



## **STATE ELECTION COMMISSION, KERALA.**

State Election Commission – Kannur District - General Election to Mattannur Municipality in 2017 – Posting of Additional General Observer – Orders issued.

**No.450/2017/SEC.**

**Dated, Thiruvananthapuram, 02.08.2017.**

Read:- 1. Letter No. 1514408/Spl.A2/2017/GAD dated 13.06.2017 from the Chief Secretary, General Administration(Special A) Department.

2. Order No.418/2017/SEC, dated 21.07.2017 of State Election Commission.

### **ORDER**

As per the Order read as 2<sup>nd</sup> paper above, Sri. P. Balakiran, IAS, Director of Tourism has been nominated as General Observer in the General Election to the Mattannur Municipality in 2017. Sri. Balakiran, IAS has informed that he has to attend an inevitable Board meeting of Kannur Airport on the day of poll of General Election to Mattannur Municipality. In this regard, the Commission has decided to nominate one more officer in the rank of IAS as Additional General Observer for Mattannur Municipality as per the Section 96A of Kerala Municipality Act 1994.

In the above circumstance, Sri. S. Harikishore IAS, Director of Kudumbasree, who is included in the list of officials furnished by Government in their letter read above, is nominated as Additional General Observer in the General Election to Mattannur Municipality in 2017 with immediate effect.

The guidelines regarding the duties and responsibilities for the observers, issued by the Commission is given as annexure

K. V.  
Muraleedharan  
Secretary

To

Sri. S. Harikishore IAS, Director of Kudumbasree  
Sri. P. Balakiran, IAS, Director of Tourism (General Observer)  
Chief Secretary, Govt. of Kerala (with covering letter)  
The State Police Chief  
The District Election Officer, Kannur  
The District Police Chief, Kannur  
The Returning Officers, Mattannur Municipality  
The Accountant General (A & E/Audit), Thiruvananthapuram.

Copy to

All Officers  
All Sections  
Computer Programmer  
C.A to Commissioner  
C.A to Secretary  
Stock File/Office Copy

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Sd/-  
Section Officer(i/c)



**STATE ELECTION COMMISSION, KERALA.**  
**THIRUVANANTHAPURAM.**

State Election Commission - Kannur District - General Election to Mattannur Municipality in 2017 - Appointment of Expenditure Observer - Orders issued.

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**No. 431/2017/SEC.                      Dated, Thiruvananthapuram, 25.07.2017.**

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- Read:-
- 1) Letter No.A1/80/2017/Fin, dated 17.06.2017 from the Additional Chief Secretary, Finance Department.
  - 2) Order No. 419/2017/SEC, dated 21.07.2017 of the State Election Commission.
  - 3) DO Letter No. Admn No. 41/80/2017/Fin, dated 24/07/2017 of the Additional Chief Secretary to Govt., Finance Department.

**ORDER**

State Election Commission, Kerala, as per the order read as 2<sup>nd</sup> paper above, had nominated Sri. B. Sreekumar, Additional Secretary, Finance Department as Expenditure Observer in Mattannur Municipality in connection with the General Election 2017. As per the letter read as 3<sup>rd</sup> paper above, the Additional Chief Secretary, Finance & Store Purchase Department has requested to cancel the above order, since Sri. B. Sreekumar, Additional Secretary has to attend and to coordinate all the works relating to Second Batch of Supplementary Demand for Grants for the year 2017-18 and to nominate another officer as Expenditure Observer from the list made available as per the paper read as 1<sup>st</sup> above.

2. In the above circumstances and in partial modification to the Order read as 2<sup>nd</sup> paper above, Sri. James Joseph, Additional Secretary to Govt., Finance Department is nominated as the Expenditure Observer instead of Sri. B. Sreekumar, Additional Secretary.

3. Period of duty of the Expenditure Observer will be from the date 26/07/2017 to 10/08/2017.

K. V. Muraleedharan  
Secretary

To

The Officer concerned (Sri. James Joseph)  
The General Observer  
Additional Chief Secretary, Finance Department (with Covering Letter)  
The District Election Officer, Kannur  
The District Police Chief, Kannur  
The Returning Officers, Mattannur Municipality  
The Accountant General (A & E/Audit), Thiruvananthapuram.  
Stock File/Office Copy

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All Sections  
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Computer Programmer  
C.A to Commissioner  
C.A to Secretary

Forwarded/By order  
Sd/-  
Section Officer



**STATE ELECTION COMMISSION, KERALA.**  
**THIRUVANANTHAPURAM.**

State Election Commission – Kannur District - General Election to Mattannur Municipality in 2017 – Posting of General Observer – Orders issued.

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**No.418/2017/SEC.**

**Dated, Thiruvananthapuram, 21.07.2017.**

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Read:- Letter No. 1514408/Spl.A2/2017/GAD dated 13.06.2017 from the Chief Secretary, General Administration(Special A) Department.

**ORDER**

As per Section 96A of the Kerala Municipality Act, 1994, the State Election Commission may nominate adequate number of higher officials of the Government as Observers, in consultation with the Government, to ensure a fair and equitable election of Municipalities and for discharging other functions as may be entrusted by the Commission. The State Election Commission has decided to nominate an officer in the cadre of IAS as General Observer for the area of Mattannur Municipality, in connection with the conduct of General Election in 2017.

2. In the letter read above, a list of officials for nomination as General Observer, was made available as desired by the Commission.

3. In the above circumstances, and also by considering his experience as District Election Officer in Kannur District, Sri. P. Balakiran, IAS, Director of Tourism is nominated as General Observer in the General Election to the Mattannur Municipality.

4. The guidelines regarding the duties and responsibilities for the Observers, issued by the Commission is given as annexure. Period of duty of the Observer will be from the date 24/07/2017 to 10/08/2017.

K. VMuraleedharan  
Secretary

To

The Officer concerned  
Chief Secretary, Govt. of Kerala (with covering letter)  
The State Police Chief  
The District Election Officer, Kannur  
The District Police Chief, Kannur  
The Returning Officers, Mattannur Municipality  
The Accountant General (A & E/Audit), Thiruvananthapuram.

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## STATE ELECTION COMMISSION, KERALA

State Election Commission – Election to Local Self Government Institutions – Guidelines of Expenditure Observers– Orders Issued.

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No. 420 /2017/SEC

Dated, Thiruvananthapuram, 21<sup>st</sup> July 2017

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### **ORDER**

The State Election Commission nominates Election Expenditure Observers as provided under Section 40A of Kerala Panchayat Raj Act, 1994 and Section 96A of Kerala Municipality Act, 1994. As per Section 48 A of Kerala Panchayat Raj Act, 1994 and Section 104 A of Kerala Municipality Act, 1994, the Expenditure Observers shall be deemed to be on deputation to the State Election Commission for the period from the date of the notification of election to the date of declaration of the result and accordingly, they shall be subject to the control, supervision and command of the State Election Commission during that period. In this regard, the Commission issues the following guidelines.

#### ***I. Objects of nomination of Election Expenditure Observers.***

Conduct of free and fair elections is the constitutional obligation of State Election Commission. Curbing of undue influence of money is essential for achieving the above object. Provision for limiting the expenditure of candidates is included in the statutes with the above purpose. Expenditure Observers are nominated as representatives of the Commission in order to ensure that money power is not manipulating the election process. Therefore the Expenditure Observers are the eyes and ears of the State Election in the matter of monitoring the election expenditure.

#### ***II. Maximum amount of election expenses.***

As per Rule 60 of Kerala Panchayat Raj (Conduct of Election Rules), 1995, the election expenses of a candidate to any constituency of a Village Panchayat, Block Panchayat or District Panchayat shall not exceed Rupees ten thousand, thirty thousand and sixty thousand respectively. Similarly as per Rule 60 of Kerala Municipality (Conduct of Election Rules), 1995, the maximum amount that a candidate to any ward of a Municipality can spend is rupees thirty thousand and the maximum amount that a candidate to any ward of a Municipal Corporation is rupees sixty thousand.

Period reckoned for the above is the expenditure incurred from the date on which a candidate has been nominated and the date of declaration of result, both the dates inclusive. The amount spent by the candidate or his election agent is considered as election expenditure of the candidate. But any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual is not deemed as expenditure incurred or authorised by a candidate or his election agent.

#### ***III. Facilities to the Expenditure Observers.***

The Expenditure Observers has to report before the District Election Officer concerned. The District Election Officer will arrange suitable accommodation. They will be provided with an Assistant and a vehicle with fuel for visits within the jurisdiction. Advance for initial expenditure will also be given by the District Election Officer, subject to instructions from the State Election Commission from time to time. The Expenditure Observers will have to settle the advance before completion of duty, with supporting documents.

***IV. Responsibilities.***

- i) Period of duty will be from the last day for withdrawal of candidature and up to polling day till the close of the polling.
- ii) They have to reach the designated area on the last date for withdrawal of candidature.
- iii) They shall visit the Observer immediately after arriving at the designated area and inform him the jurisdiction allotted.
- iv) They have to collect the details of the Local Self Government Institutions coming within the jurisdiction and to acquaint with the area.
- v) A meeting with the Returning Officers has to be convened to get a general picture of the Local Self Government Institutions coming within the jurisdiction and details of constituencies/wards immediately after reaching the designated area.
- vi) They shall give direction to the Returning Officers to inform the candidates about the maximum limit of expenditure, the statutory requirement of candidate or his election agent to maintain accounts of the election expenditure and to instruct them to keep the expenditure within the allowed limit.
- vii) They have to inspect the accounts of election maintained by the candidates or their election agents during the campaign period and to point out discrepancies, if any found with reference to his findings at the time of his visit in the constituency/ward.
- viii) Election expenditure has to be monitored by taking into account of the expenses related to holding of rallies, meetings, advertisements through print, electronic, visual and social media, campaigns through LCD projectors or by similar medium, vehicle announcements, printing of posters, pamphlets, notices, propaganda on compound walls or other walls or buildings, vehicles used, arches erected etc.
- ix) If any candidate during the inspections has reported 'nil' expenditure on all or any of the items mentioned above and had obtained permission for such items, it shall be brought to the notice of the District Election Officer, Returning Officer and the State Election Commission.
- x) If any complaint regarding giving bribe or gifts by any candidate or election agent for enhancing his election prospects is received it shall be immediately handed over to the District Election Officer and copy forwarded to the State Election Commission.
- xi) On the day of poll the Expenditure Observer has to be vigilant to see that no candidate or his election agent or any person with the consent of the candidate or his election agent hiring or procuring, whether on payment or otherwise, vehicle or any other means of transport for the free conveyance of voters to the polling stations and back.
- xii) If any such complaints received, the same shall be immediately handed over to the District Election Officer and copy forwarded to the State Election Commission.
- xiii) They shall not get involved in the enforcement action; instead they have to hand over the complaints/reports of excess expenditure or corrupt practices of giving bribe or gifts or arranging vehicles for the voters to the District Election Officers for further action.



xiv) They shall confine their activities strictly to monitoring the expenditure of candidates and shall not get overlapped to the functions of the Observer. If any matters which requires immediate attention of the Observers comes to this notice it shall be immediately brought to the notice of the Observer.

**V. Reports.**

i) They have to prepare tour programme well in advance and inform the same to the State Election Commission, District Election Officers and the Observer.

ii) A brief report has to be given to the State Election Commission on every three days and a detailed report after the poll is concluded.

iii) Reports shall be sent through email to the email of ID of the State Election Commission viz. [electionker@gmail.com](mailto:electionker@gmail.com).

Above guidelines are not exhaustive. Necessary further instructions will be issued by the Commission, if required.

K.V.Muraleedharan  
Secretary

To

All the Expenditure Observers  
Stock File/Office Copy

Copy to:-

All District Election Officers & District Collectors  
All General Observers

Forwarded By /Order  
Sd/-  
Section Officer



## **STATE ELECTION COMMISSION, KERALA.**

No. 4340/B/2016/SEC

Dated, Thiruvananthapuram, 21.07.2017

### **GUIDELINES FOR OBSERVERS**

General Election to Mattannur Municipality in Kannur District is scheduled to be conducted on 8<sup>th</sup> August, 2017.

Section 96 A of Kerala Municipality Act, 1994 provides for the State election Commission to nominate adequate number of higher officials of the Government, in consultation with Government, as Observers for ensuring fair and free election and also to discharge other duties as may be entrusted by the Commission. As per Section 104 A of Kerala Municipality Act, 1994, the Returning Officer, the Assistant Returning Officer, the Presiding Officer, the Polling Officer, any other Officer and any Police Officer designated for the time being to conduct a general election or by-election under the provisions of this Act shall be deemed to be on deputation to the State Election Commission for the period from the date of the notification for such election to the date of declaration of the result of such election and accordingly, such officer shall be subject to the control, supervision and command of the State Election Commission during that period. The Commission has nominated the Observers by exercising the powers conferred as per the above sections.

#### **I. Objects of nomination of Observer**

The State Election Commission conducts the election through the officers and employees of Government and Local Self Government Institutions. It is inevitable that the above officers and employees are aware of the law and rules relating to conduct of election. Therefore, the Commission imparts training to get them well versed with the law and rules. Conduct of free and fair elections is the constitutional obligation of State Election Commission. Observer is nominated as representatives of the Commission, to guide the aforementioned officers and employees to strictly adhere to the law and rules while carrying out their responsibilities and thereby to ensure that the Commission fulfils the above obligations. The Commission has nominated one Observer and one Expenditure Observer for Mattannur Municipality election. Following handbooks will be issued to the Observers by the District Election Officer.

1. Handbook for District Election Officers
2. Handbook for Returning Officers
3. Handbook for Presiding Officers
4. Model Code of Conduct.
5. Schedule of Election issued by the Commission.
6. Telephone Number of the Officers in the Commission and Fax number.

## **II. Facilities for the Observer**

The District Election Officer will provide vehicle and a guide to the Observers for his visits within Mattannur Municipality.

## **III. Responsibilities of the Observer.**

1. Collect details of the wards from the Returning Officers. The matters requiring special attention may be prioritised after making discussions with the Returning Officers.
2. Convene a district level meeting of the political party for the smooth, free and fair election.
3. Give direction to the Returning Officers to convene meeting of political parties and candidates for the smooth conduct of election, to limit expenditure within the allowed limit, keep the accounts of the expenditure and to avoid violation of Model Code of Conduct. The observer, as far as possible, shall participate in such meetings. Discussions shall be made with the District Election Officer and the District Police Chief and give necessary directions to them to ensure law and order. Ascertain whether the Returning Officers have visited the polling stations and made necessary arrangements.
4. Ensure that arrangements made for the issuance and receipt of postal ballots.
5. See whether adequate arrangements have been made for the training of polling officers.
6. See whether sufficient quantity of forms, required for the election, is stocked in the district.
7. Get the details of the sensitive wards and booths and give necessary instructions to the concerned to maintain law and order for the voter to exercise his franchise without fear.
8. In case of violation of Model Code of Conduct coming to notice take further action and report the matter immediately to the District Election Officer and include the same in the report to the Commission.
9. Make discussions with the District Election Officer and the District Police Chief and give necessary instructions for taking appropriate precautions to maintain the law and order from the previous day of poll till results are announced.
10. Ensure that all the materials including Electronic Voting Machine have been received at the office of District Election Officer and to evaluate the measures taken for the distribution of the same.
11. Necessary steps are to be taken to prevent situations creating law and order problems at the polling booths, capturing of booths, intimidation of voters and obstructing the voters from casting their votes, on the poll day.
12. Keep in touch with the District Election Officer and Returning Officer.

13. Visit maximum number of polling stations on the poll day.
14. If any untoward incident at the polling stations are noticed, a detailed inquiry shall be made on it and give necessary report to the concerned.
15. Enquire about the arrangements made for the retransmission of Electronic Voting Machine and other documents safely to the collection centres, after the poll.
16. Make visit to the counting centres and evaluate security measures taken there for safe custody the voting machines and other documents.
17. In the event of noticing stoppage of polling, incident of making bogus votes make an evaluation of the situation and give clear report to the Commission as on whether polling has to be countermanded.
18. Give special attention to the counting centres which were reported to have law and order problem on the counting day.
19. Make sure that sufficient arrangements are made for the counting of votes in a smooth and transparent manner.
20. Evaluate the progress of counting of votes in every hour and issue necessary instructions, if required.

#### **IV. Powers of the Observers.**

1. The Observers are having the authority to take appropriate corrective measures in the case of the Returning Officers, Presiding Officers and Polling Officers, within his jurisdiction; if it is found that they are acting in violation of the Acts, Rules and instructions of the Commission.
2. They can direct the concerned authorities to replace any officer on election duty or any Police Officer, responsible to maintain the law and order, if it is found that they failed in their duty to ensure fair and free election.
3. They can take corrective measures, if it is found that election process on the poll day and counting day are disrupted.

#### **V. Reports.**

1. Tour programme has to be prepared, in advance, and submitted to the Commission and District Election Officer.
2. As soon as a visit is completed, a report has to be submitted to the Commission through e-mail or fax. Detailed report has to be submitted subsequently.

Above guidelines are not exhaustive. Necessary instructions will be issued by the Commission, if required.

**V. Bhaskaran**  
**State Election Commissioner**

Forwarded / By Order  
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Section Officer