

# **The Election Expenses (Maintenance and Lodging of Account) Madhya Pradesh Order, 1997**

MADHYA PRADESH

India

## **The Election Expenses (Maintenance and Lodging of Account) Madhya Pradesh Order, 1997**

### **Rule**

### **THE-ELECTION-EXPENSES-MAINTENANCE-AND-LODGING-OF-ACCO of 1997**

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The Election Expenses (Maintenance and Lodging of Account) Madhya Pradesh Order, 1997 Published vide Notification No. 72-3-Section-97-1920, dated 5-6-1997, M.P Rajpatra (Asadharan) dated 6-6-1997 at page 584(6-13) Whereas the superintendence, direction and control of all elections to Municipalities in the State of Madhya Pradesh are vested in the State Election Commission by the Constitution of India; And, Whereas, Section 14-A of the Madhya Pradesh Municipal Corporation Act, 1956 and Section 32-A of the Madhya Pradesh Municipalities Act, 1961 cast an obligation on every candidate at an election of Mayor of a Municipal Corporation or, as the case may be, President of a Municipal Council or a Nagar Panchayat to keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent with such particulars as may be prescribed by the State Election Commission; And, Whereas, Section 14-B of the Madhya Pradesh Municipal Corporation Act, 1956 and Section 32-B of the Madhya Pradesh Municipalities Act, 1961 cast an obligation on every contesting candidate at an election of Mayor or a Municipal Corporation or, as the case may be, President of a Municipal Council or a Nagar Panchayat to lodge within 30 days from the date of election, with the officer notified by the State Election Commission an account of his election expenses; And, Whereas, the State Election Commission is deeply aware of the pernicious role of money power in elections and deems it necessary and expedient to curb it, inter alia, by ensuring that the account of election expenses to be lodged by a candidate is, as far as possible, comprehensive and reflective of the actual expenditure; Now, Therefore, in exercise of its powers under Article 243ZA of the Constitution of India and in pursuance of Section 14-A of the Madhya Pradesh Municipal Corporation Act, 1956 and Section 32-A of the Madhya Pradesh Municipalities Act, 1961 and all other powers enabling in this behalf, the State Election Commission hereby makes the following order-

## **1. Short title, extent, application and commencement.**

(1) This order may be called the Election Expenses (Maintenance and Lodging of Account) Madhya Pradesh Order, 1997. (2) It extends to the whole of Madhya Pradesh State. (3) It shall come into force on the date of its publication in the "Madhya Pradesh Gazette."

## **2. Definitions and interpretation.**

(1) In this Order, unless the context otherwise requires, - (a) "Act" means the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) or the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961); (b) "Candidate" means a person who has been duly nominated as a candidate at an election to the office of Mayor of a Municipal Corporation or President of a Municipal Council or a Nagar Panchayat; (c) "Sub-paragraph" means a sub-paragraph of the paragraph in which the word occurs; (d) "Paragraph" means a paragraph of this Order; (e) "Election" means an election to the office of Mayor of a Municipal Corporation or President of a Municipal Council or Nagar Panchayat; (f) "Contesting candidate" means a person who has been duly nominated as a candidate at an election to the office of Mayor of a Municipal Corporation or President of a Municipal Council or Nagar Panchayat and who has not withdrawn his candidature within the period specified in the election rules. (g) "Election Expenses" means any expenditure incurred or authorised by a candidate or his election agent in connection with an election between the dates on which he has been nominated and the date of declaration of result thereof, both days inclusive; (h) "Proforma" means a 'Proforma' appended to this Order; (i) Words and expressions used but not defined in this Order but defined in the Madhya Pradesh Municipal Corporation Act, 1956 or the Madhya Pradesh Municipalities Act, 1961 or the Madhya Pradesh Nagar Palika Nirvachan Niyam, 1994 shall have the meaning respectively assigned to them in those Acts or Rules.

## **3. Particulars of account of election expenses.**

(1) The account of election expenses to be kept by a candidate or his election agent under the Act shall contain the following particulars in respect of each item of expenditure, namely - (a) the date on which the expenditure was incurred or authorised; (b) the nature of expenditure (as for example, travelling, postage or printing and the like); (c) the amount of the expenditure - (i) the amount paid; (ii) the amount outstanding; (d) date of payment; (e) the name and address of the payee; (f) the serial number of vouchers, in case of amount paid; (g) the serial number of bills if any, in case of amount outstanding; (h) the name and address of the person to whom the amount outstanding is payable. (2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher. (3) It shall not be necessary to give the particulars mentioned in item (e) of sub-paragraph (1) in regard to items of expenditure for which vouchers have not been obtained under sub-paragraph (2).

## **4. Maintenance of day to day account of election expenses.**

(1) The account of election expenses shall be maintained by a candidate or his election agent from

day to day, in a register in Proforma A, which shall be supplied to him by the Returning Officer immediately after his nomination.(2)The particulars of every item of expenditure shall be entered in the register referred to in sub-paragraph (1), from day to day in the same chronological order in which the expenditure is incurred or authorised and the vouchers or bills relating to the expenditure shall be maintained along with the register.

## **5. Production of the record of day to day account of election expenses for inspection.**

- The register of day to day account of election expenses together with the supporting vouchers and bills shall be produced for inspection at any time during the process of election, by the candidate or his election agent, on demand by the Returning Officer, District Election Officer or an Observer or Officer authorised by the Election Commission in this behalf, forthwith and failure to do so shall be deemed to be a major default on the part of the candidate to comply with this order.

## **6. Abstract statement of election expenses.**

- Soon after declaration of the result of election, every contesting candidate or his election agent shall also prepare an abstract statement of election expenses in Proforma B, clearly showing the total expenditure on various items listed therein.

## **7. Lodging of the account of election expenses.**

(1)Every contesting candidate or his election agent shall lodge the account of election expenses with the District Election Officer, within the time specified in the Act, that is, 30 days from the date of election.(2)The account of election expenses shall comprise the following documents, namely-(a)the register of day to day account of election expenses referred to in Paragraph 4, in original.(b)vouchers relating to the entries made in the register of election expenses; and(c)abstract statement of election expenses, referred to in Paragraph 6.(3)The register of day to day account of election expenses and the abstract statement of election shall be authenticated and countersigned by the candidate in case they have been prepared and signed by his election agent and the vouchers shall also be countersigned by him, before being lodged.(4)The account of election expenses shall be accompanied by an affidavit of the candidate in Proforma C and shall not be regarded as complete without such an affidavit.

## **8. Notice by district election officer for inspection of account.**

- The district election officer shall, within two days from the date on which the account of election expenses has been lodged by a candidate under Paragraph 7 cause a notice to be affixed to his notice board, specifying-(a)the day on which the account has been lodged;(b)the name of the candidate, and(c)the time and place at which such account can be inspected.

## **9. Inspection of account and the obtaining of copies thereof.**

- Any person shall, on payment of a fee of ten rupees be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in this behalf, be entitled to obtain attested copies of such account or any part thereof.

## **10. Report by the District Election Officer as to the lodging of the account of election expenses and the decision of the Election Commission thereon.**

(1)As soon as may be after the expiration of the time specified in the Act for the lodging of the account of election expenses the District Election Officer shall send a report to the Election Commission about every contesting candidate, on the following points-(a)The name of the contesting candidate;(b)Whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and(c)Where in his opinion such account has been lodged within the time and in the manner required by the Act and this Order.(2)Whether the District Election Officer, is of the opinion that the account of election expenses of any contesting candidate has not been lodged in the manner required by the Act and this order, he shall with every such report forward to the Election Commission the account of election expenses of that candidate.(3)Immediately after the submission of the report referred to in sub-paragraph (1) the District Election Officer shall publish a copy thereof by affixing the same to his notice board.(4)As soon as may be after the receipt of the report referred to in sub-paragraph (1) the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and this Order.(5)Where the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by the Act and this Order, it shall by notice in writing call upon the candidate to show cause why he should not be disqualified under Section 14-C of the Madhya Pradesh Municipal Corporation Act, 1956 or as the case may be, Section 32-C of the Madhya Pradesh Municipalities Act, 1961 for the failure.(6)Any contesting candidate who has been called upon to show under paragraph (5) may within fifteen days of the receipt of such notice submit in respect of the matter a representation in writing to the Election Commission, and shall at the same time send to the District Election Officer a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.(7)The District Election Officer shall, within five days of the receipt thereof, forward to the Election Commission the copy of the representation and the account, if any, with such comments as he wishes to make thereon, for further appropriate action.

## **11. Power of Election Commission to issue instructions and directions.**

- The Election Commission may issue instructions and directions-(a)for the classification of any 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)for any special situation for which there is no provision in this Order or the provision is insufficient and for which in the opinion of the Election Commission it is necessary to make suitable provision.Proforma-ARegister of Day-to-Day Account

of Election Expenses Election of Mayor/president

**1. Name of the candidate.....**

**2. Name of the Municipal Corporation/Municipal Council/Nagar Panchayat.....(district.....)**

| Date of Expenditure | Nature of Expenditure (Item) | Amount of Expenditure | In case of amount paid    | In case of amount outstanding | Remarks            |  |     |     |      |
|---------------------|------------------------------|-----------------------|---------------------------|-------------------------------|--------------------|--|-----|-----|------|
| Paid                | Outstanding                  | Date of Payment       | Name and address of payee | Serial No. of Voucher         | Serial No. of Bill | Name and address of person to whom the amount outstanding is payable |     |     |      |
| (1)                 | (2)                          | (3)                   | (4)                       | (5)                           | (6)                | (7)  | (8) | (9) | (10) |

Certified that this is a complete and correct account of election expenses incurred or authorised by me or my election agent on the date/s and at the election mentioned above.....Signature of the contesting candidate.Proforma-BAbstract Statement of Election Expenses Election of Mayor/president

**1. Name of the candidate.....**

**2. Name of Municipal Corporation/Municipal Council/Nagar Panchayat.....(district.....)**

| S. No. | Item of Expenditure | Quantity/ Number | Amount of Expenditure | Date (s) of payment | Serial No./ Nos. of voucher/s etc. | Remarks |
|--------|---------------------|------------------|-----------------------|---------------------|------------------------------------|---------|
| (1)    | (2)                 | (3)              | (4)                   | (5)                 | (6)                                | (7)     |

**1. Security deposit.**

**2. Purchase of copies of voters list.**

**3. Campaign office/s (including expenditure on rental, water, electricity, furniture, telephone etc.)**

**4. Printing & distribution or despatch of : manifesto, personal history/curriculum vitae posters, pamphlets, hand bills etc.**

**5. Wall writings, pasting of posters etc.**

**6. Preparation and display of banners, flags, cut-outs, hoardings etc.**

**7. Preparation and distribution of badges, election symbol- prototypes and voter identity slips (showing the place of polling station and the S. No. of the voter in the Voters' list) etc.**

**8. Public meetings-**

(i)announcement/propaganda.(ii)hiring charges of places of public meetings.(iii)chairs, durries, public address system etc.(iv)Play/Recording of audio/video cassettes, Photography/Videography.(v)Illumination & decoration, garlands, drinking water.

**9. Public Rally.**

**10. Publication of advertisements.**

**11. Visits of VIP's (Accommodation, transport and hospitality).**

**12. Construction and decoration of gates and arches.**

**13. Hiring charges and POL on vehicles used by-**

(i)the candidate(ii)by Election agent(iii)by polling agents.(iv)by counting agents.

**14. Remuneration/cost of food/refreshment given to-**

(i)election agent(ii)polling agents(iii)counting agents(iv)general workers/supporters/workers visiting house-to-house.

**15. Setting up of booths outside the polling station to issue voter identity slips, including expenditure on remuneration/ cost of refreshment given to the workers posted there, hire charges of tables and chairs etc.**

**16. Journeys to Party/District Election Officer by rail or any other mode of public transport.**

**17. Other items (other than those listed above).**

Certified that this is a complete and correct statement of item-wise election expenses incurred or authorised by me or my election agent, at the election mentioned above.....Signature of the contesting candidate.Proforma-CBefore The District Election Officer, District.....AffidavitI..... Son/Wife/daughter of..... aged.....years r/o..... do hereby Solemnly and sincerely state and declare as under-

- 1. That I was a contesting candidate at the election to the office of Mayor/President of the Municipal Corporation/Municipal Council/Nagar Panchayat ..... the result of which was declared on.....**
- 2. That I/My election agent kept a separate and correct account of all expenditure in connection with the above election incurred or authorised by me or by my election agent between ..... (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.**
- 3. That the day-to-day account of all election expenditure was maintained in the register prescribed and supplied by the State Election Commission for the purpose and the same is annexed hereto, with the supporting vouchers/bills mentioned in the said account.**
- 4. That an Abstract statement of Account of all election expenditure has been prepared in the proforma prescribed by the State Election Commission for the purpose and a true copy thereof is annexed hereto.**
- 5. That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent and nothing has been concealed or withheld/ suppressed/omitted therefrom.**
- 6. That the statements in the foregoing paragraphs 1 to 5 are true to my personal knowledge, that nothing is false and nothing material has been concealed or withheld or suppressed or omitted.**

DeponentSolemnly affirmed/sworn by..... at (Place)..... this day of 20..... before me.