

Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006

HARYANA

India

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Rule

HARYANA-MUNICIPAL-ELECTION-EXPENDITURE-MAINTENANCE-AN of 2006

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Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 Haryana Government Notification No. SEC/4ME/2006/9706, dated 19th December, 2006 State Election Commission No. SEC/4ME/2006/9706. - 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 Act, 1973 (Haryana Act No. 24 of 1973); AND, whereas the State Election Commission being deeply aware of the increasingly vitiation 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 election 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 3A, 13D and 13E of the Haryana Municipal Act, 1973 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 Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. (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 required:-(a)"Act" means the Haryana Municipal Act, 1973 (Haryana Act No. 24 of 1973);(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)"Municipality" means an Institution of Self Government constituted under Section 2(A) of the Haryana Municipal Act, 1973 which may be a Municipal Committee or Municipal Council;(d)"Rule" means the Haryana Municipal (Election) Rules, 1978(e)"Section" means the Section of the Haryana Municipal Act, 1973;(f)"State Election Commission" means the State Election Commission, Haryana constituted under Article 243K and 243ZA of the Constitution read with the Section 3A of the Acts;(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 Representation 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 Act, 1973 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 13E 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 I 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 as the expenditure is incurred and maintained in the correct chronological order along with 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 2 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. 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-IV that the expenditure shown as nil, if any, on items listed in the Performa 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 filing 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 Sate Election Commission, Haryana has been authorized under sub-section (2) of Section 13E 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. Annexure I No.

To _____ . (name and address of candidate) Subject :- Maintenance of account of Election Expenses and lodging of true copy thereof. Sir/Madam, Your attention is invited to Section 13E of the Haryana Municipal Act, 1973 which stipulates that every candidate at an election, shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

1. Your attention is also invited to sub-section (1) of Section 13E of the said Act which further stipulates that every candidate at an election shall, either himself or by his election agent, keep a separate account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination paper to the date of declaration of this result thereof, both dates inclusive and such account shall be submitted to the Deputy Commissioner concerned within 30 days from the date declaration of result.

2. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit etc., he is required by law to lodge his account of election expenses.

- 3. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under Section 13D of Haryana Municipal Act read with Section 10A of the Representation of People Act, 1951 for a period of three years.**
- 4. The account of election expenses to be kept by a candidate or his election agent under Section 13E of the Haryana Municipal Act, 1973 shall contain the particulars of expenditure, incurred/authorized from day to day, as per Proforma annexed herewith.**
- 5. A Register is being furnished to you herewith. You are required to maintain your day to day account of election expenses in this very Register and in no other document. All supporting vouchers, bills etc., should also be kept along with the Register arranged in proper chronological order at all times. An abstract statement of expenditure is also to be prepared by you after the declaration of result of election.**
- 6. All documents such as vouchers, receipts, acknowledgements etc. in support of the expenditure incurred or authorised shall be obtained on day-to-day basis and shall be maintained in the correct chronological order alongwith the Register showing the day-to-day account.**
- 7. You should make this Register and the supporting documents available for inspection if demanded at any time during the process of election by the Deputy Commissioner, Returning Officer, Election Observer appointed by the Election Commission or any other such authority nominated by the Commission in this behalf. Failure to produce this register when demanded will be considered as a major default on your part in maintaining your day to day account and you may render yourself liable to penal action under Section 171-1 of the Indian Penal Code.**
- 8. This very Register in which you are to maintain your day to day account of election expenses should itself be filed by you as your account of election expenses after the election as required under Section 13E of the Haryana Municipal Act, 1973 mentioned above. You should keep a copy of the account as maintained in that Register for your record and reference. Alongwith the Register, you must file the above mentioned abstract**

statement containing details of expenditure, and the same must be supported by an affidavit in the format enclosed. The affidavit should be sworn before a Magistrate of the First Class or an Oath Commissioner or a Notary Public.

9. If your contest election from more than one constituency, you are required to maintain and lodge a separate account of your election expenditure in respect of each such constituency.

10. Kindly acknowledge receipt of the letter along with its enclosures immediately in the enclosed acknowledgement form.

Your faithfully, RETURNING OFFICER FORWARD

No. _____ Municipal Committee/Council _____ *Strike off whichever is inapplicable. Enclosures :

1. Register bearing serial No.....containing pages.....for maintenance of election expenses, alongwith (i) the format for maintaining the abstract statement of accounts and (ii) the format of affidavit.

2. Extracts of Section 13D and 13E read with Section 10A of Representation of People Act, 1951.

3. Form of Acknowledgement receipt.

Abstract of Section 13D and 13E of the Haryana Municipal Act, 1973 and Section 10A of the Representation of People Act, 1951.

13D. 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.

13E. 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 or 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. Annexure II Proforma for the Submission of Election Expenditure Name of the candidate : Name of the Political Party, if any : Constituency from which contested : Date of declaration of result : (Day to day Account)

Date of Expenditure	Nature of Expenditure	Amount of Paid	Expenditure Outstanding	Date of payment	Name and address of Payee	Serial No. of Voucher in case of amount paid	Serial No. of Bill in case of amount out standing is	Name and address of person to whom the amount outstanding is payable	Remarks
1	2	3	4	5	6	7	8	9	10

Certified that this is a true copy of the account kept by me/my election agent. Signature of the contesting Candidate. Acknowledgement The account of the election expenses in respect of _____ (candidate) from _____ (constituency) result of which was declared on _____ (Date) has been filed by him on his behalf on _____ (Date) has been received by me today the _____ (Date) of _____ (Month) _____ (Year). District Election Officer District _____ Annexure-III Abstract Statement of Election Expenses

Item of Expenditure	Quantity/Number	Name of person/Political Party/Body/Association or Authorising the Expenditure	Amount of Incurring Expenditure	Date(s) of payment	Mode of payment	Evidence of Payment Enclosed with the Account
1	2	3	4	5	6	7
01. Cost of nomination forms						
02. Expenditure on security deposit						

03. Expenditure on purchase of copies of electoral rolls.

04. Expenditure on hiring of campaign offices

05. Expenditure on printing of manifestos

06. Expenditure on printing of personal history

07. Expenditure on printing of posters

08. Expenditure on printing of handbills

09. Expenditure on pasting of posters

10. Expenditure on distribution of handbills

11. Expenditure on writing of wall writings

12. Expenditure on publication for advertisements

13. Expenditure on propaganda for public meetings

14. Hiring charges on places for public meetings

15. Hiring charges of pendals etc. for public meetings

16. Hiring charges for loudspeakers for public meetings

17. Hiring charges

for photographers
for public meetings

18. Expenditure on
production and
playing of video
cassettes

19. Expenditure on
production and
playing of audio
cassettes

20. Visits of VIPs

21. Expenditure on
construction of
gates and arches

22. Hiring charges
and POL on vehicle
used by the
candidate

23. Hiring charges
and POL on vehicle
used by the
Electionagent

24. Hiring charges
and POL on vehicle
used by polling
agents

25. Hiring charges
and POL on vehicle
used by counting
agents

26.
Remuneration/cost
of refreshment
given to election
agent

27.
Remuneration/cost
of refreshment
given to polling
agents

28.
Remuneration/cost

of refreshment
given to counting
agents

29.

Remuneration/cost
of refreshment
given to house to
houseworkers

30. Expenditure on
travelling to party
head office by
public transport

31. Misc. expenses
(other than those
listed above)

Signature of the contesting candidate N.B. 1. This performa must be accompanied by an affidavit. No return of expenditure will be accepted will be accepted as complete without this affidavit.

2. The account shall be countersigned by the candidate if it is lodged by his election agents and should be certified by the candidate to be correct copy of the account kept.

Annexure IV Form of Affidavit Before the Deputy Commissioner _____
(District)/Returning Officer for _____ Municipal Councils/Committees
Ward in the District of _____. Affidavit of Shri
_____, S/o _____ I _____,
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 general election/bye-election
to the Municipal Councils/Committee of _____
from _____ ward. 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 said
account was maintained in the proforma devised by the State Election Commission for the purpose
and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said
account. (4) 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 therefrom. (5) That the expenditure which is shown as nil on items
listed in Part-II of the account has not been incurred or authorised by me or by my election agent
but by others mentioned in the proviso under Sub Paragraph (I) of para 4 of the order issued by the

Commission vide its No. _____ dated
_____. (6) That the statement in the foregoing paragraphs (1) to
(5) are true to my personal knowledge, that nothing is false and nothing material has been
concealed. Deponent Solemnly affirmed/sworn by _____
at _____ this day of 200 _____ before me. (Signature and seal of the
Attesting Authority, i.e. Magistrate of the first class or Oath Commissioner or Notary Public).