



STATE ELECTION COMMISSION, KERALA.
THIRUVANANTHAPURAM.

State Election Commission – Kannur District - General Election to Mattannur Municipality in 2022 – Appointment of Expenditure Observer – Orders issued.

No. B3/53/2022/SEC (2)

Dated, Thiruvananthapuram, 21.07.2022

Read:- Letter No.2108929/Admn.A2/141/2022-Fin dated 17.06.2022 from the Additional Chief Secretary, Finance 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 two officers not below the rank of an Additional Secretary as Expenditure Observer for the area of Mattannur Municipality in connection with the General Election in 2022.

2. In the letter read above, the Additional Chief Secretary, Finance Department has made available a list of officials, to be nominated as Expenditure Observers as desired by the Commission.

3. In the above circumstance, Sri. Suresh Kumar, Additional Secretary, Finance Department and Sri.P.V.Jayan, Additional Secretary, Finance Department are nominated as Expenditure Observers for observing the election process and campaign organized by the candidates or political parties in Mattannur Municipality so as to ensure that the expenditure incurred for each candidate is within the limit as envisaged in the Kerala Municipalities Act 1994 and Kerala Municipality (Conduct of Election) Rules, 1995. Sri.Suresh Kumar will be in charge of wards 1 to 18 and Sri. P.V.Jayan will be in charge of wards 19 to 35

4. The guidelines regarding the duties and responsibilities for the Observers, issued by the Commission is given as annexure. Period of duty of the Observers will be from the last date for withdrawal of candidature till the close of the poll.

A.Santhosh
Secretary

To

The Officer concerned
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

Copy to

All Officers/All Sections
Public Relations Officer
Computer Programmer
PS to Commissioner/C.A to Secretary

Forwarded/By order

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a diagonal stroke.

Superintendent (Election)



Proceedings of the Secretary, State Election Commission, Kerala
(Present: A. Santhosh)

Subject: Kerala State Election Commission- Kannur District- M.57 Mattannur Municipality General Election -2022 –Guidelines to Expenditure Observers- Orders issued

No. B3/53/2022-SEC

Dated, Thiruvananthapuram, 28.06.2022

ORDER

General Election to Mattannur Municipality in Kannur District is to be conducted in August/September, 2022

The State Election Commission nominates Election Expenditure Observers as provided under Section 96A of Kerala Municipality Act, 1994. As per 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 to the Expenditure Observers.

I. Objects of nomination of Election Expenditure Observers.

Conduct of free and fair election 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 Commission in the matter of monitoring the election expenditure of the candidates.

II. Maximum amount of election expenses.

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 Rs. 75,000/- .

The amount spent by the candidate or his election agent is considered as election expenditure of the candidate. The expenditure incurred from the date on which a candidate has been nominated and the date of declaration of result, both the dates inclusive, is reckoned for the purpose as per Section 141 of the Kerala Municipality Act 1994. But any expenditure incurred or authorized 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 authorized 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 to closing of the poll.
- ii) They have to reach the designated area on the last date for withdrawal of candidature.
- iii) They shall meet the General Observer immediately after arriving at the designated area and inform him the jurisdiction allotted.
- iv) They have to collect the details of the wards of Municipality 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 wards, coming within the jurisdiction 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 (Section 141 of the KM Act, 1994 & Rule 56 of Conduct of Election Rules, 1995)
- 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 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 are 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 Officer and General Observer for further action.

xiv) They shall confine their activities strictly to monitoring the expenditure of candidates and shall not get overlapped with the functions of the General Observer. If any matters which requires immediate attention of the General Observer comes to his notice it shall be immediately brought to the notice of the General 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 General 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 State Election Commission viz. electionker@gmail.com/cru.sec@kerala.gov.in.

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

A.Santhosh
Secretary

To

Expenditure Observers
Stock File/Office Copy

Copy to:-

District Election Officer & District Collector, Kannur
Returning officers concerned
General Observer, Mattannur Municipality
Standing Counsel, State Election Commission
PS to Commissioner
CA to Secretary

Forwarded/By order



Superintendent (Election)