

## **Analysis of poll expenditure declarations of Punjab election 2007**

**An Appeal to candidates and political parties to shun illegal use of black money for electoral expenses and to limit their spending within legal limits for Punjab Election 2012**

**For immediate release**

Chandigarh, Jan 4 2012

Punjab Election Watch (PEW) and Association for Democratic Reforms (ADR) which are civil society organizations working as a civil society watchdog for free, fair and informed elections have appealed to all candidates and political parties of Punjab to completely shun the abuse of money power and black money for funding their electoral campaigns.

Releasing a report on the election expense figures declared by winners and first runners up of Vidhan Sabha Election 2007, Prof Jagdeep Chhokar founder member of ADR said, "MLAs and First Runners Up of Punjab have declared an average spending of 5.11 Lac for their entire election campaigns during 2007. This is about 50% of the limit of 10 Lac that was available to them. Similar trend was witnessed in our analysis of Lok Sabha 2009 figures still they continue to demand increase in limits. This limit is not decided by Election Commission but has been imposed by the Govt of India which is run by none other than the politicians themselves."

Speaking at the occasion, Jaskirat Singh, Coordinator of Punjab Election Watch said, "An election cannot be free and fair if the use of black money is so high that the legitimate expenditures declared by serious candidates for their entire campaigns sound tiny in comparison of what is widely believed to be the usual expenditures of such campaigns."

Complimenting Election Commission of India for its vigilance Dr Chhokar further said, "It is very important to check the abuse of money power, distribution of liquor, cash or any other inducements to voters as well as illegal use of media to tilt the playing field in favour of those who break the rules and undermine democracy. It is very important therefore for the Electoral Officials to keep a hawk eye on such activities of political parties and candidates and they should continue to do their duty without fear or favour."

Highlights of the expenditure report were as follows

- A total of 232 abstract expenditure statements of Winners and First runners up of Punjab Vidhan Sabha Election 2007 were analysed by PEW / ADR
- The average electoral expenditure declared by these winners and first runners up is Rs 5,11,805 (5.11 Lac approx)
- Avg expenditure of an MLAs or winners Rs 5,13,855
- On an average the winners and first runners up utilized only 51% of the expense limit of Rs 10 Lac available to them.
- Looking at it party wise the averages were INC Rs 5.07 lac, SAD Rs 5.27 lac and BJP Rs 4.97 lac
- Only one out of these 232, Ranjit Singh of SAD from Raikot and who is the highest spender has declared utilization of more than 90% of the expense limit ie spent more than 9 Lacs.
- Ram Kumar of BJP from Abohar is the lowest spender having spent only Rs 98,968
- 16 out of these winners and first runners up have utilized less than 25% of the limit.
- Less than 55% winners and first runners up (126) have declared that they have spent more than 50% of the limit.

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- 45% (106) have spent less than 50% of the limit.
- Raikot was the highest expenditure constituency with avg expense of Rs 8,73,948
- Khadoor Sahib was the lowest average expenditure constituency at Rs 1,56,711
- Jalandhar has the highest average at Rs 5,93,031 among districts and Taran Taran the lowest at Rs 3,47,836

Source of this data is election expenditure abstracts which are now available on the CEO Punjab website as well.

### Some Questions and Answers about Electoral Expenditures

What are electoral expenditure figures?

Election expense figures are submitted by candidates detailing their electoral expenses under various heads to the District Electoral Officer within 30 days of the announcement of the results. This is submitted in the form of a sworn affidavit.

Is there a limit on electoral expenditure that a candidate is allowed to do?

There is an upper limit of 16 lac per candidate for Punjab Vidhan Sabha elections 2012. In the 2007 election it was Rs 10 lac.per candidate.

Can any one be prosecuted for hiding true expenses in the affidavit?

Yes. The election expenditures of any candidate can be challenged on the grounds of under declaration through an election petition.

What action can be taken if under declaration is proven?

As per the Section 10A of the Representation of the People Act an elected MLA or MP can be disqualified from the house and debarred from contesting elections for 3 years. For ease of reference the relevant section is reproduced below

10A. Disqualification for failure to lodge account of election expenses. If the Election Commission is satisfied that a person

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and
- (b) has no good reason or justification for the failure,
- the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

Has any action been ever taken against any politician for such a violation?

Yes. Smt Umlash Yadav, who was MLA in the current UP Vidhan Sabha was disqualified by the Election Commission of India and lost her seat in Vidhan Sabha for hiding some of her election expenses in the affidavit. She was further debarred from contesting elections for 3 years.

How rampant is the use of black money or unaccounted money for electoral funding?

It is difficult to give exact figures but some rough estimates can be made. It is widely believed that the true cost of fighting an MLA election in Punjab runs into several crores for every candidate. As per the report of Punjab Election Watch, they have declared approx 5 lacs as average expenditure, then the remaining is naturally unaccounted money. That means white money could only be a small fraction of the total expenses.