

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

No.SEC/3ME/2011/794

Dated:-04-04-2011

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 an account of his election expenses from the date of his nomination till the declaration of result. As per orders published in the State Govt. Gazette vide Notification No. SEC/4ME/2006/9706, dated 19.12.06, the State Election Commission, Haryana, 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, Haryana, and if a candidate, does not do so within the prescribed time limit could be disqualified by the State Election Commission, Haryana for a period of three years.

2. The General election to Municipal Committee, Assandh, District Karnal, was held on 20.05.2010 and the result was also declared on the same day. Therefore, election expenses account were to be filed by 19.6.2010. The following 33 candidates failed to lodge account of their election account within 30 days of declaration of the result:-

Sr.No.	Name of candidate	Ward No.
1.	Sh. Kuldeep Singh	1
2.	Sh. Charanjeet	1
3.	Sh. Jagat Ram	1
4.	Sh. Nika	1
5.	Sh. Vinod Kumar	1
6.	Sh. Shamsher Singh	1
7.	Sh. Suresh Kumar	1
8.	Smt. Kusum Rani	2
9.	Smt. Dharamo Devi	2
10.	Smt. Sunita Rani W/o Sh. Virender Kumar	2
11.	Smt. Sunita Rani W/o Sh. Anil Kumar	3
12.	Smt. Asha Rani	5
13.	Sh. Karan Singh	6
14.	Sh. Natha Singh	6
15.	Smt. Bhahani Devi	6
16.	Sh. Mohan Lal	6
17.	Sh. Vinod	6
18.	Sh. Sahib Singh	6
19.	Sh. Hukam Chand	6
20.	Sh. Sunil Kumar	8
21.	Smt. Richa Rani	9
22.	Smt. Sangeeta	9
23.	Sh. Gurpreet Singh	10
24.	Sh. Raldu Ram	10

25.	Sh. Moman Ram	11
26.	Sh. Kailash Chand	12
27.	Sh. Ramesh Goyal	12
28.	Sh. Ramesh Dua	12
29.	Sh. Vikram	12
30.	Smt. Santosh	12
31.	Sh. Amarjeet Singh	14
32.	Smt. Kitaboo Devi	15
33.	Smt. Vidhya Devi	15

3. They were issued show cause notice as to why they should not be disqualified as they had not filed the election expenses account within the prescribed time. They were personally heard by me on 04.03.2011 at 11.30 A.M. in the Court Room of Deputy Commissioner, Karnal. Out of 33 candidates, 5 candidates mentioned at Sr. No. 7, 8, 12, 24 and 27 have submitted their accounts to the Commission alongwith replies to the Show Cause notice stating that they were not aware of the rule regarding submission of the election expenditure register account.

4. At the time of personal hearing on 4.3.2011, out of 33 candidates 9 candidates mentioned at Sr.No. 7, 18, 20, 24, 27, 28 and 31 appeared for personal hearing and the candidate mentioned at Sr.No. 3 and 12 were represented by their sons Sh. Suresh Kumar and Sh. Bharat Bhusan, respectively. The following submissions were made by the above mentioned persons:-

i) Sh. Suresh Kumar, who appeared on behalf of his father mentioned at Sr. No.3, stated that due to death of his brother-in-law, expenditure register was misplaced and therefore, he could not deposit the same.

ii) Sh. Suresh Kumar, mentioned at Sr.No.7, stated that after receiving the show cause notice, he had sent his expenditure register to the Commission on 29.12.2010, by post. The officer concerned of the Commission who was present at the time of hearing confirmed that the expenditure register has been received in the Commission on 3.1.2011.

iii) Sh Bharat Bhushan, who appeared on behalf of his mother mentioned at Sr. No. 8, stated that after receiving the show cause notice he had himself deposited the expenditure register with the Commission on 20.12.2010. The officer of the Commission, who was present at the time of hearing, confirmed that reply of Smt. Kusum had been received in the Commission 3.01.2011 in which she has informed that she has made expenditure of Rs. 20,000/-

iv) Sh. Sahib Singh, mentioned at Sr. No. 18, stated that he has deposited his expenditure register in the Municipal Committee, Assandh after one or two days of the election, he also submitted photo copies of the expenditure at the time of hearing. He has also requested to file the notice. The Secretary, Municipal Committee, Assandh, who was present

at the time of hearing informed that he could not find the same time in record of the Committee.

v) Sh. Sunil Kumar, mentioned at Sr. No. 20, stated that he had deposited his expenditure register with Sh. Vinod Kumar, JE. But due to transfer of Sh. Vinod Kumar, his expenditure register has been lost or is with the JE. On asking, he could not produce any proof in this regard.

vi) Sh. Ruldu Ram, Sh. Ramesh Goel, Sh. Ramesh Dua and Sh. Amarjit, mentioned at Sr. No. 24, 27, 28 and 31 appeared and stated that they were not aware of the provisions regarding furnishing of expenditure accounts, and as such they could not deposit the election expenditure register in time. After receiving the show cause notice, candidate mentioned at Sr. No 24 and 27 have sent their election expenditure on 24.12.2010 and the officer of the Commission confirmed that the account of both the candidates have been received in the Commission on 24.12.2010. The candidate mentioned at Sr.No.28 and 31 submitted their election expenditure at the time of hearing.

5. From the records and based on the submission made at the time of hearing, 8 candidates mentioned at Sr.No.7, 8, 12, 18, 24, 27, 28 and 31 have deposited their election expenditure statement after the prescribed time. On perusal of record of the case and hearing of the candidates mentioned above, 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 statements. Most of them have submitted expenditure account after receipt of show cause notices. Therefore, in view of the above and taking lenient view in the matter, the 8 candidates mentioned above are hereby exempted from filing their election expenditure statement beyond the prescribed time with warning not to repeat such lapse in the future. As per report, Sh. Hukam Chand mentioned at Sr.No.19, has expired. Therefore, the question of his disqualification does not arise.

6. All the remaining candidates did not submit their election expenditure statement even after the receipt of Show Cause Notices. Hence, as per provision made in Section 13 D of the Haryana Municipal Act, 1973, candidates mentioned at Sr.No.1, 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 29, 30, 32 and 33 mentioned in para No. 2, 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 31st March, 2011

DHARAM VIR  
State Election Commissioner, Haryana

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, Karnal.
4. Secretary, Municipal Committee, Assandh.
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.

(Parmal Singh)  
Asstt. State Election Commissioner, Haryana.