



राज्य निर्वाचन आयोग हिमाचल प्रदेश
STATE ELECTION COMMISSION HIMACHAL PRADESH
 आमजंडेल शिमला-171002 Armsdale, Shimla-171002 Tel. 0177-2620152, 2620159, 2620154, Fax. 2620152
 secysec-hp@nic.in

No. SEC(F)1/30/2021- /016

Dated, the

05th April, 2022**NOTIFICATION**

In exercise of the powers vested in it under Article 243ZA of the Constitution of India and Section 13-A, 13-B, 9 and 21 of the Himachal Pradesh Municipal Corporation Act, 1994, read with Rule 48 of the Himachal Pradesh Municipal Corporation Election Rules, 2012 and all other powers enabling it in this behalf, the State Election Commission Himachal Pradesh hereby makes the following Rules:-

1. Short title, extent, application and commencement:-

- (I) These Rules may be called the Himachal Pradesh Municipal Corporation (Disqualification of office bearers) Rules, 2022.
- (II) These Rules shall extend to whole of Himachal Pradesh and apply to the election of Municipal Corporations for which election expenses and maximum limit is prescribed under the relevant provisions of the Act and Rules.
- (III) These Rules shall come into force on the date of their publication in the official gazette of the State.

2. Definition:-

- (i) The "Competent Authority" shall mean the Director of Urban Development, Department of the Government of Himachal Pradesh.
- (ii) The words and expressions used but not defined herein shall bear the same meaning as are assigned to them in Himachal Pradesh Municipal Corporation Act, 1994.

3. Report to the Director:-

- (I) On the receipt of the statement of accounts from the contesting candidates, the Deputy Commissioner concerned, shall, within 30 days from the last date of submission of accounts, submit a complete report to the Director:
- (a) Specifically pointing out the names and address of those candidates, who have failed to lodge the account of election expenses incurred.

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(b) the names of the contesting candidates who have incurred or authorised expenditure more than the prescribed limit.

4. Procedure for disqualification on incurring expenditure beyond limit and for failure to lodge an account of expenses:-

(I) If the competent authority is of the opinion that a contesting candidate:-(a) has incurred or authorised expenditure in excess of the limits prescribed under Section 13-A of the Act ibid read with Rule 48 of the Rules ibid and committed a corrupt practice under sub-section (5-A) of the Section 21 of the said Act

Or

(b) has failed to lodge the account of election expenses within the time and in the manner required under Section 13-B of the Act.

it will complete the necessary inquiry, after giving a reasonable opportunity of being heard to the defaulter, within a period of 60 days from the service of notice by him on such defaulters.

(II) That the competent authority shall pass an order based on such inquiry and the order will be published in the Rajpatra. Copies of the same will be sent to the State Election Commission Himachal Pradesh, Deputy Commissioner and Commissioner, Municipal Corporation concerned.

(III) That a list of disqualified persons will be provided to the concerned Returning Officers/ Assistant Returning Officers by the Deputy Commissioner concerned before the date of nomination papers. This list shall also be displayed for the purpose of information of the public at the time of election to be held in the future on the website of the State Election Commission Himachal Pradesh and the concerned Deputy Commissioner.

(IV) Aggrieved by the order of the Director, any contesting candidate may file an appeal to the Divisional Commissioner concerned within 30 days from passing of the order of the Director.

(V) The Divisional Commissioner shall decide the appeal within six months. The order passed by the Divisional Commissioner shall be final.

5. Period for Disqualification:-

Period for disqualification shall be five years from the date of such order, unless a different period has been specified in a particular category of cases in the Act abovementioned.

(By Order)
(Anil Kumar Khachi)
State Election Commissioner
Himachal Pradesh.

Copy to:-

- 1.The Principal Secretary (Urban Development) Government of HP.
- 2.The Divisional Commissioner Shimla, Kangra and Mandi Himachal Pradesh
- 3.The Director Urban Development Department HP Shimla-2.
- 4.The Deputy Commissioners Shimla, Mandi, Kangra and Solan HP.
- 5.The Commissioner Municipal Corporation Shimla, Solan, Dharamshala, Mandi and Palampur.
- 6.E Gazette.


(Surjeet Singh Rathore)
Secretary
State Election Commission
Himachal Pradesh