



राज्य निर्वाचन आयोग हिमाचल प्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

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NO.SEC.-13-58/96-III-

dated the th December, 2015

NOTIFICATION

In exercise of the powers vested in it under Article 243K of the Constitution of India and Section 121-A, 121-B, 160, 180 of the H.P. Panchayati Raj Act, 1994 read with Rule 92 of the Himachal Pradesh Panchayati Raj (Election) Rules 1994 and all other powers enabling it in this behalf, the State Election Commission of Himachal hereby makes the following Rules:-

1. Short-Title, Extent, application and commencement:-

- (1) These Rules may be called then **H.P. Panchayats (Disqualification of office bearers, etc.) Rules, 2015**
- (2) These Rules shall extend to whole of Himachal Pradesh and apply to elections of those Panchayats for which election expenses and maximum limit is prescribed under the relevant provisions of the Act.
- (3) These Rules shall come into force on the date of their publication in the Official Gazette of the State.

2. Definitions:

- (1) The "Competent authority" shall mean the Deputy Commissioner of the District.
- (2) The words and expressions used but not defined herein shall bear the same meanings as are assigned to them in the H.P. Panchayati Raj Act, 1994.

3. Report to the Director:-

- (1) On receipt of the statement of accounts from the contesting candidate, the District Election Officer (Panchayat) concerned shall, within thirty days from the last date of submission of accounts, submit a complete report to the Deputy Commissioner:
 - (a) specifically pinpointing the names and address of those candidates, who have failed to lodge the account of election expenses incurred.
 - (b) the names of the contesting candidates who have incurred or authorized more expenditure than prescribed.

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

1. If the competent authority is of opinion that a contesting candidate :
 - (a) has incurred or authorized expenditure in excess of the limits prescribed under section 121-A and committed a corrupt practice under sub-section 6-A of Section 180 of the Act ,
or

(b) has failed to lodge the account of election expenses within the time and in the manner required under Section 121-B of the Act.

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

1. That the competent authority shall pass an order based on such inquiry and the order will be published in the Rajpatra and copies of the same be will be sent to the State Election Commission, Deputy Commissioner, Sub-Divisional Officer (Civil), District Panchayat Officers and Block Development Officer concerned.
2. That a register of disqualified persons will be maintained by all the Deputy Commissioners / District Panchayat Officers / Block Development Officers concerned and the names of the persons whose disqualification has ceased on account of lapse of the prescribed time or otherwise will be deleted from the register.
3. That a list of such disqualified persons will be provided to the State Election Commission, concerned ROs/AROs before the date of nomination papers. This list shall be publically displayed for the purpose of information of the public at the time of and election to be held in the future.
4. Aggrieved by the order of the Deputy Commissioner any contesting candidate may file an appeal to the Director Panchayati Raj Department within thirty days from the passing of the order of the Deputy Commissioner.
5. The Director Panchayati Raj Department shall decide the appeal within six months. The order passed by the Director Panchayati Raj shall be final.

b. Period for Disqualification :-


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

By order
(T.G. Negi)
State Election Commissioner
Himachal Pradesh.

Endst. NO. SEC-13-58/96-III-6862-7020 dated the 11 th December, 2015

Copy to:-

1. The Secretary (Panchayati Raj) Government of Himachal Pradesh.
2. The Special Secretary-cum-Director Panchayati Raj Department.
3. All the District Election Officers (Panchayats)-cum-Deputy Commissioners HP.
4. All the Assistant District Election Officers-cum-District Panchayat Officers HP.
5. All the Sub-Divisional Officers (Civil) Himachal Pradesh.
6. All the Block Development Officers Himachal Pradesh.
7. E Gazette .
8. Guard File.


(Dr. Ashwani Sharma)
Secretary
State Election Commission
Himachal Pradesh.

**STATE ELECTION COMMISSION
HIMACHAL PRADESH**

Shimla-171002, dated 17th July, 2001

NOTIFICATION

NO.SEC.-5-17/94-II-1262 TO 1328.—In exercise of the powers vested in it under Article 243 k and 243 ZA of the Constitution of India and section 281 of the H.P. Municipal Act, 1994 and all other powers enabling it in this behalf, the State Election Commission of Himachal hereby makes the following Rule:-

1. Short-Title, Extent, application and commencement.—(1) These Rules may be called the **H.P. Municipal (Disqualification of office bearers, etc.) Rules, 2001.**

(2) These Rules shall extend to whole of Himachal Pradesh and apply to elections held to all municipalities in the State.

(3) These Rules shall come in to force on the date of their publication in the Official Gazette, namely the Himachal Pradesh Rajpatra.

2. Definition.—(1) The “Competent authority” shall mean the Director, Urban Local Bodies Department of the Government of Himachal Pradesh and shall be denoted here by the word “Director”

(2) The words and expressions used but not defined herein shall bear the same meanings as are assigned to them in the H.P. Municipal Act, 1994.

3. Report to the Director.—(1) On receipt of the statement of accounts from the contesting candidate, the sub Divisional officer (Civil) concerned shall, within thirty days from the last date of submission of accounts, submit a complete report to the director specifically pinpointing the names and address of those candidates, who have failed to lodge the account of election expenses incurred.

4. Procedure for disqualification on incurring expenditure beyond limit and for failure to lodge an account of expenses.—(1) If the competent authority is of opinion that a person:

- (a) has incurred expenditure in excess of the limits prescribed under section 17-A, or
- (b) has failed to lodge the account of election expenses within the time and in the manner required under section 17-B of the Act.

It will complete the necessary inquiry after giving to the defaulter a reasonable opportunity of being heard within a period of 60 days from the service of notice by his own such defaulters.

(2) That the competent authority shall pass an order based on such inquiry and the order will be published in the Rajpatra and copies of the same will be sent to the State Election Commission, Deputy Commissioner, sub-divisional Officer (civil) and executive officer/Secretary of the Municipal Committee concerned.

(3) That a register of disqualified persons will be maintained by all the Deputy Commissioners/S.D.O. (c) /Tehsildars/ Executive Officer/Secretary of the Municipal Committee concerned and the names of the persons whose disqualification has ceased account of lapse of the prescribed time or otherwise will be deleted from the register.

(4) That a list of such disqualified persons will be provided to the concerned AROs before the date of nomination papers. This list shall be publically displayed for the purpose of information of the public at the time of and election to be held in the future.

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

By order,
(K.C.Sharma)
State Election Commissioner,
Himachal Pradesh.