

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

ORDER

No.SEC/3ME/2010/2982

Dated:-.09/09/2010

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 shall be disqualified by the State Election Commission, Haryana for three years.

2. The General Election to Municipal Committee, Mandi Dabwali, District Sirsa, was held on 30.12.2008. The following 32 candidates 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:-

| <b>Sr.No.</b> | <b>Name Sh/Smt.</b>      | <b>Ward No.</b> |
|---------------|--------------------------|-----------------|
| 1.            | Subhash Chander          | 1               |
| 2.            | Param Madaan             | 2               |
| 3.            | Anju Bala Bansal         | 4               |
| 4.            | Asha Rani                | 5               |
| 5.            | Chhindi Devi             | 5               |
| 6.            | Parvati Devi @ Kali Devi | 5               |
| 7.            | Krishan Kumar Kiniya     | 6               |
| 8.            | Reshma Devi              | 6               |
| 9.            | Kuldeep Singh            | 7               |
| 10.           | Pawan Kumar              | 7               |
| 11.           | Ram Singh Bishnoi        | 7               |
| 12.           | Sukhdev Singh            | 7               |
| 13.           | Asha Devi                | 8               |
| 14.           | Sushma Sharma            | 8               |
| 15.           | Vidhya Devi              | 9               |
| 16.           | Ishwer Dass              | 12              |
| 17.           | Khem Chand               | 12              |
| 18.           | Satish Kumar             | 12              |
| 19.           | Shanti Devi              | 13              |
| 20.           | Kamla Rani               | 14              |
| 21.           | Krishan Kumar            | 14              |
| 22.           | Sita Ram Singla          | 14              |
| 23.           | Prem Kumar               | 15              |
| 24.           | Ravinder Kumar           | 15              |
| 25.           | Vikram Sain              | 15              |
| 26.           | Gurbachan Singh          | 16              |
| 27.           | Hans Raj                 | 16              |
| 28.           | Bimla Devi Puhaal        | 17              |
| 29.           | Santosh                  | 17              |
| 30.           | Baldev Singh             | 18              |
| 31.           | Ranjeet Kaur             | 18              |
| 32.           | Chanchal Bala            | 19              |

3. Consequently a show cause notice was issued to all above mentioned persons as to why they should not be disqualified under section 13 D of the Haryana Municipal Act, 1973, as they had not filed their election expenditure statement in time. Out of 32 candidates, only 4 candidates namely Smt.Param Madan of ward No.2 mentioned at Sr.No.2, Sh.Krishan Kumar Kiniya of ward No.6 mentioned at Sr.No.7, Sh.Baldev Singh of ward No.18, mentioned at Sr.No.30 and Smt.Chanchal Bala of ward No.19 mentioned at Sr.No.32 submitted their reply to the Commission .

4. All the 32 candidates were also given an opportunity of personal hearing on 22/02/2010 at 11.00 A.M. at PWD Rest House, Sirsa. Only two candidates namely Smt. Param Madan and Sh. Krishan Kumar Kiniya and Sh.Shiv Narayan on behalf of his wife Smt.Asha Rani appeared for hearing.

5. Based on the replies and what the candidates stated during the personal hearing, the position is as under:-

- i) Smt.Param Madan has stated in her reply that after the elections, she fell ill and doctor had advised her bed rest for two months and therefore, she could not submit her election expenditure account in time and the same was also stated by her during personal hearing on 22.2.2010.
- ii) Sh.Krishan Kumar Kiniya of ward No.6 has stated in his reply that he was not well and was taking treatment from PGI, Rohtak. Due to illness and being illiterate, he was not able to deposit his expenditure account in time and same was also stated by him during the personal hearing.
- iii) Sh.Baldev Singh of ward No.18 has stated that his leg got a fracture and was on bed rest and for these reasons, he could not deposit his election expenditure account in time.
- iv) Smt. Chanchal Bala of ward No.19 has stated in her reply that she had completed her election expenditure account and handed over to the president of Hajkan Sh.Kuldeep Bahadur so that he could deposit the account in the office. She has further stated that due to illness, she was not able to deposit the election expenditure account and now she may be allowed to do so.
- v) On behalf of Smt.Asha Rani, her husband, Sh.Shiv Narayan stated during personal hearing that Smt.Asha Rani had neither incurred any expenditure during the election nor she deposited the election expenditure statement.

6. I have considered the explanation of the candidates mentioned at Sr. No. 2, 4, 7, 30 and 32 and do not find satisfactory. Every contesting candidate is required to file the election expenditure statement within the prescribed time limit. The remaining 27 candidates have not cared to respond.

7. In view of the above, all the 32 candidates mentioned above in para 1 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.

Dated , Panchkula  
the 8<sup>th</sup> September, 2010

Dharam Vir  
State Election Commissioner, Haryana

Endst.No. SEC/3ME/2010/2983-2987

Dated:- 09/09/2010

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, Sirsa.
4. Secretary, Municipal Committee, Mandi Dabwali.
5. All the concerned candidates.

Superintendent,  
State Election Commission, Haryana.

Endst.No.SEC/3ME/2010/2988

Dated:- 09/09/2010

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.