

**FOURTH ORDINARY ELECTIONS TO GRAM
PANCHAYATS, 2013**



Guidelines for Observers

Issued by:
STATE ELECTION COMMISSION
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GUIDELINES FOR OBSERVERS

1. Statutory Basis of Appointment

Observers of the State Election Commission are appointed under the powers conferred on it by Section 232 A of the A.P Panchayat Raj Act, 1994 and the plenary powers available to the Commission under the Constitution of India. They are the appointees of the Commission working under the superintendence, control and discipline of the Commission from the date of their appointment until they are released after the process of elections is completed.

The A.P Panchayat Raj Act, 1994 has been amended in April, 2006 by Act 22 of 2006 to add a new section 232-A. This provided statutory powers to the Observers to watch the conduct of elections and especially in respect of counting of votes.

Section 232 A read as follows

“(1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections for such specified area or areas in the district and to perform such other functions as may be entrusted to him by the Commission in relation thereto.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the ward or for any of the wards or constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at counting of votes or any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally

destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station cannot be ascertained.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 225 D or 231 in the matter of declaration of results.

(4) It shall be competent for the State Election Commission to appoint an **Election Expenditure Observer** for a group of wards or constituencies or for a Mandal or group of Mandals so as to ensure that the provisions of sections 230 A and 230 B are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time, to such Observers”.

2. GENERAL & EXPENDITURE OBSERVERS

The nomenclature used to identify the Observers as **“General Observers”** and **“Expenditure Observers”** is only for easy identification of major functions of the two groups of Observers being appointed. There is no distinction between them so far as the law is concerned and both are **“Observers”**. Both types of the Observers perform duties as assigned by the Commission for the conduct of Gram Panchayat Elections.

3. Co-ordination between General and Expenditure Observers:

Both General and Expenditure Observer will reach the District allotted to them at the same day. They will discuss among themselves and settle common issues and establish appropriate co-ordination to cover different events of the elections. They will cover maximum area of the district in the different phases. On the date of poll, the Observers together should distribute between them

mandals/divisions in the District and cover them through intensive and extensive visits to ensure that the poll is free and fair.

4. Overview of Observer's Duty:

By dint of their seniority and long experience in the administrative service, they are expected to be in a position to assist the Commission in the conduct of free and fair polls. They will also be able to oversee the efficient and effective management of the electoral process at the field level. For all purposes, they will act as the **eyes and ears of the Commission** during the period of the election and provide direct inputs to the Commission from the field as an interface with the election machinery, the candidates, parties, and electors to ensure that the acts, rules, procedures, instructions and guidelines related to elections are strictly and impartially complied with by all concerned. They should always clearly and firmly bear in mind the fact that they are only the eyes and ears (and not the mouthpiece) of the Commission. Their inputs/observations are confidential and solely for the use of the Commission and not for any other agency including media. They must not, therefore, interact with or respond to the queries of the Press even after the elections are over. It is clarified that while the formal report/input/observation sent by the observers are meant for the use of the Commission, it does not mean that the observers will not discuss with the RO/District Election Authority(DEA) about their observation on various aspects of election management in order to facilitate mid-course corrections. It should be kept in mind that the objective of the deputation of the observer is not to find fault but to facilitate field administration in ensuring a free and fair poll. However, the observers shall not mark copies of their formal reports to the Commission to any other person including RO/DEA.

5. Role of Observers:

Section 232-A(2) of the Andhra Pradesh Panchayat Raj Act, 1994, has vested the Observers with some powers. The Observer shall have the power to direct the Returning Officer for the ward or for any of the wards or constituencies for which he has been nominated, to stop the counting of votes at anytime before the declaration of the result, or not to declare the result, if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at counting centers or any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained.

Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under section 225 D or section 231 in the matter of declaration of results.

Besides the above, they have got certain direct executive roles to play which include:-

- (i) monitoring the processes of nomination, scrutiny and withdrawal and report back to the Commission promptly in case of any irregularity;
- (ii) effective monitoring of the cases of violation of the model code of conduct by watching the video clippings of various meetings and, if needed, even by visiting important rallies to get first hand input, enforcement of the defacement of property act, checking the account of expenditure of the candidates, training of Micro-Observers and such other things;
- (iii) overseeing the process of despatch of postal ballot papers to the service voters;

- (iv) monitoring the process of randomization of the polling personnel, obtaining report from the DEA regarding randomization;

Apart from the direct executive role of the observer, as enlisted above, Observers are expected to observe and report on all the steps involved in election management.

6. Nominations, Withdrawal, Scrutiny and Symbol allotment

1. The Observer arrives on the first or second day of nomination and observe the process of nomination. However, he should observe the nomination process and compliance of State Election Commission Instructions. He should report major violations, if any, with specific reference to Commission's instructions regarding number of people allowed to be present during Nominations.
2. Scrutiny is a quasi judicial process and should be conducted by the RO without any outside influence. However, Observer can ensure that the ROs are aware of the latest instructions, all ROs are aware of the latest list of disqualified candidates and the latest symbol order. The Observer should observe the scrutiny process and report any glaring error to the Commission. Observer should, however, abstain from directing or advising the ROs.
3. Allotment of symbol is a process that is very technical and requires due care. In Gram Panchayat elections the candidates can not have choice of symbols. The symbols are allotted to the contesting candidates in serial order from the list of approved symbols.

7. Campaign Period

4. Monitoring implementation of Model Code of Conduct and measures to prevent occurrence of electoral offenses. In this regard, the Observers should bring any lapse to the notice of DEA and report to the State

Election Commission, if required but abstain from any executive action on their part.

5. Monitor that teams are constituted for enforcement of MCC.
6. Monitor dummy candidates and surrogate advertisements.
7. Review video recordings of activities of those candidates for whom video trailing has been resorted to (In Gram Panchayat elections this is rarely resorted to).

8. Watch on election expenditure

8. Obtain the rate list from the DEA.
9. Fix dates for reviewing the register maintained by the candidate (selected on random basis) for accounting of election expenditure and review the register on those dates.
10. Review supporting documents.
11. Monitor that the Abstract of Election Expenditure is also maintained alongwith the detailed accounts in the register.
12. Ensure that DEAs designate officers for scrutiny of election expenditure accounts of candidates on specified dates at places earmarked for this purpose;

9. Pre-Poll Election Management

13. Monitor preparation of dispatch of postal ballot papers to service voters immediately after the preparation of list of finally contesting candidates.
14. Monitor randomization of the election staff;
15. Training is an activity on which special emphasis should be provided. Observers should monitor that proper training is arranged for the election staff, especially with regards to recent instructions of SEC.
16. Monitor adherence to the instructions of the Commission regarding issue of postal ballot papers to the polling staff and voting through them.
17. Visit polling stations and monitor that all polling stations are visited by election officials for verification from fitness angle.

18. Discuss the District Security Plan with the DEA and the SP and review the law and order issue in general. Review the availability of Police. Review the preventive measures taken by the law and order implementation machinery.
19. Review the list of sensitive/hypersensitive polling stations and arrangements therein to ensure free, fair and peaceful polls;
20. Review the Communication Plan and confirm dry runs.
21. Training and placement of Micro Observers.
22. Ensure that proper arrangements for dispatch have been made. The dispatch should normally be the day before the poll and any exception should have prior approval of the Commission.
23. Review counting arrangements.

10. Poll Day Management:

24. Monitor placement of Micro Observers.
25. Review the pace of poll and percentage of polling at regular intervals.
26. Keep track of occurrence of any special events during the poll day.
27. Keep track of any delays or temporary suspension of poll.
28. Report anything exceptional to the State Election Commission.
29. Ensure that proper arrangements for receipt of polling staff and polling material are made. Every receiving team should be well equipped with a checklist of items to be received.
30. Ensure that a **“special counter”** is setup for receipt of polling parties from those polling stations where any special event has been reported and on receipt, proper documentation, alongwith the statement/ report of the presiding officer, if required, is done.

Counting:

31. Review the arrangements made by the DEA for undertaking counting in the Gram Panchayat after completion of polls;.
32. Monitor that the counting of postal ballot taken up first.
33. Ensure that the instructions of the Commission on counting of votes are strictly followed by counting staff in all Gram Panchayats;
34. Get reports on counting process from Micro Observers.

11. BRIEFING MEETINGS

It is compulsory for all Observers to attend a briefing session. The Briefing Meeting must be attended without exception – whether the Officer is allocated any district or put on Reserve List.

Before the Observers are sent to the districts allocated to them, Commission holds the Briefing Meeting. A letter of Appointment as Observer is handed over to the Observer at the time of **Registration for the Briefing Session**. If any Observer is kept on Reserve List, that fact also will be intimated to him on the date of briefing. The Observers are expected to immediately notify any change in office and residential addresses and phone / fax/ telex numbers to the Secretary of the Commission.

12. Kit of the Observers (Portfolio bags)

The Observers are supplied with portfolio bags which contain instruction booklets issued by the Commission, Model Code of Conduct and other instructions, Notifications and orders issued by the Commission. This bag is common to all observers. This will be supplied at the time of briefing meeting.

13. Tours and absence from Headquarters:

All Observers should seek prior permission from the Commission every time they want to leave the headquarters on personal work or on official work not connected with performance of their duties as Observers. Any request in this regard for special permission shall be made to the Commission. No Observer is allowed to go on a foreign trip during the period intervening between the briefing session and the completion of election process. No requests in this regard should be made to the Commission. Only in case of receipt of late intimation about selection to attend a foreign training, which had been duly sponsored by the DOPT as per prescribed procedure, General Administration Department may recommend release of such officer by substituting an officer of equivalent or high rank. All such requests shall be addressed by the GAD to the Commission.

14. Requests for Leave:

No officer appointed as Observer or kept in Reserve List shall proceed on any kind of leave without prior approval of the Commission till the completion of the election in the District in which he/she has been appointed as Observer or for which he/she has been kept in reserve. All correspondence in this regard shall be addressed to the Secretary, State Election Commission, by name.

15. Reports by Observers:

The Commission expects four mandatory reports from the Observers. However, in case of any serious deviations the observer should bring it to the notice of SEC through interim report(s).

- (i) The first, on the last day of nomination.
- (ii) The second, three days before the poll day
- (iii) The third at the end of poll;
- (iv) The fourth, after completion of counting, declaration of results and election of Upa-Sarpanch of Gram Panchayat;

The Observers should send these reports by e-mail to the concerned officers in the Commission, and by fax where internet facility is not available followed by sending physical copy by post. The email address of the Commission is **www.apsec.gov.in**

All reports of the Observers shall be sent to the Secretary, State Election Commission. Observers shall not, under any circumstances, share the contents of their reports or any information therein with anyone, repeat anyone, except the State Election Commission. Utmost care should be taken while faxing or mailing the reports to ensure that no unauthorized person can have access to such reports.

Oral communication with the Commission, on urgent matters which cannot be kept pending till the written report, through telephone or through any other fast and reliable means, during the field visit will be welcome. All telephonic communication should preferably be held with the Secretary/Joint Secretary, SEC, and must be followed by a written message in confirmation.

16. Interface with Commission:

The Observers may get in touch with any of the following Senior Officers of the Commission in case of any necessity:

1. Sri Navin Mittal, I.A.S., Secretary
2. Sri A V S Ramesh, Joint Secretary (Admn.),
3. Sri P.Satyanarayana Reddy, Joint Director (PR),
4. Sri N.Jayasimha Reddy, Joint Director(Mpl.)

For any clarification on legal issues relating to elections, the Observers may contact Sri K.S.N.Murthy, Legal Advisor.

For any serious matter warranting intervention at the highest level, Observers may contact the State Election Commissioner.

A sheet containing the Office and Residential Telephone Numbers and Cell Phone Numbers, FAX Numbers of the Officers of the Commission will be supplied to the observers during briefing session.

17. Arrival of Observers in the Districts:

The observer is mandated to report in the District on the first or second day of filling of nominations.

The DEA shall appoint an officer of the district as the liaison officer for the observer and the liaison officer shall receive the observer at the point of his arrival in the District and escort him to the place of stay. The DEO has to make arrangements for accommodation, vehicle and communication modes like internet, fax, etc. The DEA and RO shall compile information/particulars as enumerated in the check list (Annexure-I) and furnish the same to the Observer on his arrival alongwith the District Election Plan and a map.

18. Interface of ROs/AROs and DEA with the Observers:

The DEA should organize a structured meeting with the observers as early as possible. The Dist. Panchayat Officer, RDOs, DSPs, SP and other senior officers included in election process, the nodal officers for media cell, senior officers monitoring implementation of model code of conduct and the designated officers for expenditure monitoring should be present in the meeting to apprise the Observers about the specific issues needing his special attention.

The Observer should monitor that:

- a. The posting of requisite officers for RO and ARO has been completed.
- b. The identification and status of all the venues which will be used for dispatching, receiving and counting has been done and reviewed.
- c. The list of polling stations has been finalized.
- d. The machinery to monitor and implement model code of conduct is in place.
- e. Reconcile the list of polling personnel to be deployed and arrangements for their randomization as per the instructions of SEC.
- f. The arrangements for receiving information from public and parties control room arrangements and inter coordination of police and DEA.

After reviewing the check list (Annexure-I), the Observer shall take up the matter with the State Election Commission if any deficiency is found in the election preparedness.

19. Publicity on Tour Programme:

Before commencing their visits, the Observers are expected to ensure that their tour programme has been duly publicized and that their place of stay, phone number etc. have been notified by the Collector and District Election Authority concerned.

20. Facilities to Observers:

The State Election Commission issued separately the following instructions to the District Election Authorities with regard to arrangement for boarding and lodging, transport and security of the Observers.

1. The Observers should be given reliable and dependable transport from the nearest Railway Station / Airport to the district to which an Observer has been deputed and for his movement in the district.
2. The Observers should be provided with a minimum security of a PSO/Gun man However, if in the assessment of the Collector and SP there is need for a higher level of security, suitably enhanced security may be provided.
3. No escort car / pilot or advance pilot is to be given to the Observer unless Collector and Superintendent of Police feel otherwise.
4. In addition to the PSO/Gunman, the Observer should be provided with a local Liaison officer in the cadre of a Dy.Tahsildar who is aware of the terrain.
5. Food arrangements should be made by the district administration to the Observer, PSO/Gunman, driver and the local official in a manner that would allow the Observer full freedom of movement as he desires.
6. If the Observer desires mineral bottled water, it should be provided.

7. Observers should be housed in a Government or Semi-Government Guest Houses located in the district for which they are functioning as Observers.
8. STD Phone / Cell Phone / Computer / Operator, TV, Fax machine need to be provided exclusively to the Observer in the base camp. The numbers of the STD phone / Cell Phone / Fax shall be informed to the State Election Commission.
9. Where more than one Observer is being housed in the same premises only one Fax and Computer facility with operator be provided.
10. One videographer is provided by the District Election Authority to the Election Observer to videograph the events on the violation of model code of conduct and electoral malpractices during the conduct of Gram Panchayat elections.

The Observers are expected to draw their visit schedule sufficiently in advance and intimate to the District Election Authority concerned so as to enable him to make necessary arrangements for their reception, security, transport, stay and publicity of their visit. A copy of the tour schedule in the district be sent to the Secretary, State Election Commission, Buddha Bhavan, Secunderabad – 500 003.

21. Arrival Report:

On arrival in the district, the observers are requested to furnish details of time of arrival in the district, base camp, telephone/fax numbers for the contact of State Election Commission.

22. Inspection of Polling Stations and field visit:

The Observers, between them, will inspect as many polling stations as is possible. The selection of Polling Stations should be done on a random basis and the areas covered should serve as a reasonable sample. During these field visits the Observers should talk to the electors, particularly in the weaker section colonies and the less-developed areas and assess the level of confidence

of the electorate in the electoral process and machinery. They should particularly talk to the electors belonging to the weaker sections and woman electors for making such an assessment. They may suggest to the RO any corrective action as may be required to increase the level of confidence of the electors as per their own assessment.

23. Meeting on Model Code of Conduct:

1. Observers are requested to attend some of the meetings convened by the District Election Authority in implementation of Model Code of Conduct with the candidates either at division or mandal level. The broad features of the Model Code of Conduct and the general instructions of the Commission in this regard should be briefly touched upon during this discussion. A general consensus should be evolved for making the elections in the area free and fair. The participants should be impressed upon to co-operate with the election machinery and the district administration to ensure a violence free and fair election with fullest participation of the electorate. During this meeting, the general arrangements on how to reach the Observers with complaints or information should be spelt out. The fixed time and place at which the Observers will be available in the base station and its location should be clearly indicated during this meeting.

2. Observers should thoroughly familiarize themselves with the Model Code of Conduct and instructions issued by the Commission, so that they can participate in a meaningful and effective manner in the above-mentioned discussion.

24. Review of Law and Order and Security Situation:

1. The Observers should have a separate meeting with the Collector, Joint Collector, RDOs, SPs, DSPs and Chief Executive Officer of Zilla Parishad, District Panchayat Officers to take stock of the law and order and security situation. It is important that the local police force available is deployed in such a manner so as to optimise its impact in conducting free and fair polls

and in providing a high level of confidence to the electors. An in depth review of the assessment of sensitive / hyper sensitive polling stations should be conducted. State Election Commission has issued orders for appointing Zonal Officers, Gazetted Officers vested with Magisterial Powers to go round the Zone to ensure implementation of Model Code of Conduct from the date of publication of the list of contesting candidates to furnish a daily report to the District Election Authority and Collector. In turn Collector to furnish a copy of the consolidated report to State Election Commission under copy to the Observer. To have a overall view of election situation in the district. Observers are requested to take any remedial steps by initiating action on the concerned on the violation of election procedure / model code of conduct. Steps taken by the district administration on the proper maintenance of law and order may be furnished to the State Election Commission from time to time through the observers reports. A statement showing various legal provisions under which electoral malpractices and election offences can be dealt with is enclosed.

2. The Observers should also make a quick assessment of any interpersonal issues which might impede in the smooth conduct of elections. If there is any major problem on this account it should be brought to the notice of the Secretary, State Election Commission.

25. Review of Preparedness for Conducting Polls:

1. A separate and detailed interaction with the key functionaries in the election machinery should be held to assess preparedness to conduct poll.

2. The following items need to be checked by the Observer thoroughly during the first visit.

26. Electoral Rolls:

1. Correctness of electoral roll contributes greatly for the success of election. The correctness of the electoral rolls need to be verified at random.

2. It is possible to update the gram panchayat electoral rolls in the period intervening between the date of publication of electoral roll and the date of

issue of election notification. Such inclusions are added to the part relating to last ward at the end and deletions are carried out at appropriate place as per law.

3. Observers are requested to verify a few of the rolls published by the district authorities.

27. Randomisation for grouping of Polling Parties' Personnel:

One of the important tasks for the Observers during their visit would be to oversee the planning made by the ROs and the District Election Authority for the proper selection and deployment of polling personnel in accordance with the Commission's guidelines regarding use of randomisation techniques for selection and deployment of Polling personnel.

28. SCRUTINY:

1. The Observers are expected to oversee the Scrutiny of Nominations. However, before the scrutiny, it is important that the Observers verify whether latest instructions and orders of the Commission are available with ROs. They should observe whether the Returning Officers are discharging his statutory functions for scrutinizing the nominations efficiently.

2. The following items are important:

- a) An authentic copy of the ward wise electoral roll of Gram Panchayat / Gram Panchayats for which he is appointed as R.O. stage-I;
- b) Hand Book for Returning Officers issued by State Election Commission;
- c) Symbol Notification issued by State Election Commission.

3. It is important for the observers to go through these instructions carefully in advance before they interact with the Returning Officers. They will confirm that the Returning Officers have not only received the latest instructions but have understood the implications clearly.

29. Observation of implementation of Model Code of Conduct:

1. The main focus of the Observers will be on the **campaign and the compliance of the model code of conduct.**
2. In the matter of use of loudspeakers, public meetings etc. the existing instructions of the Commission should be strictly and impartially implemented and this will be overseen by the Observers.
3. Critical review on the Zonal Officers / Micro Observers reports on Model Code of Conduct, Law and Order Election arrangements, consolidated reports furnished daily by the District Election Authorities and issue instructions on the spot on the implementation of the Model Code of Conduct/ Election Arrangements by the General/Election Expenditure Observers.

30. Approach of the Observer in implementation of Model Code of Conduct:

The approach of observer should be to get the complaint inquired by DEA through the inquiry officer and tracking how the inquiry is conducted and how the concurrent corrective measure is affected. The observer should advise the DEA about the violations and appropriate action to be taken. However in case of lapses on part of the authorities even after advice of the observers, the observers should immediately communicate lapses to the State Election Commission. Observer should use videography as an effective tool to implement Model Code of Conduct

31. Ensuring Peaceful and Violence free Polls:

The Commission is also particularly concerned that the campaign period remains free from violence. The spirit of a healthy contest and a level-playing field is crucial to this, and this should be respected and adopted by all concerned. Candidates should, therefore, cooperate with the district administration to keep the contest free from tension and violence. The district and police administration have an important role in ensuring this. The Observers will particularly keep close coordination with and monitor the

functioning of the district administration and keep a close watch on the activities of the candidates from this angle and oversee that no undue advantage is taken by any section in whatsoever manner during the campaign. They should also be watchful to ensure that the level of confidence of the electors in general but more particularly of the weaker sections, disadvantageous sections and women is not eroded or compromised in any manner during the campaign period.

32. Watch on expenditure incurred on election campaign by the candidates:

Use of money power, needless to reiterate, vitiates the election process. The Observers are, therefore, expected to be the watchdogs and keep a strict vigil on surreptitious and discursive ways of spending money to influence voters. The observers should know the ceiling of election expenditure.

It must be kept in mind that the enlisted ways of spending money is only indicative. There can be many other ways of spending money which should engage the attention of the Observers.

- Booth-wise agents are appointed to purchase floating votes;
- Large donations to organizations to influence its members;
- Largesse to petty workers to dole out the same to electors;
- Rented crowds for meetings;
- Rallies and campaigns with purchaseable crowd;
- Presence of candidates at social occasions like mass weddings, feasts, poojas, jagrans, innaugurals, etc. where gifts are given on behalf of candidates;
- Acceptance of felicitations by the contesting candidates at any educational or charitable organizations;
- Distribution of free liquor/liquor passes to the electors;
- Use of dummy candidates at election to utilize his quota of electioneering vehicles, etc.
- Surrogate advertisements in print and electronic media whereby candidature is canvassed by unconnected persons/organizations so as to avoid the expenditure on the same being accounted for in the expenditure of the contesting candidates;
- Providing voters with caps, vests, umbrellas, bi-cycles, etc.

It shall be the duty of the observers to ensure that all the instructions of the Commission are followed meticulously and there are no aberrations in their application. It is, therefore, imperative that the observers should familiarize themselves with the extant instructions issued by the Commission, a compendium of which is enclosed with this handbook.

The gist and highlights of various instructions on the issue of election expenditure is given hereunder for the benefit of the Observers:

- Section 230-A of the A.P. Gram Panchayat Act, 1964 stipulates that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of the declaration of the result thereof, both the dates inclusive.
- Section 230-B of the said Act further stipulates that every contesting candidate at an election shall, within forty five days from the date of the election of the returned candidate, lodge with the District Election Authority, an account of the election expenses which shall be a true copy of the account kept by him or by his election agent u/s 230-A.
- Even if a contesting candidate does not seriously contest the election for any reason whatsoever and incurs only a nominal expenditure on his security deposit, etc., he is required by law to lodge his account of election expenses.
- Contesting candidates, who fail to comply with the requirement of law regarding the lodging of account of election expenses, are liable to be disqualified by the State Election Commission u/s 19-B of the APPR Act, 1994, for a period of three years.
- The State Election Commission has prescribed a format in Proforma-I, which is required to be maintained by the contesting candidates along with supporting vouchers, bills, etc. arranged in a proper chronological order (Refer: Order No.168/SEC-B1/2011, dated 18.5.2011).
- Alongwith Proforma-I, the Commission has prescribed a format of Proforma-II “Abstract of Election Expenses” which has also to be filled up by the contesting candidates.
- The prescribed register/forms/extracts of rules relating to lodging of returns of accounts of election expenses should be printed and made available to the contesting candidates.

- The supporting vouchers of the day to day expenses should necessarily bear the signature in full of the contesting candidate or his election agent.
- The register along with the Abstract of expenses has to be made available by the contesting candidates for inspection by the Returning Officer/Designated Officer thrice before the date of poll.
- If a candidate is contesting election for Sarpanch and Ward Member of Gram Panchayat, he is required to maintain and lodge a separate account of his election expenditure in respect of each such office.
- The accounts of the candidate will be scrutinized by the Returning Officer/Designated Officers.
- Where a candidate does not produce his daily account of election expenses before the designated officers, despite notice, the DEA shall cause a complaint to be lodged u/s 171-I of the IPC against the errant candidates.
- Any person desiring a copy of these day to day accounts should be provided the same by the Returning Officer subject to the payment of usual copying charges.
- The candidate, while maintaining the daily accounts of election expenditure, should also account for all expenditure including those incurred prior to the date of nomination for preparation of campaign material, etc. which are actually used during the post nomination period in connection with the election.
- All vehicles (including two-wheelers, motor-bikes, scooters and mopeds, etc.) being used by the candidates contesting to the office of Sarpanch for the election campaign are required to be reported to the Tahsildar;

The Observers are advised to familiarize themselves completely with the aforesaid instructions of the Commission and prevail upon the Designated Officer to abide by the same. Wherever aberrations are noticed, the Designated Officers should be encouraged to issue notices through the Returning Officers to the erring candidates and make a note of the same in the register whenever they are produced for inspection.

33. District Media Cell:

The DEA shall create a cell for dealing with media headed by Public Relations Officer and the main functions shall be

- a. The cell shall collect various clippings about the elections and also the advertisements from all the newspapers including the vernacular languages and provide this with translation if required to the Observer through the liaison officer. This should be done on a day to day basis by the media cell. This exercise depending on the location of the observer may be done by liaison officer and an allowance shall be provided for this to the liaison officer,
- b. Prepare and circulate the note on various steps initiated during the day against violations of MCC to the media. These notes shall not include any direct quotes to the media by the observer, and

34. Preparedness to Conduct of Poll:

1. A further review of the preparedness to conduct poll should also be taken up with the District Election Authority and other key functionaries namely District Panchayat Officer / Zonal Officers and S.P / DSPs/ CIs of the area.
2. The Commission has issued detailed guidelines regarding the size of the motorcades permitted during the campaign period. The Observers may familiarize themselves with these instructions and ensure that the district officers are enforcing the guidelines of the Commission in letter and spirit in a free and impartial manner.

35. Preparation of Polling parties and training:

To ensure transparency, the Commission has formulated a comprehensive three stage randomization plan for selection and deployment of polling staff (As per the Instructions in Lr.No.240/SEC-B2/2011, dated 1.4.2013).

Success of the poll process depends a lot on the quality of training imparted to the polling staff. Observer should monitor the training process and take care that:

- (i) All the staff appointed for poll duty is trained.
- (ii) The trainers are well versed with the election process.
- (iii) Training is imparted in small groups and not very large groups to ensure that proper focus is maintained.
- (iv) Training covers all aspects of poll management, including forms and certificates to be filled by the staff. Special focus should be given to the latest instructions issued by the Commission since most of the polling staff would be unaware of them.

36. Preparations for Date of Poll:

1. Effective checks of curb electoral malpractices or vitiation of the poll process by way of booth capturing, rigging, creating a scare of fear and panic among electorate and effectively preventing them from casting their votes are major concerns. The methods adopted by unscrupulous elements vary from district to district and area to area. The Observers are expected to familiarize themselves about the tricks of the trade prevalent in the area as well as identify the specific areas prone to such mischief.

2. The Observers between them or amongst them should carefully plan out, in confidence, the areas which they would focus on, during the actual period of poll. This will be kept confidential and is not to be shared with anyone including the District Election Authority, Returning Officers, Escort and Liaison Officer.

37. Visit to Dispersal Centres:

The Observers may visit the dispersal centres for despatching the polling parties at different locations and make a brief report on the manner in which the operations are planned to be conducted.

38. MICRO OBSERVERS:

The employees of the Central Government, Central PSUs are appointed as Micro Observers. Collector and DEAs were also given option to appoint Gazetted Officers of the State Government, having unblemished track record and considerable experience, where Central Government and Central PSU employees are not available in sufficient number. The Micro Observers are deployed at the selected sensitive / hypersensitive polling station. They should oversee poll, counting, declaration of results and election of Upa-Sarpanch conducted on the same day in Gram Panchayat elections.

The Guidelines for Micro Observers and Illustrative training material issued in Circular No.599/SEC-B1/2013, dated 27.5.2013.

39. DATE OF POLL (Poll takes places from 7.00 A.M. to 1.00 P.M. in Gram Panchayat elections):

1. On the date of poll, Observers available in the district should distribute areas among themselves and tour the maximum number of booths as is physically possible during the hours of polling. They should, therefore, plan to carry some packed food so that no time is lost on this account. The presence of the Observers in the field on the date of poll and their visits to polling stations should be an effective deterrent against electoral malpractice and vitiation of the Poll Process. The Observers will ensure prompt and effective action on this score by interacting with the District Administration constantly through telephone or wireless set etc. The District Administration shall provide a wireless set fitted to the vehicles of the Observer on the pre poll day to the date of completion of the polling and counting as polling and counting takes places on the same day in Gram Panchayat elections.

2. One of the most important responsibilities of the Observers is to oversee the actual poll which takes place from 7.00 a.m. to 1.00 p.m. as approved by the Commission. Since the polling starts very early in the morning, the Observers should plan to start their work from a convenient point sufficiently before the start of the poll. General and Expenditure Observers should distribute the areas in the district between them in such a manner that they can cover the maximum area in the district.

3. They should look for any unusual activity or lack of activity around a polling station to sense whether any electoral malpractice has vitiated or is likely to vitiate free and fair polls. Absence of women in the queues may be an indicator of something unusual. The Observers should in advance study and acquaint themselves with the pattern of electoral malpractices in the past elections in different areas. On this basis they can look for tell tale signs, of any irregularities. They should constantly remain in touch with the ROs,/ Zonal Officers and other officers on duty to get feed back as well as to convey anything specific for corrective action to be taken by the concerned authorities on the basis of what the Observers have actually seen in the field on the date of poll.

4. They should also go inside Polling Stations and check for the progress of polling, the compliance of prescribed procedures by the polling officials in conducting the poll, the presence of polling agents, the updating of entries in the Presiding Officers diary and such other matters that need verification. Observers shall sign the visit sheet, available with the Presiding Officers and check whether the A.R.Os / Zonal Officers visited the polling station and recorded their observations and the number of votes polled at the time of visit of the Officer has to be recorded and signed.

40. Repoll and adjourned poll cases:

The report of the Observer is the most important input for the Commission for taking a decision on ordering repolls. The Observers should therefore be vigilant and alert about any incident or activity which might or might have vitiated the poll process so that they can send a specific report to the Commission on this matter. In case of repolls, the Observers shall send a comprehensive report at the end of repoll.

41. End of Poll report:

The Observers will send a report in the form prescribed in **observer report 3** at the end of poll showing the role of polling agents and the number and nature of complaints received in regard to each polling station. In addition to this, the Observer has to send a comprehensive report highlighting all important factors, in case any repoll is recommended by him for a particular polling station or a group of polling stations.

42. Counting: (Counting starts at 2.00 P.M. on the same day after completion of poll:

1. The statutory provisions regarding Observers specifically focus on their role during the counting process and empower them to stop counting and to direct the Returning Officer not to declare the result, if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at counting centers or any ballot papers used at a polling station or unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of poll at that polling station cannot be ascertained. The statute thus enjoins a special responsibility on the part of the Observers to oversee and supervise the counting process and also to provide a direct and immediate communication to the Commission. The Commission accordingly expects that the Observers will have a key role in the superintendence of the counting process.

2. Commission is particularly concerned that the entire counting arrangement should be orderly and well-structured. Commission attaches great importance to the fact that the actual counting is done in such a manner that it is not only smooth and efficient but more importantly transparent and correct. Reasonable opportunity is to be afforded, as per existing instructions of the Commission, to let the counting agents of the candidates get a clear view of the counting process as it goes on each counting table.
3. Commission has issued orders regarding the arrangements for counting in the “**Hand Book for Returning Officers**”.
4. Observers may visit as many gram panchayats as they can when counting of votes when counting of votes is done in the gram panchayats to ensure that counting process is conducted as per the procedure prescribed.

43. Miscellaneous:

1. The District Election Authority will ensure that the place of stay, the phone number, the dates of visit of the Observers are duly publicised in the districts allotted to them. The Observers shall doubly check this. They have to make themselves easily accessible to whoever wants to meet them with an election-related complaint or information.
2. The State Election Commission will take all practicable steps to ensure that the Observers are protected against any victimisation due to their reports.
3. Observers may indicate the district in which he has been appointed as Observer and also whether he is a General Observer or an Election Expenditure Observer in all the communications to the Commission. This will facilitate easy identification and quick processing of the communications received from the observers.
6. Observers may indicate in each report, whether it is the first report, second report, third report or fourth report.

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Annexure-I

CHECK LIST

**INFORMATION/PARTICULARS TO BE PREPARED BY DEA
AND RO TO BE PROVIDED TO THE OBSERVER ON ARRIVAL.**

I. Name of the District

- i. No of vulnerable villages/hamlets
- ii. Map of the district

II. District Election Authority

- a. Name
- b. Batch of service
- c. Date of posting

III. Superintendent of Police

- i. Name
- ii. Batch of service
- iii. Date of posting

IV. ROs (List can be obtained)

- d. Name
- e. Designation

V. Electorate details

Number of Electors in the District

Male	Female	Total electors

VI. Polling Stations

i No of polling stations:

ii Whether the list has been approved by the Collector

Yes	No

iii Whether all the polling stations have been visited by the RO and ARO

Yes	No

iv Polling Station Details

Total No of Polling Stations	Single Polling Station Locations	Two PS location	Three PS location	Four PS location	Five PS location	Six PS location	More than Six PS location

v. Electors details of Polling Stations in the constituency

Total No of Polling Stations	No of electors attached to the Polling Station		
	Upto 200	200 to 400	Above 400

VII. Identification of sensitive and hypersensitive polling stations (please provide the list)

VIII. Identification of centres for dispatch, and counting:

Name of Location	Activity	Facilities	Space	Lighting	Water/toilets	Layout Plan
		Adequate/ Inadequate	Adequate/ Inadequate	Adequate/ Inadequate	Adequate/ Inadequate	Done/ Not Done

IX. Arrangements for deployment of adequate polling personnel – Total required:

Training Schedule for

- (i) Polling Personnel
- (ii) Counting personnel

Police personnel

i. The total number of police personnel by designation

SP	Dy SP	PIs	PSIs	Constables

ii. Requirement of CPF

- iii. Operation of police control (police and RO, DEA) and the contact numbers

X. Preventive actions taken

- i. Arms deposited
- ii. Security bonds
- iii. Preventive detentions
- iv. NSA
- v. Externment
- vi. Prohibition cases if applicable
- vii. List of persons provided with security cover
- viii. Copy of law & order report 1 and 2 sent to State HQ should be endorsed to Observer daily.

XI. Arrangements for implementation of model code of conduct

- i) Arrangements for prevention and removal of defacement of property
- ii) Enforcement squads formed.
- iii) District media cell constituted or not.
- iv) Instructions to all the officers, candidates, political parties highlighting actions envisaged for the lapses.
- v) Arrangements for expenditure observation at the Mandal level .

a. Designated officers at Mandal level appointed

Yes	No

vii) Preparation of list of prevailing market rates for regular campaign material required done

Yes	No

XII. Arrangements for procurement of election material and printing of forms etc.

XIII. Randomization of polling personnel

i. Whether data base of polling personnel prepared?

Yes	No

ii) Whether polling parties were formed at Mandal level:

- iii. When allocation of polling stations to polling parties was at the time of their despatch

Date		Month		Year			

XIV. Despatch arrangements

- i. Whether from Mandal Headquarters or any other location,
- ii. Name of the location,
- iii. Any need for early dispatch to specific polling stations,
- iv. If yes, reasons.

OBSERVER REPORT-1

POLL PREPAREDNESS REPORT (please indicate done or not done)

From

Name of the Observer:	
Name of the District	
Camp / Station :	

1.	Arrangements for	Done / Not done
	(a)Ballot Paper printing	
	(b) Setting up of facilitation center for providing postal ballot papers to polling personnel	
	(c) Providing postal ballot papers to service voters	
	(d) Dispatch of Postal Ballot Papers to Service Voters	
2.	Polling personnel list preparation	
	Dates of second randomization	
	Dates of third randomization	

3. Training

	Date	Month	Year
First Training Date			
Second Training Date			

4.	Adequate preventive steps taken for maintenance of Law & Order (Yes / No)
5.	Vulnerability mapping done and critical polling stations and clusters identified (Yes / No)

6	Arrangements at dispatch and counting centre (Done / Not done) Facilities adequate (Yes / No)
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7.	Arrangements for model code of conduct (Yes / No) implementation
	(i) Whether Enforcement squads formed
	(ii) Whether system for receiving complaints and monitoring of disposal of complaints done

8.	Communication plan done (Yes / No)
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9.	Establishment of control rooms done (Yes / No)
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10.	Monitoring of election expenditure	(Yes / No)
	a. Whether the election machinery is aware of Rules relating to ceiling on maximum expenses	
	(b) Whether all the candidates been furnished with the prescribed format for maintaining day to day account of election expenditure by contesting candidates, alongwith the format of“Abstract Statement of Election Expenses”, form of “Affidavit” and a written communication by the Returning Officer detailing the provisions of maintenance of accounts of election expenses immediately after the nomination of the candidates.	
	(c) Whether such registers were duly page numbered and authenticated by the DEA at the time of issue.	
	(d) Whether the DEA has designated an officer (Designated Officer) to check the accounts of daily expenditure to be maintained by the candidates	
	(e) Whether the schedule of inspection of the expenditure register/vouchers fixed.	
	(f) If yes, indicate the dates fixed for inspection.	
	(g) Whether the Designated Officers for checking the accounts been briefed by the Observer regarding the various aspects of expenditure.	

	(h) Has the prevailing rates in the district for printing of posters, hiring of vehicles, loud speakers, cost of erecting pandals and hiring of furniture and fixtures has been provided by the DEA	
	(i) Has the same been appraised to the contesting candidates and the Designated Officers.	
	(j) Whether a plan has been formalized for flow of communication between -	
	(i) media cell and the Designated Officer to keep track of expenditure on print and electronic media	
	(ii) media cell and the Designated Officer to keep track of expenditure on print and electronic media.	
	(iii) authority granting permission for deploying vehicles for electioneering and the Designated Officer for keeping track of expenditure on vehicles.	
	(iv) Excise authorities granting liquor license and the Designated Officer to have upto date information on stock position and disbursements.	
	(v) Authorities enforcing model code of conduct and the Designated Officer to keep track of expenses on wall posters and holdings on public buildings, videography of meetings, rallies, etc.	
	(vi) Police authorities who confiscate unauthorized vehicles which are illegally used for electioneering and the Designated Officer.	
(k)	Any other item of expenditure incurred by the candidates which engages the attention of the Observer during the period of their stay	
Overall observation – (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern atleast three in order of priority		

Date:

Place:

Signature of the Observer

OBSERVER REPORT- 2

From

Name of the Observer:	
Name of the District	
Camp / Station :	

1	Number of complaints received for violation of MCC	
2	Number of notices issued	
3	Number inquired and action taken	
4	Any pending for inquiry and corrective action	
5.	Reasons for pendency	
6.	Vulnerable villages, critical clusters identified (Yes / No)	
7	Police plan done (Yes / No)	
8	Allotted force has reached the district (Yes / No)	
9	Authenticated copy of electoral roll has been prepared and supplied to candidate (Yes / No)	
10	Number of micro-observers identified	
11	Whether the communication plan has been Validated (Yes / No)	

Any special input:-

Date :

Signature of the Observer

Place :

OBSERVER REPORT- 3

From

Name of the Observer:	
Name of the District	
Camp / Station :	

1	Total number of polling stations	
2.	Number of polling stations where there were no polling agents (indicate the specific number of polling stations)	
3.	Number of polling stations where there was only one election agent was present (indicate the specific number of polling stations)	
4.	Number of polling stations where poll was interrupted for more than two hours or delayed in starting (indicate the specific number of polling stations)	
5.	Number of polling stations where the interrupted poll could not continue (indicate the specific number of polling stations)	
6.	Number of polling stations where poll continued beyond appointed hours (indicate the specific number of polling stations)	
7.	Number of Micro observers appointed at the polling stations	
8.	Number of Ballot boxes replaced after the start of poll (indicate the specific number of polling stations)	

9.	Number of polled votes in the Ballot boxes which was replaced and the name and number of the polling stations			
10.	All Presiding officers diaries and other documents received (Yes / No)			
11.	Total voting	Total No. of electors	Number voted	Percentage
	Male			
	Female			
	Total			
12.	Events relating to law and order, bogus voting etc.,			
13.	Any need for repoll If yes, then the details of reasons			
14.	Fixing the responsibility for the reason leading to repoll			

Signature of the Observer

Date :

Place :

OBSERVER REPORT- 4

From

Name of the Observer:	
Name of the District	
Camp / Station :	

1	Total number of Gram Panchayats notified for election in the District	
2	No. of Gram Panchayats for which elections were completed	
3	No. of Unanimously elected Gram Panchayats	
4	No. of unanimously elected Sarpanchas	
5.	No. of unanimously elected Ward Members	
6.	No. of Gram Panchayats in which Upa-Sarpanch election was completed	

DEPARTURE REPORT

1.	Date of reporting by the Observer in the District for election duty	
2.	Date of departure of observer:	
3.	Was there any break taken by the observer from the duty If Yes, give details	
4.	Was there late reporting to duty If yes, by how much time.	

Date :

Place :

Signature of the Observer

DOs AND DON'Ts FOR OBSERVERS

DOs

1. Attend the briefing and debriefing sessions fixed by the Commission.
2. Notify your correct office and residential addresses and telephone / fax numbers by filling the Personal Information Sheet at the Registration Desk. Also please notify changes, if any, from time to time, to the Secretary, State Election Commission.
3. Draw up your tour programmes sufficiently in advance and intimate to the District Election Authority.
4. Note carefully the numbers of visits, duration of visits and the period of visits given by the Commission and strictly act according to this.
5. Ensure that your tour programme is duly publicized.
6. Identify areas / polling stations which might require closer attention.
7. Monitor that adequate stock of all election materials are actually available in adequate quantities.
8. Make an independent assessment of the Law and Order situation in general.
9. Make a random check of as many polling stations as possible and verify them.
10. Monitor instances of violation of Model Code, ban on transfer etc.
11. Send a report to the Commission within 24 hours of your return to the headquarters after the visit. In addition, also send spot report (s) from time to time as considered necessary.
12. Bring any development that merits immediate remedial action or attention of the Commission, to Returning Officer's / Commission's notice without any loss of time. Such information should not be deferred till the regular reports are submitted.
13. Send your report in a closed envelope.
14. Attend meetings of the candidates, if any, called by the District Election Authority.
15. Make independent assessment of the expenditure incurred by a candidate.
16. Speak to the local people and check posters, pamphlets etc. to arrive at an independent assessment.
17. Inspect the statements of Election Expenditure prescribed by the Commission.

18. Obtain prior permission of the Commission before leaving the headquarters.
19. Maintain proper conduct in the District or SEC Observers are keenly observed.

DON'Ts

1. Do not ask for any exemption from the briefing session.
2. Do not travel to the District with your families.
3. Do not talk to the Press unnecessarily.
4. Do not make any unreasonable demands to the State Election Commission / District Election Officer / Returning Officer regarding accommodation, vehicles, security etc.
5. Do not leave your headquarters once you have been allotted specific districts without the prior written permission of the Commission.
7. Do not defer submitting reports on any development which requires immediate remedial action till submission of your regular report(s), but bring it to the Commission's notice by fastest means.