANA MUNICIPAL ELECTION EXPENDITURE (MAINTENANCE
AND SUBMISSION OF ACCOUNTS ORDER), 1996**

AN ORDER

To provide ways and means to render the accounts of election expenditure at elections to Municipalities in the State of Haryana by the candidates in relation thereto and for matters connected therewith.

No.SEC/ME/96/7470-Whereas the Superintendence, direction and control of all election to Municipalities in the State of Haryana and 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 the Haryana Municipal Act, 1973 (Haryana Act No.24 of 1973):

AND WHEREAS the State Election Commission being deeply aware of the increasingly vitiate 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 the elections to the Municipalities in a 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 of the Haryana Municipal Corporation Act, 1994 (Haryana Act No.16 of 1994) and the Haryana Municipal Act, 1973 (Haryana Act No.24 of 1973) and all other powers enabling it in this behalf, the State Election Commission, Haryana hereby makes the following order:-

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

- (1) This order be called the Haryana Municipal Election Expenditure (Maintenance and submission of accounts) Order, 1996.
- (2) It shall extend to the whole of Haryana State in relation to elections in all Municipalities.
- (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 requires:-

- (a) "ACT" means the the Haryana Municipal Corporation Act, 1994 (Haryana Act No.16 of 1994) and the Haryana Municipal Act, 1973 (Haryana Act No.24 of 1973)Haryana Panchayati Raj Act, 1994 (Haryana Act No.11 of 1996);
- (b) "ELECTION EXPENDITURE" means any expenditure incurred or authorised by a candidate or his election agent in connection with the election between the date on which he has been nominated and the date of declaration of results thereof both days inclusive;
- (c) "MUNICIPALITY" means and Institution of Self Government constituted under section 2A of the Haryana Municipal Act, 1973 which may be a Municipal Committee or Municipal Council or Municipal Corporation;
- (d) "RULE" means the Haryana Municipal Corporation (Election) Rules, 1994 and the Haryana Municipal (Election) Rules, 1978;
- (e) "SECTION" means the Section of Haryana Municipal Corporation (Election) Rules, 1994 and the Haryana Municipal (Election) Rules, 1978the Haryana Panchayati Raj Act, 1994;
- (f) "STATE ELECTION COMMISSION" means the State Election Commission, Haryana constituted under Article 243ZA of the Constitution read with Section 9 and 3A of the Acts; and
- (g) "SUB-PARAGRAPH" means a sub paragraphs in which the word occurs;

(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, 1950 or Rules made thereunder or in the Representation of People Act, 1951 or the Rules made thereunder or the Haryana Municipal Corporation Act, 1994 or the Rules made thereunder and Haryana Municipal Act, 1973 or 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 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.

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 1 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 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 inspecting at any time during this 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 (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 II 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 lodge with the Deputy Commissioner or any other officer as specified by the State Election Commission, induplicate and account of election expenses which shall be a true copy of the account maintained by him or by his election agent in the proforma at Annexure-II. The Deputy Commissioner shall retain one copy of the account of election expenses and the second copy shall be submitted to the State Election Commission.

(b) The Deputy Commissioner or the Officer specified in sub-para(a) above shall, within 2 days from the date on which the account of election expenses has 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.5 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-III 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-I, Proforma as at Annexure-II and specimen of affidavit on oath as in Annexure-III to this Order shall be issued to each candidate by Returning Officer after 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 may issue instructions and directions:-

- (a) for the clarification of any of the provision of this order ;
- (b) for the removal of any difficulty which may arise in relation to the implementation of any such provision; and
- (c) 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 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 27th May 1996

(J.K.Duggal)
State Election Commissioner,
Haryana.