

By Camp Bag/Fax

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI-110001

No. 76/Instructions/2012/EEPS

Dated: 13th January 2012

To

The Secretary
Shiromani Akali Dal
Building No. 6, Sector 28 B
Punjab, Chandigarh

Subject: General Election to the Legislative Assembly of Punjab 2012- Clarification regarding Election Expenditure of the Party Leader

Sir,

With reference to your letter no. 138/SAD/2012 dated 5th January, 2012, I am directed to state that guiding principles to distinguish between the expenditure incurred by the political party and the expenditure incurred by the candidates were enunciated by Hon`ble Supreme Court in *Kanwar Lal Gupta Vs. Amar Nath Chawla* (AIR 1975 SC 308) wherein the Apex Court has observed that :-

`` When the political party sponsoring a candidate incurs expenditure in connection with his election as distinguished from expenditure on general party propaganda, and the candidate knowingly takes advantage of it and participates in the programme or activity and fails to disavow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, say in special circumstances, that he authorized the political party to incur such expenditure and he can not escape rigors of the ceiling by saying that he has not incurred the expenses, but his political party done so.``

2. With the amendment of Explanation 1 (a) to Section 77 the Representation of People Act, 1951 only the expense on account of travel of leader of the political parties, covered under explanation 2 below section 77, shall not be included in the account of election expenses of the candidate. But a candidate who has been declared as leader by a Political Party for purposes of explanation to section 77 (1), will not enjoy the benefit allowed to him under the Explanation in his own constituency where he contests as a candidate.

3. Keeping in view of the judgment of Hon`ble Supreme Court of India and instructions of the Commission in respect to the travel expenses of the Leaders of the political party in their own constituency within the meaning of Explanation 1(a) to section 77 (1), it is hereby again reiterated and clarified that if Leader of a political party happens to be a candidate in any constituency, then the proportionate expenditure on the advertisement/posters with his photograph used in his constituency shall be accounted for by that candidate, in his election expenses.

3. Kindly acknowledge the receipt.

Yours faithfully,

Sd/-

(S.K RUDOLA)
SECRETARY

1. Copy to the Chief Electoral Officer, Punjab with reference to her letter no. Election-2012/R/76 dated 2nd January, 2011 along with the copy of the letter of SAD under reference for urgent needful action.

Sd/-

(S.K RUDOLA)
SECRETARY

2. Copy forwarded to Chief Electoral Officer of all States and UT (Speed Post/Camp Bag)

3. Copy to DEC(VZ)/DEC (AS)/ Pr. Secy (SR)/Pr. Secy (RKS)/Pr. Secy (KFW)/Secy (ANJ)/IS(HS)/US(AA)/US(AND)/US(PNL)/ US (MU)