

Theme 15 - Election Expenditure Monitoring

Guidance Plan:

1. The mandate of **A324** i.e., ***to conduct free and fair elections*** are underwritten by a framework of Election expenditure Management, result of statutory framework, decisions of the Apex Court and ECI's own instructions.
2. Through this PPT it is expected that a clear understanding of what constitutes permissible expenditures; impermissible expenditures; illegal election expenditures. The concept of upper expenditure limit notified by the Commission for the AC and the PC and the formats and mechanisms to account for the said limit. Thereafter, the types of defaults that may occur on behalf of the candidate and/or the party is to be understood. The consequence of default which may overlap as a basis for an EP or/and for coercive action under **10A RPA 1951**, 'Electoral offences' and/or 'IPC offences'.
3. An extensive EEM Monitoring and enforcement administrative structure which mandatorily comes into being for each election including bye-elections is then explained. It is expected that there will be a good understanding as to how various aspects of both permissible and legal expenditure is monitored and accounted and the typical impermissible and illegal expenditures are to be detected. This capacity of the EEM machinery to correctly to do the detection and accounting of both legal and illegal election expenditure is what ensures a level playing field. It ensures consequence of default, thereby resisting the influence of money power in elections.
4. The PPT will also situate the vertical of EEM monitoring directly by the RO/CEO and the unique interaction of the electoral machinery with other central and state agencies such as the banks, railways, civil aviation, road transport, state excise, forest, commercial taxes and central enforcement agencies such as IT, ED, CBI, NCRB, central law enforcement verticals such as CISF, RPF, etc.
5. It is expected that a sequential understanding of the action points required to be monitored w.e.f announcement of the elections (PN and notification), campaign period and account filing period post-elections and the related statutory formats of reporting – is achieved.

CONTENTS



A

- HISTORY
 - AIM
- EXPANDING NATURE- PUBLISHING OF CRIMINAL ANTECEDANT
 - LEGAL PROVISIONS

C

- MONITORING OF EXPENDITURE ON ELECTION CAMPAIGN
- MAINTENANCE OF ACCOUNTS OF ELECTION EXPENDITURE BY CANDIDATE AND POLITICAL PARTIES

B

- STRUCTURE OF EEM
 - ROLE OF 4 O's
- FUNCTIONS OF EEM ORGANS

HISTORY



ECI FOR CURBING THE MENACE OF BRIBERY OF VOTERS AND OTHER CORRUPT PRACTICES IN ELECTION, INTRODUCED ELECTION EXPENDITURE MONITORING FOR THE **1ST TIME IN BIHAR LEGISLATIVE ASSEMBLY ELECTIONS HELD IN 2010.**

OBJECTIVES OF EEM

- 1. To conduct free, fair, transparent and peaceful election by-*
- 2. Monitoring misuse of money and muscle power,*
- 3. Legal expenditure within the permissible limit ,*
- 4. Maintaining a truthful account,*
- 5. Level playing field for all stake holders.*

TYPES OF ELECTION EXPENDITURE

Legal Expenditure [public meetings, posters, banners, vehicles etc.]

Illegal expenditure
[Distribution of money, gifts, liquor or any other item among electors with the purpose of influencing them]

CEILING
R 90 COER, 1961 AND S 77 RPA 1951
PC-₹95/75 lakh
AC-₹40/28 lakh
(as amended on 6th Jan 2022)

Such type of expenditure by the candidate needs to be stopped

Where money goes?



- Posters and banners
- Wooing voters: gifts like food, clothes, trips and individual benefits.
- Organizing crowd: price ranging from Rs 1000 to Rs 5000.
- Dummy candidates: to cut into the rival's votes.
- Commuting costs: Provision of petrol and diesel for campaigners
- Temporary offices: On an average, Rs 10,000 to Rs 15,000 a day
- Full-time party workers: Each candidate has at least 100-150 full-time party workers - paid daily ranging from Rs 500 to Rs 2,000.
- Transport: To ferry voters jeep/taxi/bus costs from Rs 6,000 to Rs 10,000 a day for meetings/rallies.

LEGAL PROVISIONS



1. *Representation of the People Act, 1951*
2. *Conduct of Elections Rules, 1961*
3. *Indian Penal Code, 1860*
4. *Case laws*
5. *Instructions of the ECI*

MAJOR LEGAL PROVISIONS- RPA, 1951

Sec 10A :
Disqualification for
failure to lodge
account of election
expenses

- Failure to lodge an account of election expenses within time and manner required by law and has no good reason or justification for the failure
- Disqualification for a period of three years from the date of order of the Commission

Sec 77(1): Account of
Election Expenses
and maximum thereof

- Candidate/Election agent shall keep a separate, correct account of election expenditure incurred/authorized between date of nomination & declaration of results (both date inclusive).

Explanation 1(a) of
Sec 77(1): Leaders of
a Political party (Star
Campaigners)

- The Expenditure incurred by *leaders of the political party* on account of travel by air or by any other means of transport for general party propaganda

MAJOR LEGAL PROVISIONS- RPA, 1951



Explanation 1(a) of
Section 77(1)

- Such expenditure shall not be deemed to be the expenditure in connection with the election incurred or authorized by the candidate of that political party.

Explanation 2 of Sec
77(1)

- Star Campaigners: (i) For recognized party, a list of 40 names and (ii) for unrecognized party, a list of 20 names are required to be communicated to the ECI and CEOs of the States by the political party within a period of 7 days from the date of notification.

Sec 78 : Lodging of
account with District
Election Officer

- Within 30 days ***from the date of result***, contesting candidate has to lodge with DEO “**true copy**” of election expenses kept by him/election agent (if 30th day is Sunday/public holiday then next working day will be the 30th day for lodging of account)

MAJOR LEGAL PROVISIONS- RPA, 1951

Sec 127A:
Restrictions on the
printing of
pamphlets,
posters, etc.

- The following acts amount to an electoral offence:
- Election pamphlet/poster which does not bear the name & addresses of the printer /publisher
- Declaration as to the identity of the publisher is to be sent to the printer signed by publisher and attested by 2 persons personally known to him
- Copy of the declaration and the document should be sent by the printer to the CEO/District Magistrate as per location
- Imprisonment upto 6 months or fine up to Rs. 2000 or both

LEGAL PROVISIONS- COER, 1961



Rule 86: Particulars of account of election expenses

- Account of election expenses to be kept by candidate/election agent to contain following items regarding daily election expenditure:
 - Date of expenditure incurred/authorized
 - Nature of expenditure
 - Amount of expenditure – amount paid and amount outstanding
 - Date of payment
 - Name and address of payee
 - Serial no. of voucher in case already paid
 - Serial number of bills in case of payment outstanding
 - Name and address of person to whom amt. outstanding is payable
- All vouchers to be lodged along with election expense account chronologically and serially numbered

MAJOR LEGAL PROVISIONS - COER, 1961

Rule 88: Inspection of accounts and obtaining copies thereof

- Any person can inspect accounts lodged by candidates on payment of Re.1 fee
- Entitled to obtain attested copies of accounts/any part of such account lodged on payment of fee as fixed by ECI

MAJOR LEGAL PROVISIONS-COER, 1961

Rule 89:
Report by the
[DEO] as to
the lodging of
account of
election
expenses
and the
decision of
the ECI
thereon

- (1) After expiration of the time as prescribed under Sec. 78 regarding lodging of accounts, DEO shall report to ECI specifying:
 - Name of each contesting candidate
 - The date on which it was lodged
 - Whether a/c lodged in time and in manner required by the Act and the Rules
- (2) If not lodged in manner, then DEO shall forward the account of such Candidate to ECI attaching the account of expenses and vouchers
- (3) Publish copy of report on his notice board
- (4) ECI to consider the report as to whether a/c is lodged in time and in the manner by the contesting candidate
- (5) Commission issues notice to the candidate u/s 10A of RP Act 1951. if account is not lodged in time and manner required by the Act & Rules



MAJOR LEGAL PROVISIONS- -COER, 1961



Rule 89:

- (6) Candidate to represent in writing within 20 days of receipt of notice to ECI with a copy to DEO together with complete a/c of his election expenses, if he had not earlier furnished such a/c.
- (7) DEO shall forward representation and account (if any) of the candidate within 5 days of receipt of the representation with his comments as he wishes to ECI
- (8) If, after considering representation and comments of the DEO and after such enquiry as it thinks fit, ECI is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him to be disqualified u/s 10 A for a period of 3 years from the date of the order to be published in the Official Gazette

MAJOR LEGAL PROVISIONS- **COER, 1961**



Election Expenditure
above ceiling- a
corrupt practice

- Any expense by candidate over and above the ceiling prescribed under rule 90 of C.E. Rules, 1961
- Election petition against any winning candidate in High Court on the ground of incurring expenditure in excess of maximum ceiling.

INDIAN PENAL CODE, 1860

171 B – Bribery

- Any person **giving or accepting** gratification to induce a person to exercise his electoral right would commit the offence of bribery.
- Gratification – Offering gratification, **agreeing** to give gratification, **attempting** to procure gratification for doing an act against one's will shall be deemed as giving gratification.



171 E – Punishment for bribery

- **One year imprisonment or fine or with both.**
- Bribery by treating (food, drink, entertainment, or provision) shall be punished with fine only

171 C – Undue influence at elections

- Any act which voluntarily interferes or attempts to interfere with the free exercise of any electoral right.

171 F – Punishment for undue influence at elections

- One year imprisonment or fine or both.

Contd...

INDIAN PENAL CODE, 1860



171 H – Illegal
payments in
connection with an
election

- Expenditure done by any person/organization for a candidate without his written permission would be considered illegal whether the expenditure is in relation to a public meeting, advertisements, publication or in any other way.

171 I – Failure to keep
election accounts

- If the candidate/his election agent does not maintain an account of his election expenditure in the manner specified by ECI

Punishment for not
maintaining accounts

- A fine up to ₹500.

Case Laws

Common Cause Vs UOI & Ors. (1996 SC 3081)

lodging of expenditure accounts by the political party- within 75/90 days of completion of Assembly/Lok Sabha election (ECI letter no. 76/EE/2012-PPEMS, dated 21.01.2013)

Kanwar Lal Gupta Vs Amar Nath Chawla (AIR

1975 SC 308) is guiding principle to distinguish between the expenditure of a party and the candidate of that party.

Contd...

Rahim Khan Vs Khursheed Ahmed and Ors. (AIR 1975 SC 290) Strict enforcement of S 127A of RPA, 1951 like indicating name and address of publisher and printer in print line of any pamphlet, poster other materials and sending printed materials to appropriate authority within 3 days of printing. Printer shall obtain declaration in prescribed format from publisher in Appendix A and send to the DEO/CEO.

ELECTION EXPENDITURE: CASE LAW



The Hon'ble Supreme Court in *L. R. Shivaramagowde Vs. T.M. Chandrashekhar* (**AIR 1999 SC 252**) has observed that the Election Commission of India can go into the correctness of the account of election expenses filed by the candidate; and disqualify a candidate under **S10 A of RPA, 1951** in case the account is found to be incorrect or untrue.

ELECTION EXPENDITURE: CASE LAWS



The Hon'ble Supreme Court decision in SLPs- *Ashok Shankarrao Chavan Vs. Dr. Madhavrao Kinhalkar & Ors.(2011)*, *Madhu Kora Vs. Election Commission of India (2012)* and *Umlesh Yadav Vs Election Commission of India & Ors.(2013)* dated 5th May, 2014 had observed,

“S 10A clothes the ECI with the requisite power and authority to enquire into failure to submit the account of election expenses in the manner prescribed and as required by or under the act”

SC upheld the Commission's decision to disqualify Umlesh Yadav under **S 10A**, a returned candidate from 24-Bisauli AC, Uttar Pradesh, General Election to Uttar Pradesh Legislative Assembly, 2007.

EEM AS ETHICAL ELECTION MANAGEMENT

IN PURSUANCE OF THE JUDGEMENT PASSED BY HONORABLE SUPREME COURT IN WRIT PETITION(**CIVIL NO. 536 OF 2011**) **PUBLIC INTEREST FOUNDATION AND OTHERS VS UOI.** THE ECI HAS GIVEN THE DIRECTION TO BE FOLLOWED BY CANDIDATES AND POLITICAL PARTIES, AS FOLLOWS-

1. CANDIDATE WITH CRIMINAL ANTECEDANT HAS TO PUBLISH THE DETAILS IN **FORMAT C1** AND REPORT TO ECI IN **FORMAT C4**.
2. POLITICAL PARTIES WHO SET UP CANDIDATES WITH CRIMINAL CASES ALSO PUBLISH AND BROADCAST IN **FORMAT C2** AND REPORT TO ECI/ DEO IN **FORMAT C5**.

Contd...

EEM AS ETHICAL ELECTION MANAGEMENT:

Publication of Criminal Antecedents of Candidates

- DURATION OF PUBLICATION

1. WITHIN 1ST FOUR DAYS OF WITHDRAWAL

2. BETWEEN NEXT 5TH - 8TH DAY

3. FROM 9TH DAY TILL THE LAST DAY OF CAMPAIGN (THE 2ND DAY PRIOR TO THE DATE OF POLL)

Contd...

EEM AS ETHICAL ELECTION MANAGEMENT

RECENTLY, ECI IN ITS ORDER DATED 6TH MARCH 2020 MADE A PROVISION THAT SHALL BE MANDATORY FOR POLITICAL PARTIES TO UPLOAD ON THEIR WEBSITE AND PUBLISH IN VERNACULAR AND NATIONAL NEWSPAPER AND SOCIAL MEDIA PLATFORM OF THE POLITICAL PARTIES THE DETAILED INFORMATION REGARDING INDIVIDUALS WITH PENDING CRIMINAL CASES WHO HAVE BEEN SELECTED AS CANDIDATES, IN FORMAT C7 WITHIN 48 HRS OF THE SELECTION OF THE CANDIDATE OR NOT LESS THAN 2 WEEKS BEFORE THE 1ST DATE FOR FILING OF NOMINATION WHICHEVER IS EARLIER. AND IN THIS REGARD A REPORT SHOULD BE SUBMITTED TO ECI WITHIN 72 HRS OF THE SELECTION OF THE SAID CANDIDATE.

FORMAT C1

This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll

Format C-1

(for candidate to publish in Newspapers, TV)

Declaration about criminal cases

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and address of candidate:.....

Name of political party:.....

(Independent candidates should write "Independent" here)

Name of Election:.....

*Name of Constituency:.....

I(name of candidate), a candidate for the abovementioned election, declare for public information the following details about my criminal antecedents:

(A) Pending criminal cases				
Sl. No.	Name of Court	Case No. and dated	Status of case(s)	Section(s) of Acts concerned and brief description of offence(s)
(B) Details about cases of conviction for criminal offences				
Sl. No.	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed		Maximum Punishment Imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note:

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.

FORMAT C2

This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll

Format C-2

(for political party to publish in website, newspapers, TV)

Declaration about criminal antecedents of candidates set up by the party

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and Political Party:.....

*Name of Election:.....

Name of State/UT:.....

1	2	3	4		5		
S I . No.	Name of constituency	Name of candidate	(A) Pending criminal cases		(B) Details about cases of conviction for criminal offences		
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) order(s)	Description of offence(s) & punishment imposed	Maximum Punishment Imposed

***In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.**

Note:

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.
3. The above information shall be published State wise for each State/UT.
4. If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
5. The political party shall be obligated to put up on its website the information pertaining to candidates having criminal antecedents.
6. The political party shall submit a report about publishing of declaration regarding criminal cases in Format C5 to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

FORMAT- C3

Format C-3

(Reminder to the Candidate)

Office of Returning Officer

Name of Constituency:.....

Name of State:.....

Name of Election:.....

It is informed that as per the judgment dated 25th September, 2018, of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs Union of India & Anr., and the directions in the Commission's letter No. 3/ER/2018/SDR, dated 10.10.2018, and letter No. 3/4/2019/SDR/Vol. IV, dated 16.09.2020 all candidates with criminal cases-either pending cases or cases of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the campaign period for the purposes of publishing of such details. The Commission has prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

i. Within first 4 days of withdrawal of nominations

ii. Between next 5th – 8th days

iii. From 9th day till the last day of campaign (the second day prior to date of poll)

Since you, Sh./Smt./Ms.....(mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items 5/6 of Form-26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on at least three occasions each as mentioned above. The Format C-1 for publishing the information is enclosed herewith. You shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, you shall submit a report about publishing of the declaration regarding cases in Format C-4 with copies of the newspapers publishing the information about criminal cases along with the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned.

Date:

Signature:.....

Name of the RO/ARO.....

Signature of Candidate.....

Note: One copy of this should be given to candidate and one copy retained with RO.

FORMAT C4

Format C-4

Report by Candidate about publishing of declaration regarding criminal cases

Name and address of candidate:.....

Name of political party:.....

(Independent candidates should write 'Independent' here)

Name of Election :.....

*Name of Constituency:.....

I(name of candidate), a candidate for the above mentioned election, certify that I have published the declaration about my criminal antecedents in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

S I. No.	Newspaper			Television			Mode of Payment (electronic/ cheque/DD/Cash)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & time of insertion/telecast	Expenses that may have been incurred (in Rs.)	(Pl. specify)

Copies of newspapers in which declaration was published are enclosed.

Date:-

Name & Signature of Candidate

Note:-

- In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted alongwith the account of election expenses.
- In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.

FORMAT C5

Format C-5

Report by Political Party about publishing of declaration regarding criminal cases

Name and political party:.....

Name of Election :

It is certified that(name of political party) has published the declaration about the candidates with criminal antecedents on the website of the party, in newspapers and TV channels as per directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

S I. No.	Website	Newspaper			Television			Mode of Payment (electronic/ cheque/DD/Cash) (Pl. specify)
	P e r i o d during which displayed	Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) o f channel	Date(s) & time of insertion/telecast	E x p e n s e s incurred (in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date:-

Signature of office bearer.....

Name & designation

Note:- This report shall be submitted to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

FORMAT C6

Format C-6

Statement regarding publishing of criminal cases against candidates set up by political parties as per directions in the Commission's letter No. 3/4/2017/SDR/Vol. II, dated 10th October, 2018-Report regarding compliance by Political Parties

Name of State/UT.....

Name of the Election.....

(General/Bye-election, Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council)

Date (s) of Poll.....

No. & Name of Assembly/Parliamentary Constituency	Name of the Political Party	Whether submitted Report in Format C-5 by the party (Yes/No)	Whether declaration has been published on the website of the party as per direction (Yes/No)	Publishing in Newspaper by the party		Publishing on Television by the party	
		If yes, then date of submission		Name(s) of Newspaper	Date(s) of publishing	Name(s) of Channel	Date(s) & time of insertion/telecast
01-abc	ABC						
	...						
	...						
	...						
02-def	DEF						
	...						
	...						
and so on							

Note 1- Only such Political Parties which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to submit Report in this regard to the CEO concerned.

Chief Electoral Officer

Name of the State.....

FORMAT C7

Format C-7

(for political parties to publish in the newspapers, social media platforms & website of the party)

Information regarding individuals with pending criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

Name of Political Party: _____

*Name of the Election: _____

Name of State/UT: _____

(1) Name of the Constituency-.....

Name of the candidate-.....

Sl.no.	
1.	Criminal antecedents
a.	Nature of the offences
b.	Case no.
c.	Name of the Court
d.	Whether charges have been framed or not (Yes/No)
e.	Date of conviction, if any
f.	Details of punishment undergone, if any
g.	Any other information required to be given
2.	The reasons for the selection of the candidate. Selection shall be with reference to the qualifications, achievements and merit of the candidate, and not mere "winnability" at the polls (not more than 100 words)
3.	Reasons as to why other individuals without criminal antecedents could not be selected as candidates (not more than 100 words)

(2) Name of the Constituency-..... Name of the candidate-..... and so on

* In the case of election to Council of States or States or election to Legislative Council by MLAs, mention the election concerned in place of name of Constituency.

Signature of office bearer of the Political Party

Name and designation.....

Format C-7
(for political parties to publish in the newspaper, social media platform & website of the party)
Information regarding individuals with pending criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates

(As per the commission's directions issued in pursuance of the order dated 13.02.2020 of the Hon'ble supreme court in contempt petition (C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

Name of Political Party : Jharkhand people's party
Name of the Election : 10-DUMKA (ST) by Election 2020
Name of the State /UT : JHARKHAND

(1) Name of the Constituency : 10-DUMKA (ST)
Name of the candidate : SURYA SINGH BESRA

1	Criminal antecedents	
a.	Nature of the offences	(1) M.I.A.C.T (2) Cr-case (3) Cr-case
b.	Case no.	(1) C.C.N 859/2015 (2) J.M.F.C Lalehar (3) S.D.J.M Ghaishila
c.	Name of the Court	(1) J.M.F.C Jamshepur (1) J.M.F.C Lalehar (3) S.D.J.M. Ghaishila
d.	Whether charges have been framed or not (yes/no)	Yes
e.	Date of conviction, if any	No
f.	Details of punishment undergone, if any	No
g.	Any other information required to be given	
2.	The reason for the selection of the candidate. Selection shall be with reference to the qualifications, achievements and merit of the candidate, and not mere "winnability" at the polls (not more than 100 words)	
3.	Reasons as to why other individual without criminal antecedents could not be selected as candidates (not more than 100 words)	

(2) Name of the Constituency-10-DUMKA (ST)
Name of the candidate-SURYA SINGH BESRA
and so on in the case of election to Council of states or state or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency

Sd/-
Name: SURYA SINGH BESRA
Designation: President,
Jharkhand people's party

FORMAT C8

Format C-8

Report of political party as required under the Commission's directions issued in pursuance of the Order dated 13-02-2020 of Hon'ble Supreme Court in Contempt Petition(C) No. 2192 of 2018 in WP (C) No. 536 of 2011

Name of political party : _____

Details of Social Media Accounts of the party: (i)
(Facebook, Twitter etc.) (ii)
(iii)

Name of Election: _____

Gen. Election/ Bye-election to Lok Sabha/Leg. Assembly/Biennial election/ Bye-election to Council of States/Leg . Council

(Write the appropriate alternative)

Name of State: _____

It is certified that _____ (name of political party) has published detailed information regarding the persons with pending criminal cases in the Format prescribed by the Commission (Format C-7) as per the directions in the Commission's letter No. _____, dated _____ in the following media:

Sl. No		Date of publication & cost of publication to be mentioned in column below	
		Date	Cost
1.	One National Newspaper (copy to be furnished)		
2.	One Local vernacular Newspaper (copy to be furnished)		
3.	Social Media Platforms of the party (print to be furnished)		
4.	Website of the party (printout of the material enclosed)		

Declaration

It is declared that full information, explanation and details have been published in respect of each of the persons with pending cases who have been selected to be the candidates of the party in the abovementioned election, as per the directions in the Order dated 13-02-2020 of the Hon'ble Supreme Court referred to above, and nothing has been concealed.

Place:

Signature of office bearer of the Political Party

Name and designation

Date:

(seal of the Party)

Note:-This report shall be furnished at least two weeks before the date on which nomination is proposed to be filed or within 72 hours of selection of the candidate, whichever is earlier.

FORMAT CA

Format-CA

Statement showing details of Candidates with criminal antecedents, sponsored by the political parties in election to House of People/Legislative Assembly/Council of States/Legislative Councils to be held in20

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition (C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

S . No.	Name o f State	No. of Name of Constituency	N o . o f seats	P a r t y affiliation	Name of Candidates	Whether the c a n d i d a t e has declared a n y t h i n g about pending criminal case(s) against him/ her in item 5 of Form 26 (Yes/ No)	Whether the c a n d i d a t e has declared anything about case(s) of conviction(s) for criminal offence(s) in item 6 of Form 26 (Yes/No)	In the information given in column no. 7 & 8 is yes, whether the political party has sent report in Format C 8 (Yes/No)
1	2	3	4	5	6	7	8	9

Signed by RO of the Constituency

Date:

Countersigned by CEO.....State

STRUCTURE AND

FUNCTIONS OF EEM

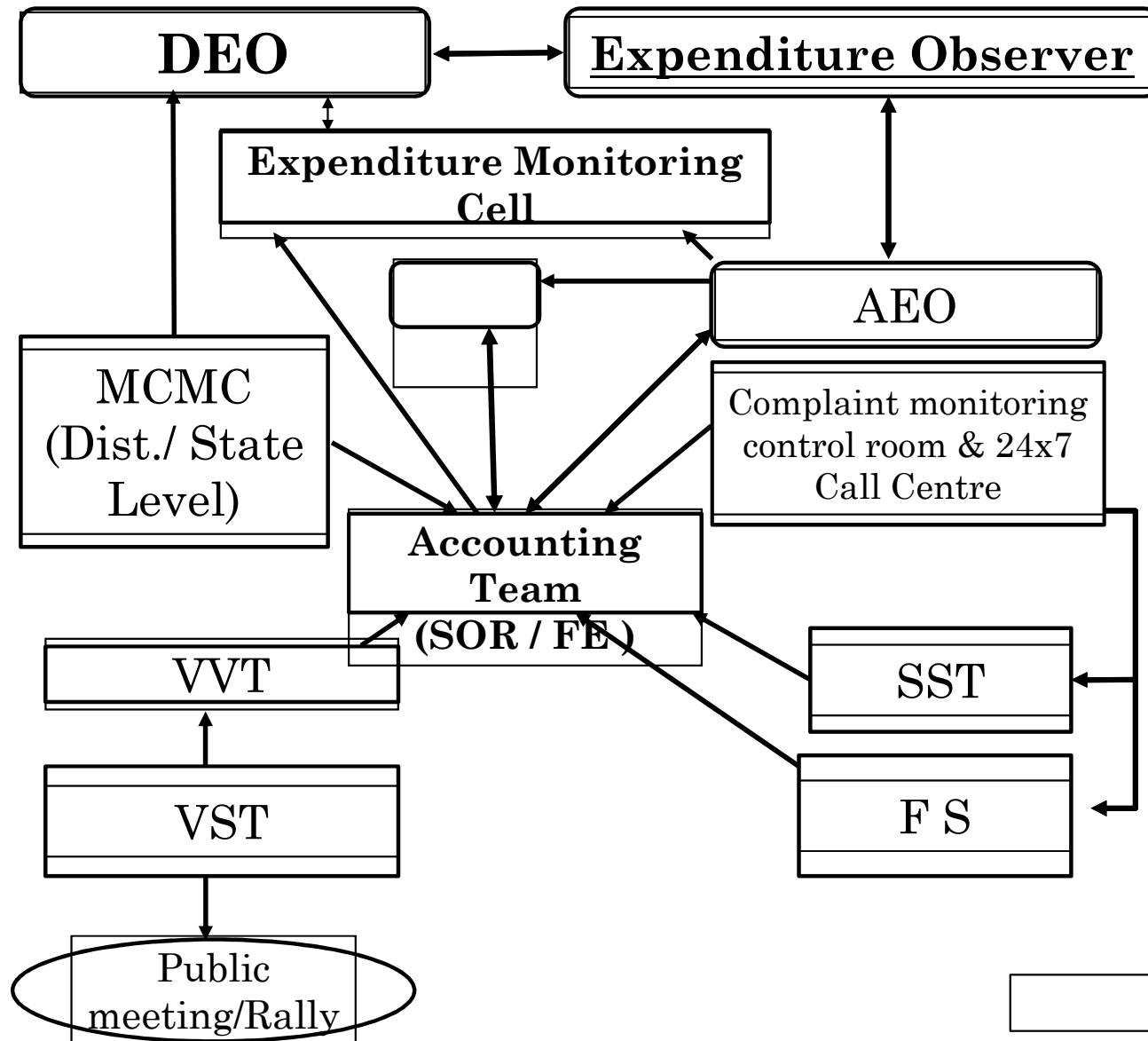
ORGANS

EXPENDITURE MONITORING MACHINERY



- *Expenditure Observer (EO)*
- *Asst. Expenditure Observer (AEO)*
- *Flying Squads and Static Surveillance Teams (FS and SST)*
- *Video Surveillance Teams (VST)*
- *Video Viewing Team (VVT)*
- *Accounting Team*
- *Excise team*
- *Media Certification and Monitoring Committee (MCMC)*

Contd...



EXPENDITURE OBSERVER (EO)



- EO is responsible for **overall supervision of expenditure monitoring.**
- He is deployed for *two or more Assembly segments, but not more than five ACs.*
- More AEOs for Expenditure Sensitive Constituencies (ESCs)
- He will **inspect functioning of different teams** engaged in expenditure monitoring in each constituency and inspect the accounts of the candidates
- He will **coordinate** with various law enforcement agencies of Income tax, Police, BSF/SSB, State Excise and DRI

Visit of Expenditure Observer



- To reach the constituency on the day of notification of elections([ANNEXURE -B1](#)),
- EO to leave the constituency after submitting the poll preparedness [Report-B2](#),
- 2nd Visit on date immediately after the date of withdrawal of candidature and remain in the constituency during entire campaign period and leave the constituency only after the completion of poll and sending his [Report-B3](#),
- Third report after the poll ([ANNEXURE-B4](#)),
- 3rd visit after 25 days from declaration of results to assist in finalisation of scrutiny report prepared by DEO. He will send his final Report ([ANNEXURE -B5](#)) after that.

ASSISTANT EXPENDITURE OBSERVER (AEO)



- AEO to be appointed by DEO
- The EO may replace the AEO, if not found to be up to the mark
- To tour extensively and make an assessment of election expenditure by candidate
- To maintain the Shadow Observation Register & Folder of Evidence
- Supervise and ensure all complaints are addressed w.r.t election expenditure by candidate in his jurisdiction
- Co-ordinate with the RO's office on campaign activities of candidates
- Assist EO in inspection of accounts
- Extra AEO in case of ESC

AEO's Daily Report

Annexure-B14

Daily report of Assistant Expenditure Observer

No. & Name of the Constituency: - Date: -	
(A.) Video Teams (i) List of places where Video Teams were deployed and names of the candidates.	
(ii) Whether the Video Surveillance Team has submitted the CD with Cue Sheet?	
(iii) Whether the Video Viewing Team has entered the items of expenditure like number of Vehicles/Size of Rostrum/Outputs etc.?	
(B.) Accounting Team:- (i) Whether all the expenses are entered in Shadow Observation Register of each candidate? (ii) Whether the folder of evidence for each candidate is being maintained?	
(C.) Media Monitoring Team (i) Whether the team is watching and recording all the advertisements in print or electronic Media? (ii) Whether the team is sending report to Accounting Team? (iii) Whether any Paid News is noticed?	
(D.) Control Room and Call Centre : (i) No. of complaints received - (ii) Whether complaint has been forwarded to the Officer concerned promptly? (iii) Whether action has been taken? If so, mention the type of action and findings.	
(E.) Flying Squad and Surveillance Teams (i) No. of cases reported to Flying Squad. (ii) Action taken by the Squad. (iii) No. of Check Posts put. (iv) Seizure, if any	

Date: -

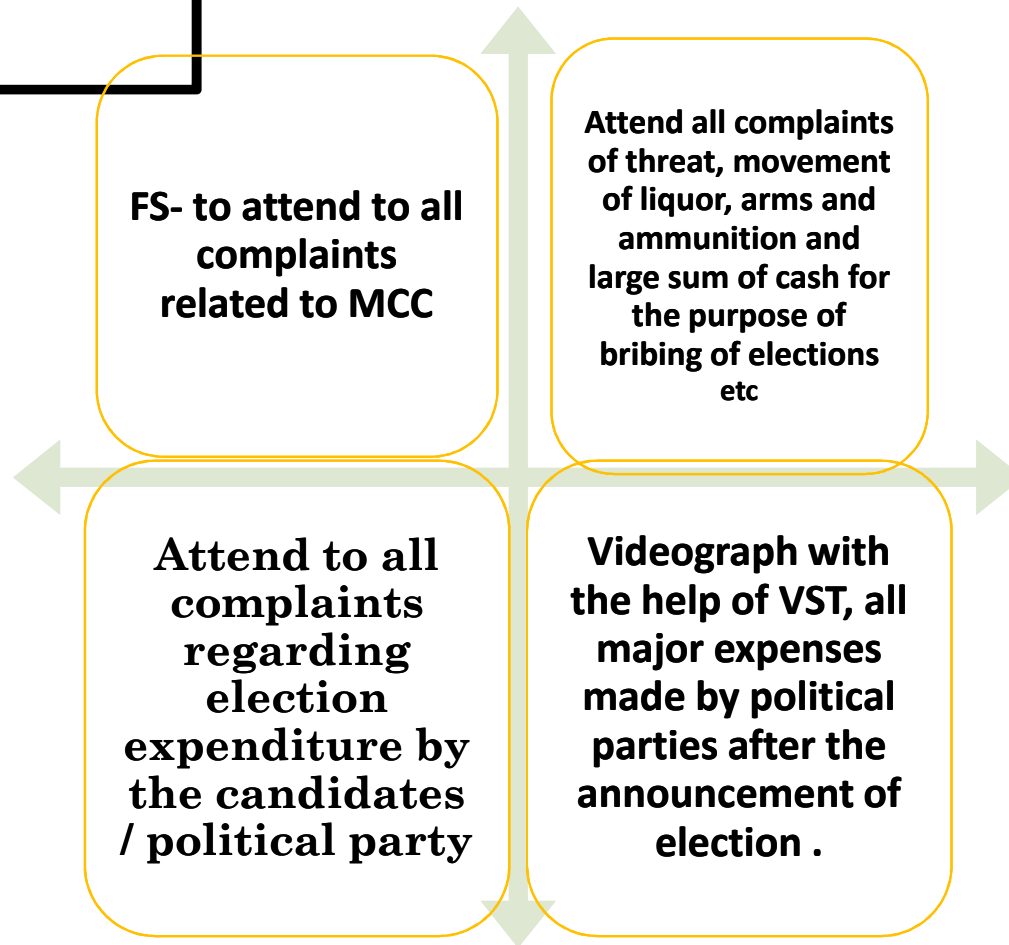
Signature
Name of Assistant Expenditure Observer

Flying Squads and Static Surveillance Teams



- SOP for seizure and release of cash and other items, **ECI letter dated 29 may 2015**
- *3 or more Flying Squads(FS) and Static Surveillance Teams(SST) in each Assembly Constituency/Segment.*
- FS-More in Expenditure Sensitive Constituencies(ESC) if required.
- SST- required at Expenditure Sensitive Pockets (ESP).
- Headed by a Magistrate (Adequate numbers/ gazette notification).
- Video Recording.
- GPS enabled FS vehicles/ Mobile tracking.

FLYING SQUADS



Daily Activity Report by Flying Squad on MCC related Complaints on the date.....

Reference No.

Name of the Sub-Division

Name and Designation of the Magistrate.....

State.....

Name of the Police Officer.....

1	2	3		4		5	6
S.No.	Name of constituency/ district	Name of Complainant	Party Affiliation, if any	Complaint against (Name)	Party Affiliation, if any	Brief Description Of MCC violation issue	Action Taken Report
1							
2							
3							

Signature**Name & Designation of the Officer in Charge of
Flying Squad / Nodal Officer of State Police HQ****Note:**

1. The Officer in charge of the Flying Squad will submit the report for each Flying Squad in this format to the SP with copy to RO, DEO, General Observer and Expenditure Observer.
2. The SP will send the report to the Nodal Officer in State Headquarter after compiling the data for the entire district.
3. The Nodal Officer of State Police HQ will compile the data for the whole state and send the report to Commission with copy to CEO of the State.

Static Surveillance Teams (SST)



- Two or more SSTs in each AC with one magistrate, 3-4 Police personnel and one videographer.
- To put the check post on major roads to check movement of illegal cash/liquor/arms or gift items
- Flying Squad of the district will supervise the posting of the Static Team/Check Post so as to avoid any harassment of public.

Contd...

Static Surveillance Teams (SST)



- Videography is must and the DVD handed over to Accounting Team, for keeping in `folder of evidence`.
- Any member of public may ask and take copy the Video DVD/CD for a particular day by depositing Rs. 300/-.
- Daily Activity report in prescribed format ([Annexure-B10](#)) to SP, RO and Assistant Expenditure Observer
- Nodal officer of Police HQ to compile and submit report to CEO and Commission
- EO to have coordination meeting with all law enforcement agencies of district and the teams.

CASH LIMITS FOR SEIZURE FOR SSTs

- DURING CHECKING, IF ANY CASH EXCEEDING **Rs. 50,000** IS FOUND IN A VEHICLE CARRYING A CANDIDATE, HIS AGENT OR PARTY WORKER OR CARRYING POSTERS OR **ELECTION MATERIALS** OR ANY DRUGS, LIQUOR, ARMS OR GIFT ITEMS WHICH ARE **VALUED AT MORE THAN Rs.10,000** , LIKELY TO BE USED FOR INDUCEMENT OF ELECTORS OR ANY OTHER ILLICIT ARTICLES ARE FOUND IN A VEHICLE, SHALL BE SUBJECT TO SEIZURE. THE WHOLE EVENT OF CHECKING AND SEIZURE IS TO BE CAPTURED IN A VIDEO/CCTV, WHICH WILL BE SUBMITTED TO THE RETURNING OFFICER, EVERYDAY.

Contd...

CASH LIMITS FOR SEIZURE FOR SSTs

- IF ANY STAR CAMPAIGNER IS CARRYING CASH **UPTO Rs, 1 LAKH**, EXCLUSIVELY FOR HIS/HER PERSONAL USE, OR ANY PARTY FUNCTIONARY IS CARRYING CASH WITH CERTIFICATE FROM THE TREASURER OF THE PARTY MENTIONING THE AMOUNT AND ITS END USE, THEN THE AUTHORITIES IN SST SHALL RETAIN A COPY OF THE CERTIFICATE AND WILL NOT SEIZE THE CASH, **IF CASH OF MORE THAN 10 LAKH IS FOUND IN A VEHICLE AND THERE IS NO SUSPICION OF COMMISSION OF ANY CRIME OR LINKAGE TO ANY CANDIDATE OR AGENT OR PARTY FUNCTIONARY, THEN THE SST SHALL NOT SEIZE THE CASH, AND PASS ON THE INFORMATION TO THE INCOME TAX AUTHORITY, FOR NECESSARY ACTION UNDER INCOME TAX LAWS.**

Daily Activity Report by Static Surveillance Teams on seizure of Cash/ Other items related Complaints on the date.....

Place of Check Post.....

Name and Designation of the Magistrate.....

District..... State.....

Name and Designation of the Police Officer

1	2	3	4	5	6	7	8
S.No.	Number & name of Constituency/ District	Name and Address of Persons searched at the Check Post	Cash/ Other Items	FIR filed	Name of candidate or party having links	Name & designation of Authority to whom cash, goods seized goods are handed over after seizure	Remarks
1							
2							
3							
Description						Figure on date of report	Progressive figure including the date
A.	Total amount of cash Seized by SST						
B.	Total amount of Other items seized by SST						
C.	No. of FIRs lodged						

Signature
Name & Designation of the Officer in Charge of
Static Surveillance Team/ Nodal Officer of State Police HQ

Note:

- 1.The Officer in charge of the SST will submit the report for each Static Surveillance Team in this format to the SP with copy to RO, DEO, General Observer and Expenditure Observer.
- 2.The SP will send the report to the Nodal Officer in State Headquarter after compiling the data for the entire district.
- 3.The Nodal Officer of State Police HQ will compile the data for the whole state and send the report to Commission with copy to CEO of the State/UT

Video surveillance team

Video
Surveillance
Team (VST)

- Minimum One official, one videographer and one vehicle
- Can be more than 1 team at a public meeting
- Properly trained to identify and capture MCC and expenditure related events in adequate minute details as required
- At the **beginning of shooting, the team will record in voice mode the title and type of event , date, place and the name of the party or the candidate** organizing the same.
- It will capture the photo in such a way that the **evidence of each vehicle, furniture, rostrum, banner, cutout etc.** can be seen clearly and the expense thereon can be estimated
- At the end of shooting, the team may also **record in voice mode the estimated number and type of vehicles, Chairs, furniture, approx size of rostrum/banner/poster/cutout etc.** used in the event.
- This team will prepare a **video cue-sheet** in the format given at [**Annexure-B15**](#) of the instructions.

Video viewing team

Video Viewing Team (VVT)

- 1 officer and 2 clerks (or as required) for each assembly segment ,as viewing all CD's is a time consuming task,
- View Video CD provided by VST for identifying election expenditure and MCC related issues
- Submit report containing **candidate wise expenditure** no later than next day to Accounting Team/ Asst. EO, **MCC related report to General Observer and RO**

Accounting team

Accounting Team

- One official and one accounting clerk per segment
- Drafted from employees of **accounts wing of Central Govt. depts.**
- **Work under Asst. EO, involved in preparation of Shadow Observation Register and maintaining videos/ CD evidences carefully in Evidence Folder. To maintain proper back-up which can be called by Commission later.**
- Will enter expenditure incurred by the candidate on major expenses and corresponding notified rates against each item(major public meetings/rallies) in the Shadow Observation Register, **reported by various teams and calculate the total expenditure of the event observed for each candidate.**

<p style="text-align: center;">Excise Team</p> <p style="text-align: center;">MONITORING PRODUCTION, STORAGE AND DISTRIBUTION OF LIQUOR</p>

- From the date of announcement of election till completion of election, the production, off-take, stock limits of stockiest and retailers of IMFL/Beer/country liquor are to be monitored district wise;
- Opening and closing of liquor vending shops are to closely monitored;
- Intensive vigil over inter state movement of vehicles at dist check-posts and border check-posts by special enforcement staff of Excise Dept.;
- To conduct raids to seize illicit liquor;
- Inter state coordination of Excise Commissioners of the bordering states;
- District level Nodal Officer to submit report every alternate day to DEO, Exp. Observer and State Level Nodal Officer, who will compile the state level report to Commission and CEO;
- All distilleries/ warehouses shall be put under 24x7 CCTV monitoring with police guard so that no liquor is released without license.

Excise Report

Annexure- B12

Report on alternate day of IMFL/Beer/Country Liquor by the State/District Level Nodal Officer (Separate report should be submitted for IMFL Beer & Country Liquor)				
Name of the District / Name of the State/UT			Date of report:	
Sl. No	Description	During the day (This Year)	During the day (Last Year)	Remarks on excess, if any
1	Opening stock with manufacturers in Bulk litres			
2	Production/Bottling in Bulk litres			
3	Total Dispatch of stock from the manufacturer's godown in Bulk litres			
4	Closing stock in Bulk litres with manufacturers (1+2-3)			
5	Dispatch of stock from manufacturer's godown to whole sellers/Stockists in Bulk litres			
6	Opening stock with Retailers in Bulk litres			
7	Purchase by Retailers in Bulk litres			
8	Sale by Retailers in Bulk litres			
9	Closing Stock with Retailers in Bulk litres (7+8-9)			
10	Sale by others in Bulk litres			
11	Number of check posts			
12	Volume of illicit liquor seized by check posts in Bulk litres			
13	Number of raids conducted			
14	Volume of illicit liquor seized in Bulk litres during raids			
15	No. of Prohibition cases			
16	No. of persons arrested			
17	Amount of Fine imposed			

Signature of Nodal Officer
Name Designation

Note:-

1. Separate Reports for IMFL, Beer or Country Liquor is to be furnished in the above format by District Level Nodal Officer of Excise Department to the State Level Nodal Officer with copy to DEO.
2. The State Level Nodal Officer of Excise Department will monitor and compile the district level reports and submit composite report of the State to the CEO in the same format with a copy to Election Commission of India.

EXPENDITURE MONITORING CELL (EMC)



- This cell at district level will consist of a **Nodal Officer on behalf of DEO, of the rank of SDM/ADM** and two officials, who will be in charge of **expenditure monitoring training and coordination** with all other team heads engaged in expenditure monitoring
- It will be responsible for expenditure monitoring efforts in the district, providing manpower and logistical support like space and equipment
- **Training of the Asst. Expenditure Observers (AEOs) and all the officials engaged in various teams should be done by these Nodal Officers of Expenditure Monitoring Cell in the District as soon as the elections are announced**

Contd...



EXPENDITURE MONITORING CELL (EMC)

- This cell will keep **custody of all *shadow observation registers and folders of evidence*** after the poll
- Nodal Officer of Expenditure Monitoring Cell shall **act as the link between the DEO and the EO**
- EMC will **assist the DEO and Expenditure Observer** in finalizing the scrutiny report to be submitted after declaration of result.

24 X7 COMPLAINT MONITORING CONTROL ROOM



District level Control Room to operate from the date of announcement of election.

- Toll free telephone no. with 3-4 hunting lines.
- Copies of all **complaints received and reports of inquiries conducted shall be put on the notice board** of the RO for information of the public. Any member of the public can obtain copies of these documents on payment of a fee of ₹ 1 per page.
- All complaints filed with District Level Complaint Monitoring cell to be recorded and investigated

DISTRICT LEVEL MCMC – TO OPERATE 24x7



A Dist. Level MCMC comprising DEO/RO, ARO, Central Govt. I&B Official(if any) and 1 citizen/ journalist nominee of Press Council of India/ DPRO or DIO equivalent-member secy.

- Certifying advt. proposals of candidates,
- Scanning media for suspected '**paid news**' and examination of complaints, reference by EO.
- Infrastructure shall be functional for the DMCMC

MCMC

Print Media

Local Newspapers

Other newspapers
in circulation in
area

Magazines

Pamphlets &
Posters

Electronic Media

Radio including
Private FM

TV channels, cable
network

Bulk SMS

DETAILS OF ADVERTISEMENTS/PAID NEWS IN PRINT/ELECTRONIC MEDIA

Name of State –

Name of District –

Number and Name of Constituency –

Name of Candidate –

Political Party –

1. Details of Advertisements Published in Print Media

Sl. No.	Name of Newspaper/Magazine	Size of Advertisement (in column X cm)	Approximate Circulation (information to be obtained from DIPR)	Cost of Advertisement

2. Details of Paid News in Print Media

Sl. No.	Name of Newspaper/Magazine	Size of Paid News (in column X cm)	Approximate Circulation (information to be obtained from DIPR)	Cost of Paid News

3. Details of Advertisements in Television including Cable TV

Sl. No.	Name of Channel	Date & Time	Duration of Advertisement (in Minutes)	Approximate viewer ship (information to be obtained from DIPR)	Cost of Advertisement

4. Details of Paid News in Television including Cable TV

Sl. No.	Name of Channel	Date & Time	Duration of Paid News (in Minutes)	Approximate viewer ship (information to be obtained from DIPR)	Cost of Paid News

5. Details of Advertisements on Radio

Sl. No.	Name of Channel	Date & Time	Duration of Advertisement (in Minutes)	Approximate listener ship (information to be obtained from DIPR)	Cost of Advertisement

6. Details of Paid News on Radio

Sl. No.	Name of Channel	Date & Time	Duration of Paid News (in Minutes)	Approximate listener ship (information to be obtained from DIPR)	Cost of Paid News

Dated :

Signature of the officer in charge of Media
Certification and Monitoring committee

Name of the Officer :

Designation:

MCMC

- In case of suspected 'Paid News' (any news or analysis appearing in any media for a price in cash or kind for consideration), the candidate to be issued notice for not accounting the expenses within 96 hours by RO.
- Candidate may reply within 48 hrs, which shall be considered by District MCMC and shall be final.
- In case of non acceptance of the decision of District MCMC, the candidate may appeal to State level MCMC (CEO, Observer appointed by ECI, Officer of IIS, journalist by PCI, One expert co-opted by committee, additional/ joint CEO) within 48 hours of receipt
- In case of non acceptance of decision of State MCMC, the Candidate may appeal to ECI within 48 Hrs. of receiving of orders and the decision of the ECI shall be final.

EXPENDITURE SENSITIVE CONSTITUENCIES (ESC) EXPENDITURE SENSITIVE POCKETS (ESP)



- ESC to be identified by CEO, based on profile of constituency candidates and past developments
- Extra AEO in ESC
- More FSs and SSTs with CPF
- ESP to be identified by Sector officers or police in a constituency-based on level of education, development and demography
- ESPs to be kept under close watch all the time
- ESPs to have 24X7 check post during last 72 hours before poll
- ESPs need more campaign for ethical voting
- Liquor sale to be closely monitored in ESPs

DISTRICT EXPENDITURE MONITORING COMMITTEE (DEMC)

- *If Expenditure is not shown correctly in his account submitted within 30 days of declaration of result, a notice is issued on the candidate by DEO within 24 hours. The candidate shall submit his reply to DEO within 48 hours of the receipt of such notice explaining his position.*
- *If candidate does not submit any reply on the suppressed amount of election expense or disagrees with such suppressed amount, the DEO mention the same in his scrutiny report submitted to the Commission.*
- *If candidate does not file his statement of election expenses without any valid reasons within the stipulated period of 30 days from the day of declaration of result, then the DEO shall send the report to the Commission mentioning such default with his recommendation.*

DISTRICT EXPENDITURE MONITORING COMMITTEE (DEMC)

- **District Expenditure Monitoring Committee (DEMC)** consisting of the following:
 - (a) Expenditure Observer in charge of the Constituency*
 - (b) DEO*
 - (c) Dy. DEO/Officer in charge of Expenditure Monitoring of the District.*
- The DEMC shall decide the case after examining the evidence mentioned in the notice and reply of the candidate, preferably within 72 hours from the date of receipt of the reply from the candidate, whether such suppressed expenditure shall be added or not
- After the order by DEMC, the DEO may consider to include such expenses in the account of such candidate while sending the scrutiny report of the candidate to the Commission after election.

District Expenditure Monitoring Committee (DEMC)

- Candidates shall be given another opportunity in Account Reconciliation Meeting, to be convened by DEO on 26th day after declaration of result, to reconcile the under stated amount of election expenses, if any.
- The candidates should come prepared with their final accounts of election expenses and registers, etc.,
- DEMC, after scrutinizing the accounts, shall pass order in writing, giving detailed reasons in cases, where the differences could not be reconciled and serve it on the candidate/ agent on the same day,
- If, candidate agrees, he may incorporate the same in his final accounts. **If not**, he may lodge his final accounts with DEO, with reasons for disagreement giving letter to DEO.
- If account lodged prior to this meeting, the candidate may revise his accounts within the statutory period of 30 days

ROLE OF RO

Inspection of Accounts



1. A photocopy of the accounts maintained by the candidates should be obtained after each inspection and RO will display a copy on the notice board
2. **Scanned copy of the day to day a/c of candidate to be uploaded in the DEO's portal with link to CEO's website after each inspection.**
3. Notice to be issued to candidate in case of failure to produce accounts for inspection and FIR to be filed if failure continues (**S 171-I IPC**),
4. Withdrawal of permission for use of campaign vehicle, if the failure continues in spite of notice,
5. Intimation of such **withdrawal of permission to the Flying Squad** to take the vehicle out of campaign,
6. Any member of public can obtain copy of Shadow Observation Register after inspection, notices and replies by candidates on payment of ₹1/- per page.

Contd...

Inspection of Accounts



1. ***Gap between the two inspection should not be less than 3 days*** and inspection to be done in such a way that major portion of expenses are covered under inspection,
2. Candidate can have a ***separate agent for election expenses***,
3. Inspection to be done in the ***office chamber of RO or any other Office room NOT AT THE GUEST HOUSE between 10AM to 5PM***,
4. Publicity has to be given about ***the contact number of EO and time of inspection***,

Role of RO: Before Announcement



1. To have the updated list of all the disqualified candidates, who have incurred disqualification **S 8A and 11A (b)** (for corrupt practices) and **S 10 A** (failure to lodge the account of election expenses in time and manner) of the **RPA, 1951**, which may also be viewed on Commission's website www.eci.gov.in
2. To ensure that the following formats are ready at the o/o the RO:
 - I. Election Expenditure Register of the candidates (duly serial numbered comprising of Bank Register, Cash Register, Day to Day Account Register, **Abstract Statement (Part I to Part IV)** along with **Schedules 1 to 11**, Format of Affidavit and Acknowledgement.
 - II. Shadow Observation Register
 - III. Video Cue Sheet
 - IV. Reporting formats by Flying Squad/Static Surveillance Team
 - V. Compendium of Election Expenditure guidelines in local language.
 - VI. **Form 26** regarding criminal cases, assets and liabilities.

Contd...

Role of RO: Before Announcement



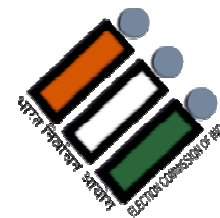
3. *To identify Expenditure Sensitive Pockets (ESPs), in the Constituency on the basis of level of development, literacy and complaints received during the last Assembly elections and to report to Commission.*
4. *To identify the Master Trainers of State Police and State Excise Department of the district for Expenditure Monitoring Team.*
5. *To pursue all pending cases of last election, where FIR was filed and take them to their logical conclusion.*
6. *To identify officers who will be notified as Executive Magistrate for the Flying Squad/ Static Surveillance Team.*
7. *To prepare plan for training of all manpower to be deployed in Expenditure Monitoring Teams in 2/3 phases.*
8. *To arrange vehicles for all teams and the logistics.*
9. *To interact with BAGs and sensitize them about their role in ethical voting campaign and provide information on malpractices during elections.*

Role of RO: After announcement of election



1. *To ensure that FS, VST, VVT, MCMC and Accounting team are functional from the date of announcement of election.*
2. *To ensure that GPRS is fitted in all FS/SST vehicles and the Flying Squads shall attend both the MCC cases and expenditure related cases within ½ an hour of receipt of complaint.*
3. *The expenses incurred by the political parties shall be observed from the date of announcement of election till completion of election and reported to CEO party wise, after declaration of result.*
4. *To file FIR in appropriate cases, as detected by FS, SST or EO.*

Role of RO: After issuance of notification of elections



1. *To ensure that SSTs are functional from the date of issue of notification.*
2. *Take note of the list of Star Campaigners received by the CEO and ECI within 7 days of notification of election.*
3. *To scan the affidavit of assets and liabilities submitted by the candidates and upload on to the CEO's website within 24 hours of its receipt.*
4. *To hold a meeting of all the candidates or agents immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of these provisions.*
5. *Expenditure Register in prescribed format is ready to be handed over to the candidate*
6. *To notify date for inspection of accounts by the Expenditure Observer during the campaign period and issue notices to the defaulting candidates as directed by the Expenditure Observer.*
7. *To supervise complaint monitoring system and ensure that every complaint is enquired within 24 hours of its receipt.*

Contd...

Role of RO: After issuance of Notification of Election



8. *To ensure that all the documents required are put on his website and copies of the same, if requested, are given immediately to the members of public on payment of prescribed fee.*
9. *To ensure that after seizure by FS/SST, FIR/ complaint is filed promptly in appropriate cases.*
10. *To interact with Expenditure Observers/Assistant Expenditure Observers and to ensure that all teams are working smoothly.*
11. *To issue notice to the candidate, when any defect is pointed out by the EO/DEO and received reply from the candidate/agent.*
12. *To issue notice to the candidate, preferably within 24 hrs. of the date of receipt of information about suppression/omission of the expenditure incurred by the candidate or if the candidate has not produced his account of election expenses for inspection on scheduled date or if the expenses incurred in election campaign are not correctly shown by the candidate.*
13. *To ensure that the reply of the notices issued to the candidates are received within 48 hrs.*

Contd...

Role of RO: After issuance of Notification of Election



14. To have the updated list of all the disqualified candidates, who have incurred disqualification **S 8A and 11A (b)** (for corrupt practices) and **S10 A** (failure to lodge the account of election expenses in time and manner) of the **RPA 1951**, which may also be viewed on Commission's website www.eci.gov.in
15. To ensure that the following formats are ready at the o/o the RO:
 - i. Election Expenditure Register of the candidates (duly serial numbered comprising of Bank Register, Cash Register, Day to Day Account Register, **Abstract Statement (Part I to Part IV)** along with **Schedules 1 to 11**, Format of Affidavit and Acknowledgement.
 - ii. Shadow Observation Register
 - iii. Video Cue Sheet
 - iv. Reporting formats by Flying Squad/Static Surveillance Team
 - v. Compendium of Election Expenditure guidelines in local language.
 - vi. **Form 26** regarding criminal cases, assets and liabilities.

Common mistakes

- 1. Violation of provision related to publication/broadcasting of information of candidates criminal antecedent***
- 2. Some candidates fail to open separate bank account for election expenditure***
- 3. Some candidates do not show all transactions from the separate bank account***
- 4. Some candidates fail to produce their account register for inspection to RO/EO at least 3 times during the election campaigning period.***

Monitoring of expenditure on election campaign

1. Shadow observer register
2. Folder of evidence
3. Monitoring of campaign through electronic/ print/ social media
4. Monitoring of public meeting, rallies, etc
5. Monitoring of printing of pamphlets, posters, etc,
6. Monitoring of use of vehicle during electioneering
7. Other monitoring mechanisms
8. Checking distribution of tokens to be exchanged for gifts or cash or distribution of money through various means
9. Checking distribution of cash by candidates/ political parties along with disbursement of wages under any government scheme
10. Monitoring of production, storage and distribution of liquor during elections
11. Monitoring of cash withdrawals from banks
12. Monitoring of political party expenditure

SHADOW OBSERVATION REGISTER (SOR) & FOLDER OF EVIDENCE (FE)

1. **SOR** is for each Contesting Candidate in a constituency (**ANNEXURE B-13** of the Instructions). To record all expenses incurred on major events(public meetings/rallies etc.,) towards election campaign,
2. All expenditure recorded to be supported by CD/Video evidences(proper referencing) held in **FE** and to be cross-checked during Inspections
3. Signatures of candidate/ authorized agent to be taken during inspection
4. The SOR & **FE** to be handed to the Dy.DEO by the EO for safe custody before leaving the constituency, under receipt.

Shadow Observation Register for Maintenance of Day to Day Accounts of Contesting Candidates by Accounting Team

Name of the Candidate:

Name of Political Party, if any:

Name of the Constituency from which the candidate is contesting:

Date of Declaration of Result:

Name and address of Election Agent, if any:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

1	2*	3				4				5	6	7	8	9**	10	11
		Expenditure calculated as per notified rates (Rs.)				Expenditure declared by the Candidate in Day to Day account register maintained by the Candidate on items mentioned in column 2 (Write nil if not shown) (Rs.)				Understatement (Rs.)	Date of inspection of Candidate's Expenditure Register by the Expenditure Observer	Date of issuance of notice by the RO regarding understatement shown in Column 5	Date of receipt of reply from the candidate	Whether the candidate has accepted/partially accepted/denied the understatement shown in Column 5	Mention page no. & S.No. of Day to Day A/C Register, if understatement is accepted/partially accepted, by the Candidate.	Comments of the EO regarding the candidate's reply - whether the understatement of expenditure has been reconciled Yes or No?
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(d-h)						
		Description	Qty.	Rate/Unit	Total	Page no. and date	Qty.	Rate/Unit	Total							

Dated:

Signature of the Officer of the Accounting Team

Signature of Candidate/Election Agent

Name of the Officer:

Designation:

NOTE:-

*1. Details should include CD no. & Sl. No. of video cue sheet.

**2. If denied or partially accepted, then the decision of the DEMC in the matter should be enclosed.

PUBLIC MEETINGS/RALLIES



1. Format for applying for permission to hold public meeting/ rally is given in [Annexure-D1](#) (Compendium Dec' 2019)
2. Candidate has to mention date, time, duration and location of such meeting/rally along with expenditure plan for obtaining due permission
3. Rallies should be staggered to enable proper coverage
4. This is necessary for maintenance of law and order and proper video recording of events.

Star Campaigner

1. List of Star campaigners to be submitted to CEO or the Commission within 7 days of the notification
2. Recognized political party- 40
3. Un-recognized political parties – 20

STAR CAMPAIGNERS

1. If the Star campaigner travels with candidate or media person, then 50% of the travel expense will be added to the candidate
2. If the candidate shares the Pandal with the Star Campaigner or his photo or poster with his name is exhibited in the meeting, then the meeting expense will be added to his account
3. All Passengers going by private aircrafts and helicopters will be frisked both in airports and airstrips
4. The candidate or Party shall inform about the travel plan of the aircraft or helicopter 24 hrs in advance for landing and take off in non commercial airports, to DEO for security purpose
5. Candidate shall inform the RO concerned within 5 days of landing about the hiring charges paid or payable for helicopter /air craft and name of the pol. Party incase hiring charges borne by it.

Printing pamphlets, banners and posters

1. The print and electronic media, cable network and FM radio will be closely monitored
2. Prior approval of CEO before any broadcast or telecast
3. Press or publisher's name and address, number of copies and amount charged to be mentioned in all printed material including media advertisements and sent to DEO immediately
4. Advertisement in Print media to be covered under **S 127A of RPA 1951**
5. (copy of the printed material and declaration from the publisher to be sent by the printer to CEO or DEO)

MONITORING OF VEHICLES



1. Candidates to submit details of vehicles proposed to be used and obtain permission in writing;
2. Permission letter to be displayed on the wind screen of vehicle;
3. Permission given to a particular candidate but being used by another, vehicle to be seized and expenditure for entire period to be added.

LODGING OF ACCOUNTS OF ELECTION EXPENSES:

1. **As per S 77 of RPA 1951, every candidate shall either by himself or through his election agent keeps a separate and correct account of all election expenditure between the date of nomination and date of declaration of result.**
2. **Candidates are required to lodge their accounts of election expenses with the DEO within 30 days of declaration of result** along with the register of election expenses (**S 78 of the RPA1951**)
3. **Documents required to be filed:**
 - i. **Part I to Part IV** and **schedule 1 to 10** of Abstract statement signed by the candidate ,
Certified Copy of Bank statement ,
 - ii. Affidavit signed by the candidate
 - iii. Register of Day-to-day Accounts with all bills and vouchers in original duly signed,
 - iv. Copies of expenditure related notices issued by RO and replies to such notices,
 - v. Replies to discrepancies pointed out at the time of Inspection,
 - vi. EVERY CANDIDATE IS PERMITTED TO APPOINT AN ADDITIONAL AGENT FOR ASSISTING THE CANDIDATE IN VARIOUS ELECTION RELATED MATTERS.

REGISTERS MAINTAINED BY CANDIDATES

1. Register for maintenance of day to day a/c's of election expenses by contesting candidates Refer **Annexure-14** of the instructions :
2. DAILY REGISTER : **PART-A (Color: WHITE PAGES)**
3. CASH REGISTER: **PART -B (Color: PINK PAGES)**
4. BANK REGISTER: **PART -C (Color: YELLOW PAGES)**

Not lodging account in manner

1. Election Expenditure Register comprising of Day to Day Account Register + Cash Register+ Bank Register + Abstract Statement (Part I to Part IV) + Bills and Vouchers (serially numbered) if not lodged with the DEO office,
2. Abstract Statement (Part I to Part IV) as well as Affidavit annexed with it not signed by the candidate himself. (both these should be signed by the candidate himself).

Not lodging account in manner

1. *Bills and vouchers are not signed by the candidate or his election agent,*
2. *In case of discrepancy on any item of expenditure, pointed out by RO/Expenditure Observer/designated officer during inspection of register, the explanation along with reason for the discrepancy on such items not enclosed,*
3. *Self certified copy of the bank statement not submitted,*
4. *Any amount not correctly reflected by the candidate or understatement of any amount of expenditure.*

Involvement of Enforcement agencies

1. For stricter vigil, Commission engages Central and State Enforcement Agencies.
2. *Agencies include: Central Agencies: Income Tax, CGST, DRI, NCB, SLBC, RBI, AAI, BCAS, Indian Coast Guard, CISF, CRPF, Assam Rifles, BSF; State Agencies: State Police, State Excise, State GST, State Transport, State Civil Aviation Dept, Forest Dept.*
3. Commission during various visits to poll going States/UTs convenes meetings and reviews preparedness of these agencies.

ROLE OF INCOME TAX DEPARTMENT

- TO GATHER INTELLIGENCE/KEEP WATCH OVER MOVEMENT OF CASH IN THE CONSTITUENCY AND TAKE NECESSARY ACTION UNDER IT LAWS.
- TO WATCH ALL AIRPORTS OF THE STATE, MAJOR RAILWAY STATIONS, HOTELS, FARM HOUSES, HAWALA AGENTS, FINANCIAL BROKERS, CASH COURIERS, PAWN BROKERS
- *IF CASH SEIZED IS MORE THAN Rs. 10 LAKH, IT SHOULD INVARIABLY BE BROUGHT TO THE NOTICE OF IT OFFICIALS.*
- *IT DEPARTMENT WILL OPEN AIR INTELLIGENCE UNITS IN ALL AIRPORTS OF POLL BOUND STATES AND ALSO SHALL KEEP VIGIL OVER MOVEMENT OF CASH THROUGH AIRCRAFTS/HELICOPTERS LEADING TO POLL BOUND STATES,*
- TO VERIFY ASSEST AND LIABILITY OF CANDIDATES WITH IT RETURN
- TO VERIFY, WHETHER ALL PARTIED HAVE FILED RETURN

OTHER MONITORING MEASURES

1. If candidate attends a **community kitchen**, during election campaign, (other than those organized by religious communities and normal ceremonies like marriage etc,) the entire expenditure will be added as his election expenditure.
2. If the vehicle permitted to any independent candidate or any other candidate is found carrying campaign material of another candidate or being used for campaign for any other candidate, the entire expenditure on the vehicle from the date of permission will be added to the candidate using it for his campaign and permission will be withdrawn

Other Monitoring Measures

1. The bookings of marriage halls and Mandaps to be monitored,
2. Distribution of gift items and cash coupons to be closely monitored,
3. Unusual cash deposit/ withdrawal in account of SHGs and NGOs,
4. Disbursal of wages under ongoing Government schemes only in presence of Government officials during elections.



SOP: CHECKING OF HELICOPTERS/ AIRCRAFT

1. During election process proper frisking and checking of all persons, screening/ physical checking of baggage to be done;
2. CISF to inform the Income Tax dept. if cash above ₹10 lacs/ bullion more than 1 kg. is detected in poll bound states;
3. **No prior permission for landing/ take off at commercial airports from DEO.** But ATC to keep records of all such pvt. aircrafts/ helicopters and make available such information to the CEO within 3 days of landing or takeoff. The **CEO to share this information with EO for accounting purpose.**



Checking at non-commercial airports

1. No body frisking of any passenger at the time of deplaning.
2. All baggage coming out of private/chartered helicopters to be checked
3. No separate entry or exit for passengers of private/chartered helicopters – all subject to CISF checking
4. Commercial airlines to report regarding movement of cash through check-in baggage

Information from Banks



1. Banks are required to send details of “Suspicious Transaction” to the Financial Intelligence Unit
2. Large deposits and withdrawals, exceeding Rs.10,00,000
3. Any transactions from accounts of candidates over Rs.1,00,000
4. Use of bank accounts for multiple transactions to other accounts
5. This information is passed on to the Income Tax Department



Transportation of cash by banks

1. There have been reports of misuse of bank vans and ambulances to transfer the third-party cash. There are SOPs for the transportation of cash by banks:
2. Dept. of Financial Services, Ministry of Finance, Govt. of India vide letter no.60(2)/2008-BO.II dated 20.2.2013([Ann.66 of Compendium-EEM- Sep.16](#))
3. No cash of 3rd parties or individuals
4. Letters/documents to be carried
5. Personnel shall carry identity cards
6. sport cash;