

By Camp Bag/email

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol.X,

Dated: 28<sup>th</sup> March, 2019

To  
The Chief Electoral Officers of  
all the States/UTs.

Sub: General Elections to the Lok Sabha and State Legislative Assembly Elections of Andhra Pradesh, Arunachal Pradesh, Odhisha and Sikkim, 2019 - Booklet on "ELECTION EXPENDITURE -GUIDE FOR CANDIDATES 2019" - Reg.

Sir,

I am directed to forward herewith a copy of the Booklet on "ELECTION EXPENDITURE-GUIDE FOR CANDIDATES 2019" published by the Commission and to request you to get it translated in regional language of the State/UT immediately and be make it available to all the contesting candidates of above-mentioned elections along with its English version. Soft copy of the same is also being sent on e-mail IDs of all the CEOs of States/UTs.


Print sufficient  
number of copies and  
make available to candidates.  
immediately.

(Hindi version follows)

Addl CEOs

1 copy  
2/13

Yours faithfully,

  
(RAJAN JAIN)  
UNDER SECRETARY

# **ELECTION EXPENDITURE**



# **GUIDE FOR CANDIDATES 2019**

## **ACTIONABLE POINTS FOR CANDIDATES**

### **A. Up to Nomination**

1. **SEPARATE BANK ACCOUNT:** To open a separate Bank account exclusively for election expenditure purposes, at least one day before filing of nomination.
2. **ELECTION EXPENDITURE REGISTER:** To take a copy of Election Expenditure Register from the Returning Officer (RO), page numbered and also certifying the number of pages in Cash Register, Bank Register and Day-to-Day Account Register. To take a copy of Abstract Statement (Part I to Part VI), Affidavit and Acknowledgment form.
3. **COMPENDIUM OF INSTRUCTIONS ON ELECTION EXPENDITURE MONITORING:** To obtain a copy of Compendium of February, 2019 from the RO.
4. **AGENT FOR ELECTION EXPENDITURE:** To notify the name of a separate agent for election expenditure, if any, and inform the RO.
5. **TRAINING PROGRAMME:** To attend or to ensure that the Expenditure Agent attends the training programme organised by the R.O regarding election expenditure and maintenance of accounts of election expenditure.
6. **OFFICIAL RATE LIST:** To obtain a copy of the rates of election campaign items notified by the DEO. You should ensure that the rate chart is followed for maintaining the accounts.

### **B. From the date of nomination to the date of declaration of result**

7. **MAINTENANCE OF ACCOUNTS:** To maintain regularly the Day-to-Day accounts, Cash Book and Bank Book from the date of filing of nomination to the date of declaration of results (both dates inclusive) include all expenses incurred on the date of filing of nomination. To submit election expenditure account with the District Election Officer (DEO) within 30 days of the declaration of result of the election.
8. **ACCOUNTING FOR ALL RECEIPTS:** To maintain all the details relating to receipts of funds from party, own funds, receipts from others by way of donations/gifts/loans etc.
9. **ACCOUNTING FOR SERVICES/GOODS IN KIND:** To ensure that in respect of the services/goods received in kind, the name and address of persons must be mentioned in the Accounts register along with their market value.
10. **VEHICLE PERMISSION:** To take permission regarding all vehicles to be used for election campaign and to ensure that the permission letter is displayed on windscreen of each such vehicle.

11. **NOT USING VEHICLES FOR WHICH PERMISSION HAS BEEN TAKEN:** To be aware that in case the candidate is not using any vehicle, it should be informed to RO and permission should be cancelled, otherwise deemed expenditure on such vehicle (s) will be computed and added to election expenditure of the candidate.
12. **COMMERCIAL VEHICLES:** To ensure that all expenses for commercial vehicles hired for the rally etc., are included in the accounts of the candidates.
13. **PERMISSION FOR RALLIES/PUBLIC MEETINGS:** To know that permission to hold rally/procession /public meeting should include expenditure plan (format in Annexure D1 of the Compendium).
14. **EXPENDITURE ON RALLIES/PUBLIC MEETINGS:** To know that all expenditure on any rally attended by a candidate or any expenditure on campaign where photo of candidate is displayed or his/her name is promoted is required to be added to the expenditure account of the candidate.
15. **EXPENDITURE IN EXCESS OF ₹ 10,000:** To ensure that all expenditure in excess of ₹ 10,000/- and all receipts, contributions, loans, deposits, advances in excess of ₹ 10,000/- should not be in cash, and should be by cheque or draft or bank transfer, through the bank account exclusively opened for the election expenditure purpose.
16. **EXPENDITURE ON ARTICLES PRINTED/PURCHASED PRIOR TO NOMINATION:** To know that all posters, banners, pamphlets even if printed/ published prior to nomination, but used/displayed after nomination, shall form part of the election expenditure of the candidate.
17. **EXPENDITURE ON KIOSKS:** To include the expenses incurred on maintenance of candidates' booths (Kiosks) for distribution of voters' slips on the poll day, which include expenses include expenditure incurred on election of candidates' booths (Kiosks), logistics, remuneration paid to the workers/agents manning them and the expenses on snacks, food etc. (Schedule 6 of Abstract statement of account).
18. **STAR CAMPAIGNER:** To check whether list of Star Campaigners has been submitted by the party to the Commission and CEO within 7 days of notification.
19. **TRAVEL EXPENSES OF STAR CAMPAIGNER:** To get the details of travel expenses of Star Campaigners (like helicopters/ chartered aircraft/ any other mode of transport) from the party so that necessary entries are made in the account statement and the RO is informed within 5 days after landing of aircraft/helicopter in his constituency, about the hiring charges paid/payable to the company owning/leasing

the aircraft of the helicopter, names of passengers and name of the political party (if the party had borne the expenses for hiring).

20. **STAR CAMPAIGNER- ALLOCATION OF EXPENSES:** To know that sharing of dais with star campaigner or appeal made by the star campaigner for vote in candidate's favour shall result in the expenditure on such meetings etc. being treated as expenditure incurred by the candidate and not by the party. To know that only travel expenses of star campaign are exempt for candidates.
21. **INSPECTION OF ACCOUNTS:** To be present either personally or through the agent with all completed accounts/registers during the 3 inspections to be carried out by the Expenditure Observer during campaign period.
22. **RESPONSE TO NOTICE:** To respond within 48 hours to the communications or notices received from the R.O regarding discrepancies found in the account of election expenses.
23. **PAID NEWS:** To know that any news or analysis appearing in any media (print and electronic) for a price in cash or kind as consideration is "Paid news" and if any publicity by a candidate is held to be paid news by MCMC then expenditure in respect of the same has to be included in the election account of the candidate.
24. **EXPENDITURE ON CAMPAIGN THROUGH INTERNET ON SOCIAL MEDIA:** To include expenditure incurred on any advertisement in social media through Facebook, Whatsapp, Twitter etc., and so also expenses on creative development of contents, operational expenditure on office set up and salaries/wages paid to team of workers for maintaining social media account.
25. **ORDER OF MEDIA CERTIFICATION AND MONITORING COMMITTEE (MCMC):** To respond in time to the order passed by the MCMC (at District Level) with regard to suspected cases of "paid news" brought to the notice of the candidate by the RO. If candidate disagrees with the order, an appeal is to be made before the State Level Media Committee, within the stipulated time.
26. **INDUCEMENT OF ELECTORS IS AN OFFENCE:** To know that inducement of electors by distributing cash, liquor or freebies is an offence under IPC punishable with 1 year imprisonment or fine or both.
27. **NEW FORM OF AFFIDAVIT TO BE FILED BY THE CANDIDATE:** To give details of candidate's Contact Number, email id, social media account(s) and Permanent Account Number (PAN) of self, spouse, Hindu Undivided Family (HUF) and dependents along with their last 5 years income. Candidates are also required to give details of criminal cases pending and cases of conviction, if any, along with the details of assets & liabilities including foreign assets.

28. **DECLARATION IN PRINT AND ELECTRONIC MEDIA:** To issue at least thrice, a declaration in widely circulated newspapers in the locality about criminal antecedents and also in the electronic media from the day following last day of withdrawal of candidatures and up to two days before the day of poll.

**C. After declaration or result**

29. **TRAINING:** To attend personally or through the agent the training on procedure of lodging the accounts organised by DEO within 23 days of declaration of result and also **Account Reconciliation Meeting (ARM)** organised on 26<sup>th</sup> day of declaration of result.

30. **RECONCILIATION OF ACCOUNTS:** To be aware that in the Account Reconciliation Meeting the candidates will be given another opportunity to reconcile the underreported amount of their election expenses, if any. Therefore, the candidates should produce their draft of final accounts, so that the discrepancies can be reconciled.

31. **REVISION OF ACCOUNTS:** To know that even if the candidate had already lodged his account prior to the Account Reconciliation Meeting, he may revise the accounts within the statutory period of 30 days from the date of declaration of result in order to incorporate the findings of the District Expenditure Monitoring Committee (DEMC).

32. **SUBMISSION OF ACCOUNTS:** To submit before the DEO, the account of election expenses, comprising of Bank Register, Cash Register, Day-to-Day account Register, Abstract Statement (Part I to Part IV and Schedules I to 9), all bills & vouchers (serially numbered) and Affidavit in **original**, duly filled up in all respect and self-attested copy of bank statement opened for expenditure purposes exclusively, within 30 days of declaration of result. If account is not lodged within time and in the required manner, a notice may be issued by the Commission for disqualification u/s 10 A of the R. P. Act, 1951.

33. **ACKNOWLEDGMENT:** To obtain acknowledgment as a proof of lodging the account from the office of the DEO, giving date and time of lodging of the account.

34. **SIGNATURE ON DOCUMENTS:** To sign each page of the Abstract Statement and Affidavit. All bills and vouchers to be signed by candidate or election agent.

35. **REPLY TO NOTICE:** To submit copy of the reply given to the Returning Officer or Expenditure Observer at the time of inspection of register in respect of discrepancies pointed out by DEMC.

**SOME IMPORTANT LEGAL PROVISIONS REPRESENTATION OF THE  
PEOPLE ACT, 1951**

1. **SECTION 77: Account of election expenses:** Candidate/Election agent shall keep a separate and correct account of all expenditure in connection with the election, incurred or authorized by him or his election agent.
2. **SECTION 78: LODGING OF ACCOUNT WITH DISTRICT ELECTION OFFICER:** Every contesting candidate shall, within 30 days from date of election of the returned candidate, lodge with the DEO an account of his election expenses.
3. **SECTION 10 A: Disqualification for failure to lodge account of election expenses:** If a candidate fails to lodge an account of election expenses within the time and in the manner required by the RP Act and has no good reason or justification for the failure, the candidate shall be disqualified for a period of 3 years from the date of the order of the Election Commission.
4. **SECTION 123:** Bribery is a corrupt practice for which a writ petition may be filed against a returned candidate.
5. **SECTION 125 A:** Punishment for failure to furnish information or filing false information/concealing information in affidavit in Form 26 filed along with nomination form is imprisonment upto 1 year or fine or both.
6. **SECTION 127 A:** To be aware of the provisions of section 127 A of the R. P. Act, 1951 regarding printing of election posters, etc. and passing information to DEO and necessary declaration to be submitted by the Publisher and Printer in Appendix A & B on printing of poster and pamphlet on part of publisher and printer.

**CONDUCT OF ELECTION RULES, 1961**

**1. RULE 86: PARTICULARS OF ACCOUNT OF ELECTION EXPENSES:**

This specifies the particulars in respect of each item of expenditure which shall be maintained by the candidate/election agent, namely:-

- (a) the date on which the expenditure was incurred or authorized;
- (b) the nature of expenditure as for example, travelling, postage or printing and the like;
- (c) the amount of expenditure-
  - (i) the amount paid;
  - (ii) the amount outstanding;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of vouchers, in case of amount paid;

- (g) the serial number of bills, if any, in case of amount outstanding;  
 (h) the name and address of the person to whom the amount outstanding is payable.

2. **RULE 88:** Any person, on payment of a fee of ₹ 1, shall be entitled to inspect the accounts of election expenses submitted by a candidate. Attested copies can also be obtained on payment of such fee as fixed by the Election Commission.

3. **RULE 90:** Specifies the maximum election expenses (Printed below):

Sl.No.	Name of the States/UTs	Parliamentary Constituency	Assembly Constituency
1.	Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Chhattisgarh, Uttarakhand, Jharkhand, Telangana and Delhi	70.00 Lacs	28.00 Lacs
2.	Manipur, Meghalaya, Mizoram, Nagaland and Tripura	70.00 Lacs	20.00 Lacs
3.	Arunachal Pradesh, Goa, Sikkim, Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu Lakshadweep and Puducherry	54.00 Lacs	*20.00 Lacs

\* Except Delhi and Puducherry, other UTs have no Assembly.

### **INDIAN PENAL CODE, 1860**

1. **SECTION 171 B: Bribery:** Whoever gives or accepts any gratification (cash, liquor or freebies) in exchange for votes commits the offence of bribery.
2. **SECTION 171 E: Punishment for Bribery:-** Whoever commits the offence of bribery shall be punished with imprisonment for a term which may extend to one year, or fine, or both.
3. **SECTION 171 H:** Any person who is incurring or authorizing expenditure during election without the general or special authority in writing of a candidate for promoting or procuring the election of such candidate, shall be punished with fine which may extend to ₹ 500/-.
4. **SECTION 171 I:** Any person who fails to keep accounts of election expenses as required under any law shall be punished with fine which may extend to ₹ 500/-.





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