

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. IV

Dated: 14th March, 2013

To

Chief Electoral Officers of all States and UTs

Sub: Procedure for reporting of true and correct account of election expenses by the candidates – matter reg.

Sir/Madam,

I am directed to forward herewith the Order of the Commission dated 14.03.2013 on reporting of true and correct account of election expenses by the candidates and mechanism for disputed items of excess expenditure.

2. The above instructions may kindly be brought to the notice of all concerned for necessary action and compliance.

Yours faithfully,

Sd/-

Avinash Kumar
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

File No. 76/Instructions/ EEPS/2013/Vol-I Dated: 14th March, 2013

Order

Whereas, the Superintendence, direction and control of all elections to Parliament and the Legislature of every State is vested in the Election Commission under Article 324 of the Constitution; and

Whereas, reports are received that the candidates are spending excessive amount in election campaign, which disturbs the level playing field and are not showing correct expenses in the day today accounts of their election expenses;

Now, therefore, the Election Commission of India hereby issues the following order for maintaining the purity of election process:

(i) If the Returning Officer or any officer authorised, is in receipt of information during election process that any candidate has incurred or authorised certain expenditure and has not shown either a part or whole of it in his day to day accounts of election expenditure, maintained by him under section 77(1) of the Representation of People Act, 1951 or has not produced the said accounts for inspection on the scheduled date before the authorised officer or Expenditure Observer, then the Returning Officer shall issue a notice alongwith the evidence thereof to the candidate preferably within 24 hours of the date of receipt of information or inspection of accounts mentioning the details of expenses, which are not shown truly or correctly in day-to-day account or informing him that he failed to produce his account as the case may be. However, in case of suspected Paid News items, where notice is issued or is being issued by the Returning Officer as per the recommendation of the Media certifying and Monitoring Committee (MCMC), such items shall not be covered in this notice.

(ii) Such candidate may reply to the notice within 48 hours, explaining the reasons for omission or default which is brought to his notice. In cases where the candidate accepts the facts of suppressed expense mentioned in the notice, the same shall be added to his election expenses.

(iii) Where candidate fails to produce his day to day account for inspection and in spite of the notice, the failure continues, then FIR is to filed under section 171 (I) of Indian Penal Code, after 48 hours of service of such notice and the permission for use of vehicles etc. by the candidate for election campaign shall be withdrawn.

(iv) Where no reply is submitted by the candidate or his election agent within 48 hours of receipt of the notice, then the suppressed amount mentioned in the notice shall be treated as final and the same shall be added to the election expenses of such candidate.

(v) If the candidate or his election agent disputes the suppressed expenditure, mentioned in the notice, he shall submit the reply mentioning the reasons for disagreement and the same shall be forwarded to the District Expenditure Monitoring Committee (DEMC) consisting of the following:

1. Expenditure Observer in charge of the Constituency
2. DEO
3. Dy. DEO/Officer in charge of Expenditure Monitoring of the District.

(vi) The DEMC shall decide the case after examining the evidence mentioned in the notice and reply of the candidate thereto, preferably within 72 hours from the date of receipt of the reply from the candidate, whether such suppressed expenditure shall be added or not to the election expenses account of the candidate.

(vii) After the order by DEMC, the DEO may consider to include such expenses in the election expenditure account of such candidates while sending the scrutiny report under Rule 89 of the C.E. Rules, 1961 on election expenditure of the candidate to the Commission after the election.

(viii) If any item of expenditure authorized/ incurred by the candidate or his agent after the last date of inspection of his account is not shown correctly in his election expenses statement submitted within 30 days of declaration of result, as compared with the expenses recorded in the Shadow Observation Register, a notice shall be issued and served on the candidate or his agent by DEO preferably within 24 hours of submission of the account by the DEO. The candidate shall submit his reply to the DEO within 48 hours of the receipt of such notice explaining his position.

If the candidate does not submit any reply on the suppressed amount of election expense or submits reply disagreeing with such suppressed amount, the DEO, in consultation

with the Expenditure Observer, shall decide the case after considering such reply and intimate his decision on the said amount of election expenditure to the candidate/agent and also mention the same in his scrutiny report submitted to the Commission. The notice, the reply by the candidate to the notice and decision of the DEO shall be displayed on the notice Board.

(ix) If the candidate does not file his statements of election expenses without any valid reasons within the stipulated period of 30 days from the day of declaration of result, then the DEO shall send the report to the Commission mentioning such default with his recommendation.

The above procedure shall be followed with effect from 1st April, 2013.

By order,

Sd/-

(S.K.Rudola)

Secretary

