

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

ORDER

No.SEC/3ME/2013/3195

Dated:-07.06.2013

As per provisions contained in Section 13 D and 13 E of Haryana Municipal Act, 1973, every contesting candidate of Municipal Committee/ Council has to maintain an account of his election expenses from the date of his nomination till the declaration of result. The State Election Commission, Haryana, vide its notification No. SEC/4ME/2006/9706, dated 19.12.06, has fixed the time limit of 30 days from the date of declaration of the result of the election to file/lodge account of election expenses with the Deputy Commissioner or any other officer prescribed by the State Election Commission. The expenditure limit of Rs.50,000/- for the contesting candidate of the Municipal Council has been prescribed vide its notification No. SEC/3ME/2003/10216, dated 24/10/2003. If a candidate does not file election expenditure statement within the prescribed time limit or makes expenditure beyond prescribed expenditure limit, he/she could be disqualified by the State Election Commission, Haryana for a period of three years.

2. The General Election to Municipal Council, Kaithal were held on 19.12.2010 and the results were also declared on the same day. Therefore, the election expenses account were to be filed by 18.01.2011. The following thirteen candidates failed to lodge account of their election expenses within 30 days of declaration of the result:-

Sr. No.	Name of candidate	Ward No.
1	Bala Devi	1
2	Manju Bala	4
3	Raj Kali	4
4	Reena	4
5	Santosh	4
6	Urmila	15
7	Murti	15
8	Saroj Bala	15
9	Dharam Vir	21
10	Jai Pal	22

11	Sanjeev	27
12	Krishan Kumar	29
13	Sweety	32

A show cause notice was served upon them to explain as to why they should not be disqualified for their failure to file election expenses account within the prescribed time. They were personally heard on 28.01.2013 at 11-00 A.M. in the court room of Deputy Commissioner, Kaithal.

3. During hearing out of above, six candidates mentioned at Sr. No. 2, 3, 7, 9, 10 and 12 had appeared and had submitted following submissions. Three candidates at Sr. No.1, 2 and 9 had submitted their expenditure registers in the office of the Commission :-

- i) Two candidates at Sr. No.2 and 9 stated that they had submitted expenditure registers in the office of Commission. As stated by Manju Bala and Sh.Dharam Vir their expenditure details have already been received in the Commission as verified by the Commission's office.
- ii) Three candidates at Sr. No. 3, 10 and 12 stated that they could not submit their expenditure details due to illness and other reasons. They have submitted the details of the election expenses at the time of hearing.
- iii) A candidate at Sr. No. 7 stated that the bills amounting to Rs.12,000/- incurred in the election have been lost. She could, therefore, not submit the expenditure details. She was directed to submit an affidavit in this regard. Accordingly, she had tendered her affidavit in this regard.
- iv) A candidate mentioned at Sr. No.1, Smt. Bala Devi has submitted her expenditure to the Commission. However, she did not attend the hearing.

4. During hearing, six candidates at Sr. No. 4, 5, 6, 8, 11 and 13 were neither present nor had submitted any reply to the Commission.

5. From perusal of the records and on the basis of the submissions made during, seven candidates at Sr. No. 1, 2, 3, 7, 9, 10 and 12 have deposited their election expenditure statement after the prescribed time. It has been observed that the candidates are generally not aware of the procedure of filing the election expenditure statement and consequently they do not submit such statement in time. Most of them have submitted expenditure account after receipt of show cause notice. Therefore, in view of the above and taking a lenient view in the matter, the seven candidates mentioned above are hereby exempted from filing election expenditure statement with warning not to repeat such lapse in the future.

6. Remaining six candidates mentioned at Sr. No. 4, 5, 6, 8, 11 and 13 of para 2 have neither submitted statements of expenditure so far nor bothered to file any reply to the show cause notice. They are hereby disqualified for a period of 3 years from the date of this order.

7. The office is directed to send a copy of the order to all concerned and also get it notified in the Haryana Government Gazette.

Dated , Panchkula
the 7th June, 2013

DHARAM VIR
State Election Commissioner, Haryana

Endst.No. SEC/3ME/2013/3196-3213

Dated:- 07.06.2013

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

1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.
2. Director, Urban Local Bodies Department, Haryana, Chandigarh .
3. Deputy Commissioner, Kaithal.
4. Secretary, Municipal Council, Kaithal
5. All the concerned candidates.
6. 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.

(Subhash Mehta)
Secretary
State Election Commission, Haryana.