

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

**ORDER**

No.SEC/3ME/2019/538

Dated: 25.02.2019

The General Election of Municipal Council, Rewari was held on 10.02.2013 and the result of the elected candidates was declared on the same day. Section 13E of the Haryana Municipal Act, 1973, provides that 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. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

2. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D and 13F of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order,2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.

3. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that 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 Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No. SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of

Rs.75,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Council, Rewari and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

6. As reported by the Deputy Commissioner, Rewari, the following candidates had contested the election of Municipal Council, Rewari but failed to submit their election expenditure account within the prescribed time or thereafter :-

| <b>Sr. No.</b> | <b>Name of Candidate</b>   | <b>Ward No.</b> |
|----------------|----------------------------|-----------------|
| 1.             | Seema Sharma               | 1               |
| 2.             | Mukesh Kumari              | 19              |
| 3.             | Reena                      | 19              |
| 4.             | Maya Devi                  | 20              |
| 5.             | Sudesh Kumari              | 21              |
| 6.             | Virender Singh             | 21              |
| 7.             | Jatin Kumar                | 21              |
| 8.             | Vinod Kumar                | 21              |
| 9.             | Amit                       | 22              |
| 10.            | Jyanti jyoti               | 23              |
| 11.            | Rajender                   | 24              |
| 12.            | Ram Singh                  | 25              |
| 13.            | Ved Parkash s/o Prem Singh | 29              |
| 14.            | Sanjay                     | 29              |
| 15.            | Subhash s/o Inder Singh    | 29              |
| 16.            | Subhash s/o Devi Singh     | 29              |
| 17.            | Surender                   | 29              |
| 18.            | Sushil Kumar               | 30              |
| 19.            | Som Nath                   | 31              |

5. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. They were given an opportunity of personal hearing on 30.01.2018 in the PWD Rest House, Rewari in the interest of natural justice vide letter No.SEC/3ME/2018/20, dated 09.01.2018. The official of the Municipal Council, Rewari reported that 19 candidates mentioned above are not living on the address given by them at the time of contesting the election. The Deputy Commissioner, Rewari was asked to publish a notice mentioning therein that they have not deposited their election expenditure statement, they should appear in the State Election Commission, Haryana within 15 days after publication of notice, otherwise they will not be given further time in this regard. Notice

in this regard has been published by the Executive Officer, Municipal Council, Rewari in the "The Statesman" news paper on 1<sup>st</sup> March, 2018.

6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 and further modified vide order No.SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

7. The above mentioned contesting candidates neither appeared nor bothered to respond to the show cause notice in spite of service thereof through a hearing notice published in the news paper. Therefore, it can be concluded that they have nothing to say in the matter. The above mentioned candidates deserve to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above 19 candidates are disqualified under Section 13D of the Haryana Municipal Act, 1973 read with Section 10A of the Representation of People Act, 1951 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

8. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Rewari immediately.

Dated, Panchkula  
The 22<sup>nd</sup> February, 2019

Parmal Singh  
Asstt.State Election Commissioner, Haryana

Endst. No. SEC/3ME/2019/539-562

Dated :- 25.02.2019

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, Panchkula.
3. Deputy Commissioner, Palwal.
4. Executive Officer, Municipal Council, Rewari.
5. Candidate concerned.
6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

(Pushkar Dutt)  
Superintendent/MC  
State Election Commission, Haryana