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असा. क्र. ३३

रजिस्टर्ड नं. एमएच/बाय-साऊथ/२०



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, फेब्रुवारी १०, १९९५ / माघ २१, शके १९१६

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग एक-अ-मध्य उप-विभाग

महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपरिषदा, प्राथमिक शिक्षण आणि स्थानिक निधी लेखा परीक्षा अधिनियम याखालील (भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आदेश व अधिसूचना यांव्यतिरिक्त) आदेश व अधिसूचना

STATE ELECTION COMMISSION

New Administrative Building, Opp. Mantralaya, Madam Cama Road, Bombay 400 032,
dated 7th February 1995.

Order

CONSTITUTION OF INDIA.

No. SEC. 1095/101/Desk-3.—Whereas the Superintendence, direction and control of all elections to the Panchayats and the Municipalities in the State are vested in the State Election Commission, Maharashtra in accordance with the provisions of Articles 243-K, and 243-ZA of the Constitution of India;

And whereas as envisaged in the provisions made by the Constitution (Seventy-third) amendment Act, 1992 and the Constitution (Seventy-fourth) amendment Act, 1992 it is intended *inter alia* to ensure regular, timely and also free, fair and in efficient manner, all elections to the Panchayats and the Municipalities under the superintendence, direction and control of the State Election Commission ;

And whereas the increasing role of money power in elections has a pernicious influence on society, resulting into malady which tends to reduce the process of election into a mere farce thereby placing some privileged candidates with financial resources in a distinctly advantageous position over the other candidates with meagre resources ;

And whereas the provisions with regard to the elections to the Panchayats and the Municipalities made in the relevant State Acts under which the Panchayats and the Municipalities are constituted do not provide for any limit of expenditure to be incurred by a candidate at an election to a Panchayat or a Municipality ;

And whereas it is necessary and expedient in the interest of purity of elections to a Panchayat or a Municipality and in the interest of conduct of such election in a free, fair and efficient manner, to provide for limit of expenditure to be incurred by a candidate at an election and for incidental provisions with regard to rendering of accounts of such expenditure at elections :

Now therefore, in exercise of the powers conferred by Articles 243-K and 243-ZA of the Constitution of India, read with sub-section (4) of section 18A of the Bombay Municipal Corporation Act (Bom. III of 1888), sub-section (4) of section 9B of the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), sub-section (4) of section 14 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), sub-section (4) of section 10A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, sub-section (4) of section 10A of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) and of all other powers enabling me in this behalf, and in relation to holding of elections under these provisions by the State Election Commission, I., D. N. Chaudhari, State Election Commissioner, Maharashtra, hereby direct as follows :—

1. The limit of expenditure that may be incurred by a contesting candidate (either by himself or by his authorised election agent or any particular Party/Aghadi/Front or any other association, body or individual) in connection with the election to any of the Panchayats or the Municipalities shall—

- (a) in the case of an election as a Councillor to a Municipal Corporation, be Rs. 40,000 ;
- (b) in the case of an election as a Councillor to a Municipal council, be Rs. 30,000;
- (c) in the case of an election as a Councillor to a Zilla Parishad, be Rs. 30,000 ;
- (d) in the case of election as a member of a Panchayat Samiti, be Rs. 20,000 ; and
- (e) in the case of election as a member of a Village Panchayat, be Rs. 5,000 ;

2. The contesting candidate shall maintain accounts of expenditure and submit the details of expenditure which may generally be on the items of expenditure specified in the proforma in Annexure I, and the account of such expenditure shall be submitted in detail in that Annexure as directed in paragraph 7 herein.

3. The contesting candidate for an election as a councillor to a Municipal Corporation, Municipal council or Zilla Parishad or a member to a *Panchayat Samit* shall maintain day-to-day account of expenditure in the proforma in Annexure II and submit the same to the Returning Officer concerned on the following day by 2-00 p.m.

4. The contesting candidate shall, either by himself or by his authorised election agent, keep separate and correct accounts of all expenditure in connection with the election between the date he has been nominated and the date of declaration of results, both dates inclusive. The total of such expenditure shall not exceed the limit laid down hereinabove.

5. No particular party/Aghadi /Front or any other association, body or individual shall put up any cut-outs, boardings, wall paintings or any other paintings on any property, buntings, arches, gates, banners, flags, advertisement in newspapers, etc. without the general or special authority in writing of the candidate whose election is sought to be promoted or procured by such cut-outs, hoardings, paintings, etc. as expenditure of all such items shall be treated as his legitimate expenditure incurred by the contesting candidate. No contesting candidate or any individual on his behalf shall put up any cutout, hoardings, paintings etc. on any property whatsoever without prior permission of the owner or the government or the local body concerned, as the case may be.

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6. the failure to submit day-to-day account, as required under paragraph 3 above, by the candidate shall be viewed seriously and treated as a major default on the part of such candidate. Further as a consequence of that default, the result of election of such candidates shall not be declared till such time as details of day-to-day expenditure upto the date of poll is submitted to the returning officer concerned and the expenditure is found to be within the limit of expenditure permissible in the case of such a candidate at such election.

7. The statement of accounts maintained in Annexure-I by the contesting candidate shall be submitted by him within thirty days of the declaration of the result, in the case of a contesting candidate as councillor of Municipal Corporation, to the Municipal Commissioner concerned and the Municipal Commissioner or an officer not below the rank of Deputy Municipal Commissioner authorised by the Municipal Commissioner in this behalf, shall give an acknowledgment for receipt of the statement. In any other case, such statement of accounts shall be submitted by the contesting candidate, within the period aforesaid, to the Collector of a District concerned and the Collector or an officer not below the rank of Deputy Collector authorised by the Collector in this behalf shall give acknowledgement for receipt of the statement.

8. The contesting candidate shall, while submitting the accounts, furnish together with the account, the following details of expenditure, if any incurred in respect thereof—

(a) size of the advertisement released in the Newspaper and the amount paid for each such advertisement and the name and date of such newspaper.

(b) Details of hoardings put up by them and of the writing on the walls, etc. and expenditure incurred on such items.

(c) Number of vehicles used by them and details of such vehicles and the expenditure incurred in respect thereof including expenditure incurred on petrol, etc.

9. A voucher shall be obtained for every item of expenditure, unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.

10. The statement of account of expenditure in Annexure I, submitted by the contesting candidate shall be accompanied by an affidavit on oath sworn in by him in the format in Annexure-III. The affidavit shall *inter alia* recite specifically that the expenditure against each item has been completely and unexceptionally included in the statement of accounts in Annexure-I and that no expenditure whatsoever has remained to be disclosed.

11. Any violation by the contesting candidate or his authorised agent or particular Party/ Aghadi/ Front or any association, body or individual to incur expenditure in excess of the limit mentioned above or failure to submit the accounts as indicated hereinabove will be viewed seriously by the State Election Commission and stringent action as may be available under the relevant law including action to institute criminal prosecution shall be taken against the defaulter.

12. On receipt of the Statement of accounts in Annexure I, the Municipal Commissioner/the Collector shall satisfy that the statement reflects the *correct* account of *all* expenses and before recording that the statement of accounts is in accordance with the directions hereinabove he may, if found expedient, conduct such enquiry as he deem necessary. On being so satisfied, the Municipal Commissioner/the Collector shall certify to the Commission that the statement of account submitted by the contesting candidate is accepted as correct and complete in all respects.

13. The contesting candidate shall, on demand by the Municipal Commissioner or the Collector or an Officer authorised by them under paragraph 7, make available for inspection the accounts and vouchers etc. so maintained by him.

महाराष्ट्र शासन राजपत्र, असाधारण फेब्रुवारी १०, १९९५/माघ २१, शके १९९६

ANNEXURE I
Abstract Statement of Election Expenditure

Item of expenditure	Quantity/ number	Name of person/Political Party/Aghadi/Front/ Body/Association incurring or authorising the expenditure.	Amount of expenditure	Date of payment	Mode of payment	Evidence of payment enclosed with the Account	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 Cost of nomination forms	...						
2 Expenditure on security deposit	...						
3 Expenditure on purchase of copies of electoral rolls/list of voters.	...						
4 Expenditure on hiring of campaign offices.							
5 Expenditure on printing of manifestos.							
6 Expenditure on printing of personal history.							
7 Expenditure on printing of posters	...						
8 Expenditure on printing of handbills	...						
9 Expenditure on pasting of posters	...						
10 Expenditure on distribution of handbills.							
11 Expenditure on writing of wall writings.							
12 Expenditure on publication of advertisement.							
13 Expenditure on propaganda for public meetings.							
14 Hiring charges of places for public meetings.							
15 Hiring charges of pandals etc. for public meetings.							
16 Hiring charges of loudspeakers for public meetings.							
17 Hiring charges of photographers for public meetings.							
18 Expenditure on producing and playing of video cassettes.							
19 Expenditure on production and playing of audio cassettes.							
20 Visits of VIPs.							
21 Expenditure on construction of gates and arches.							
22 Hiring charges and POL on vehicle used by the candidate.							

Rs.

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- 23 Hiring charges and POL on vehicle used by Election agent.
- 24 Hiring charges and POL on vehicle used by polling agent.
- 25 Hiring charges and POL on vehicles used by counting agents.
- 26 Remuneration/cost of refreshment given to election agent.
- 27 Remuneration/cost of refreshments given to polling agents.
- 28 Remuneration/cost of refreshments given to counting agents.
- 29 Remuneration/cost of refreshments to house to house workers.
- 30 Expenditure on travelling to party head office by public transport.
- 31 Miscellaneous expenses (other than those listed above).

Signature of the contesting candidate.

Note.—1. The items listed hereinabove are not exhaustive. Therefore, item 31 is a general one under which the details of expenditure on any other item not covered by items 1 to 30 shall be furnished.

2. This proforma must be accompanied by an affidavit in the Format prescribed by the State Election Commission. No statement of account of expenditure shall be accepted as complete without the affidavit.

3. The Statement of account shall be countersigned by the candidate if it is lodged by his election agent and shall be certified by the candidate to be correct copy of the account kept.

4. The expenditure should be supported by vouchers which should be attached, except where it was not practicable to obtain a voucher such as in the case of postage stamps, travel by rail and the like.

ACKNOWLEDGEMENT

The account of the election expenses in respect of (Candidate) at the general/bye-election to the Corporation/Municipal Council/Zilla Parishad/Panchayat Samit from ward/electoral division/electoral college number result of which was declared on (Date) has been filed by him/on his behalf on (Date) has been received by me today the (Month) (Year).

Municipal Commissioner
 Officer authorised by the Municipal Commissioner.
 Collector,

District /Office authorised by the Collector.

ANNEXURE II

proforma for the submission of election expenditure

Name of the Candidate

Name of the political party/Aghadi/Front, if any, by which the candidate is set up.

Ward/Electoral Division/Electoral College from which contesting

Date of declaration of result.

DAY-TO-DAY ACCOUNT

Date of Expenditure	Nature of Expenditure with reference to Item of expenditure	Amount of Expenditure		Date of Payment	Name and address of Payee	Serial number of Voucher in case of amount paid	Serial number of Bill in case of an amount outstanding	Name and Address of person to whom the amount outstanding is payable	Remark
		Paid	Out Standing						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Rs. Rs.

Certified that this is a true copy of the account kept by me/my election agent.

Signature of the contesting Candidate.

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ANNEXURE III

FORM OF AFFIDAVIT

Before the Municipal Commissioner / Collector, District

AFFIDAVIT

I, son/wife/Daughter of aged years
r/o do hereby solemnly and sincerely state and declare as
under:—

(1) That I was a contesting candidate at the general election/bye election to the

*Ward Number of the Municipal Corporation/Council

Electoral Division/Electoral College Number of the Zilla
Parishad/Panchayat Samiti, the result of which was declared on

(2) That I/my election agent kept a separate and correct account of all expenditure in
connection with the above election incurred or authorised by me or by my election agent between
..... (the date on which I was nominated) and the date of declaration of the result
thereof, both days inclusive.

(3) That the said account of all election expenditure was maintained in the proforma devised
by the State Election Commission for the purpose and a true copy thereof is annexed hereto with
the supporting vouchers/bills mentioned in the said account.

(4) That the account of my election expenditure as annexed hereto includes all items of election
expenditure incurred or authorised by me or by my election agent and nothing has been concealed
or withheld/suppressed/omitted there from.

(5) that the statement in the foregoing paragraphs (1) to (4) are true to my personal knowledge,
that nothing is false and nothing material has been concealed or withheld or suppressed
or omitted.

Deponent.

Solemnly affirmed/sworn by at this day of 199 before me.

*Strike out whichever is not applicable.

D. N. CHAUDHARI,
State Election Commissioner, Maharashtra.

भाग एक
निवडणूकविषयक खर्चाचे संक्षिप्त विवरण

खर्चाची बाब	परिमाणू/संख्या	खर्च करणाऱ्या किंवा त्याला अधिकृत मंडूरी देणान्या व्यक्तीचे/राजकीय पक्षाचे/संस्थेचे/संघाचे नाव	खर्चाची रक्कम	प्रदानाचा/प्रदानाचे दिनांक	प्रदानाची पद्धत	लेखा: सोबत जोडलेला प्रदानाचा पुरावा	शंरा
* (१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)

- १ नामनिर्देशपत्रावरील खर्च
- २ प्रतिभूति ठेवीवरील खर्च
- ३ मतदार याद्याच्या प्रती खरेदी करण्यावरील खर्च
- ४ प्रचार मोहिमासाठी कार्यालये भाड्याने घेण्यावरील खर्च.
- ५ जाहीरनाम्यांच्या मुद्रणावरील खर्च
- ६ व्यक्तिगत माहिती पत्रकांच्या मुद्रणावरील खर्च
- ७ भित्तिपत्रकांच्या मुद्रणावरील खर्च
- ८ हस्तपत्रकांच्या मुद्रणावरील खर्च
- ९ भितीपत्रके विकटवण्यासाठी झालेला खर्च
- १० हस्तपत्रकांचे वितरण करण्यासाठी झालेला खर्च
- ११ भितीवर लिखाण करण्यासाठी झालेला खर्च
- १२ जाहिराती प्रसिद्ध करण्यासाठी झालेला खर्च
- १३ सार्वजनिक सभांचा प्रचार करण्यासाठी झालेला खर्च.
- १४ सार्वजनिक सभांसाठी जाग भाड्याने घेण्यासाठी झालेला खर्च.
- १५ सार्वजनिक सभांसाठी मंडप वगैरे गोष्टी भाड्याने घेण्यासाठी झालेला खर्च.
- १६ सार्वजनिक सभांसाठी ध्वनिक्षेपक भाड्याने घेण्यासाठी झालेला खर्च.
- १७ सार्वजनिक सभांमध्ये छायाचित्रे काढण्यासाठी बोलाविलेल्या छायाचित्रकारांचा भाडे खर्च.

- १८ व्हिडिओ कॅसेट काढण्यासाठी व द्याव्याऱ्यासाठी झालेला खर्च.
- १९ ध्वनिमुद्रित कॅसेट काढण्यासाठी व ऐकविण्यासाठी झालेला खर्च.
- २० विशेष माच्यार व्यक्तींच्या भेटी
- २१ द्वारे व कमाने उभारण्यासाठी झालेला खर्च
- २२ उभेदवाराचे वापरलेल्या वाहनांचा भाडे खर्च आणि पेट्रोल व वंगण यावर झालेला खर्च
- २३ निवडणूक प्रतिनिधींनी वापरलेल्या वाहनांचा भाडे खर्च आणि पेट्रोल व वंगण यावर झालेला खर्च.
- २४ मतदान प्रतिनिधींनी वापरलेल्या वाहनांचा भाडे खर्च आणि पेट्रोल व वंगण यावर झालेला खर्च.
- २५ मतमोजणी प्रतिनिधींनी वापरलेल्या वाहनांचा भाडे खर्च आणि पेट्रोल व वंगण यावर झालेला खर्च.
- २६ निवडणूक प्रतिनिधींना दिलेले पारिश्रमिक/दिलेल्या अल्पोपहारावरील खर्च.
- २७ मतदान प्रतिनिधींना दिलेले पारिश्रमिक/दिलेल्या अल्पोपहारावरील खर्च.
- २८ मतमोजणी प्रतिनिधींना दिलेले पारिश्रमिक/दिलेल्या अल्पोपहारावरील खर्च.
- २९ घरोघरी जाणाऱ्या कर्मचाऱ्यांना दिलेले पारिश्रमिक/दिलेल्या अल्पोपहारावरील खर्च.
- ३० पक्षाच्या मुख्यालयामध्ये जाण्यासाठी केलेल्या प्रवासावरील खर्च.
- ३१ संकीर्ण खर्च (वर यादीमध्ये नमूद केलेल्या बाबींच्या व्यतिरिक्त)

निवडणूक लढविणाऱ्या उभेदवारांची स्वाक्षरी

टिप.-(१) वर उल्लेखिलेल्या बाबी सर्व समाविष्ट नाहीत, त्यामुळे क्र. १ ते ३० बाबींच्यतिरिक्त करण्यात आलेला खर्च बाब क्र. ३१ या सर्वसाधारण खर्चाचे अंतर्गत तपशीलवार देण्यात यावा.
 (२) या प्रपत्रासोबत विहित नमुन्यातील शपथपत्र जोडणे आवश्यक आहे. शपथपत्राशिवाय असंरले खर्चाचे विवरणपत्र पूर्ण विवरणपत्र म्हणून स्वीकारण्यात येणार नाही.
 (३) हिशेब निवडणूक प्रतिनिधीने दाखल केला असेल तर त्यावर उभेदवाराचे प्रतिस्वाक्षरी करावी व निवडणूक प्रतिनिधीने ठेवलेल्या हिशेबाची सत्यप्रत आहे असे प्रमाणित करावे.
 (४) टपालखर्च, रेल्वे प्रवास अशा प्रकारची प्रमाणके सादर करणे व्यवहार्य नाही अशी प्रमाणके वाळता इतर सर्व खर्चाच्या बाबींची प्रमाणिके सादर करणे आवश्यक आहे.

जाडपत्र दांन

निवडणूक खर्च सादर करण्यासंबंधीचा नमुना

उमेदवाराचे नाव .

ज्यांच्यातर्फे उमेदवार निवडणूक लढवित असेल त्या राजकीय पक्ष/आघाडी/फ्रंट याचे नाव

निवडणूक लढवित असलेला प्रभाग/मतदार गण/मतदार गट :

निवडणूक जाहीर झाल्याचा दिनांक :

दैनंदिन खर्च

खर्चाचा दिनांक	खर्चाचे स्वरूप	खर्चाची रक्कम		प्रदानाची तारीख	आदारयाचे नाव व पत्ता	दिलेल्या रकमेच्या बाबतीत प्रमाणकाचा अनुक्रमांक (७)	अदत्त रकमेच्या बाबतीत देवकाचा अनुक्रमांक (८)	अदत्त रक्कम ज्या व्यक्तीस देय आहे त्या व्यक्तीचे नांव व पत्ता (९)	शेरा
		दिलेली (३)	अदत्त (४)						
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)

प्रमाणित करण्यात येत आहे की, मी/माझ्या निवडणूक प्रतिनिधीने देवलेल्या लेख्यांची ही सत्य प्रत आहे.

निवडणूकसंलग्नाऱ्या उमेदवाराची स्वाक्षरी.

पोचपावती

दिनांक रोजी सार्वजनिक निवडणूक/ पोटनिवडणूक निकाल घोषित करण्यात आलेल्या नगरपालिका/नगरपरिषद/जिल्हापरिषद/पंचायत समिती मधील प्रभाग/मतदार गण/मतदार गट क्रमांक मधील (उमेदवाराचे नाव) यांच्या बाबतीतील निवडणूकविषयक खर्चाचा हिशेब त्यांनी/त्यांच्या वतीने दिनांक रोजी सादर केला असून तो मला आज दिनांक महिना वर्ष रोजी मिळाला आहे.

नगरपालिका आयुक्त/महानगरपालिका आयुक्तांनी प्राधिकृत केलेला अधिकारी.

जिल्हा अधिकारी
जिल्हा /जिल्हाधिकारी
यांनी प्राधिकृत केलेला अधिकारी.

जोडपत्र तीन
(शपथपत्राचा नमुना)

महानगरपालिका आयुक्त, /जिल्हाधिकारी,
..... यांच्या समक्ष

शपथपत्र

मी, यांचा मुलगा/यांची मुलगी/पत्नी, वय वर्षे, राहणार याद्वारे गांधीर्यपूर्वक व मनःपूर्वक पूढील गोष्टी जाहीरपणे नमूद करत आहे.

(१) मी नगरपालिका/नगरपरिषद प्रभाग क्रमांक /जिल्हा परिषद/पंचायत समिती मतदार गण/मतदार गट क्रमांक मधून सार्वत्रिक निवडणूक/पोट निवडणूक लढवत होतो/होती आणि तिचा निकाल दिनांक रोजी घोषित करण्यात आला होता.

(२) मी/माझ्या निवडणूक प्रतिनिधीने, दिनांक (ज्या दिनांकास मला निवडणूकीसाठी नामनिर्देशन करण्यात आले तो दिनांक) ते त्या निवडणूकीचा निकाल घोषित करण्यात आला तो दिनांक दोन्ही दिवस धरून. यांच्या दरम्यानच्या कालावधीमध्ये वरील निवडणूकीच्या संबंधात मी किंवा माझ्या निवडणूक प्रतिनिधीने केलेल्या किंवा अधिकृत मंजूरी दिलेल्या सर्व खर्चाचा स्वतंत्र व बिनचूक हिशेब ठेवला होता.

(३) उक्त हिशेब, राज्य निवडणूक आयोगाने या प्रयोजनार्थ तयार केलेल्या प्रपत्रामध्ये ठेवण्यात आला होता आणि उक्त हिशोबामध्ये नमूद केलेली प्रमाणके/देयके पुष्ट्यर्थ जोडून त्याची एक सत्यप्रत यासोबत जोडलेली आहे.

(४) सोबत जोडलेल्या माझ्या निवडणूक खर्चाच्या हिशोबामध्ये मी किंवा माझ्या निवडणूक प्रतिनिधीने केलेल्या किंवा अधिकृत मंजूरी दिलेल्या खर्चाच्या सर्व बाबी समाविष्ट केल्या आहेत आणि त्यामधील कोणतीही बाब लपवण्यात आलेली नाही किंवा रोखून ठेवण्यात आलेली नाही/दाबून ठेवण्यात आलेली नाही.

(५) पूर्वगामी परिच्छेद (१) ते (४) यांमध्ये केलेली विधाने माझ्या वैयक्तिक माहितीनुसार खरी आहेत, ती विधाने खोटी नाहीत आणि कोणतीही महत्वाची गोष्ट मी लपवून ठेवलेली नाही.

अभिसाक्षी

माझ्या समक्ष दिनांक रोजी येथे यांना गांधीर्यपूर्वक कथन केले शपथपूर्वक कथन केले.