

GENERAL OBSERVERS HAND BOOK

2014

GENERAL OBSERVERS HAND BOOK

2014

TABLE OF CONTENTS

1. BACKGROUND	5
2. STATUTORY BASIS OF APPOINTMENT	6
3. OVERVIEW OF OBSERVER'S DUTY	7
4. BRIEFING OF OBSERVERS.....	8
5. TOURS AND ABSENCE FROM HEADQUARTERS	8
6. REQUESTS FOR LEAVE	9
7. OBSERVER PORTAL.....	9
8. ROLE OF OBSERVERS.....	9
a. Nominations, Withdrawal, Scrutiny and Symbol allotment.....	11
b. Electoral Roll Related	12
c. Campaign Period.....	12
d. Pre-Poll Election Management.....	13
e. Poll Day Management.....	14
f. Post Poll	15
g. Counting	15
9. REPORTS BY OBSERVERS.....	16
10. POSTAL BALLOT FOR OBSERVERS	16
11. ARRIVAL OF OBSERVERS IN THE CONSTITUENCIES	17
12. INTERFACE OF ROs/AROs AND DEO	17
13. SCRUTINY OF NOMINATION PAPERS.....	18
14. ALLOTMENT OF SYMBOLS.....	19
15. ELECTORAL ROLLS	21
16. MEETING WITH THE CANDIDATES	22
17. VISIT OF AREAS IN THE CONSTITUENCY AND POLLING STATIONS.....	22
18. REVIEW OF OVERALL PREPAREDNESS OF LAW & ORDER MACHINERY.....	23
19. OBSERVATION OF IMPLEMENTATION OF MODEL CODE OF CONDUCT.	24
20. APPROACH OF THE OBSERVER IN IMPLEMENTATION OF MODEL CODE OF CONDUCT.....	24

21. WATCH ON EXPENDITURE INCURRED ON ELECTION CAMPAIGN BY THE CANDIDATES/POLITICAL PARTIES.....	27
22. Media Certification and Monitoring Committee (MCMC):	34
23. Expenditure Monitoring Control Room and Call Centre	35
24. DISTRICT MEDIA CELL	36
25. PREPARATION OF POLLING PARTIES AND TRAINING.....	36
26. ELECTRONIC VOTING MACHINE.....	38
27. PREPARATIONS FOR DATE OF POLL	38
28. VISIT TO DISPATCH CENTRES.....	39
29. MICRO OBSERVERS	39
30. SPECIAL OBSERVERS	40
31. POLL DAY ACTIVITIES.....	40
32. RECEPTION OF POLLING PARTIES.....	42
33. SCRUTINY OF REGISTER OF VOTERS AND OTHER DOCUMENTS.....	42
34. REPOLL AND ADJOURNED POLL CASES.....	43
35. END OF POLL REPORT	43
36. COUNTING OF VOTES.....	44
Annexure-I	48
38. Observers Reports	55
The First Report.....	55
(Immediately after the end of Scrutiny of Nomination Papers).	55
The Second Report (Immediately after meeting with the candidates and their representatives on or before the day of the Withdrawal of candidatures).	56
The Third Report (Immediately after the end of Campaign period).....	59
The Fourth Report (Immediately after the end of poll).....	61
The Fifth Report (Immediately after the Scrutiny of 17 A (Register of Voter) and other documents on the day after poll)	63
The Sixth Report (Immediately after Counting of Votes)	65
39. Dos AND DON'Ts FOR OBSERVERS	67

1. BACKGROUND

1. Different democracies have different types of Election Observation. The Election Observation includes the observation by domestic Observers as well as Observers by external agencies such as United Nations, Commonwealth, and other external election watch groups and so on. However, in the Indian context, the election Observation has always been a domestic initiative. The concept of election observation by the domestic Observers itself has been evolved over a period of time, as the complaints during the election process were far and few in the initial years. There was no concept of deputing Election Observers from one State to another State. Initially, as and when complaints were received, some officials from the Election Commission's headquarters were deputed. As number of complaints over a period of time increased, the deputation of Election Commission's officials had a serious limitation.
2. Commission started deputing some senior officials from the same State to observe election process in a constituency or a group of constituencies. But the concept of deputing senior officers as the Election Commission's Observers took a firm root only from the beginning of the year 1990s. Over a period of nearly last two decades, the deputation of Election Observers from one State to another State has become an integral part of the election management in the country. Currently, mostly the officers who belong to All India Services and Central Services like IRS, CBDT and CBEC, IDES are being deputed as the election observers.

2. STATUTORY BASIS OF APPOINTMENT

1. Observers of the Election Commission of India are appointed under the powers conferred on it by Section 20B of the Representation of the People Act, 1951 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 for the period from their appointment until the process of election is completed.
2. The representation of the People Act, 1951 was amended in August, 1996 to add a new Section 20B. This provides statutory powers to the Observers to watch the conduct of elections and especially in respect of counting of votes.
3. Section 20B reads as follows:-
 - a. *The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.*
 - b. *The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the constituency or for any of the 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 places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll 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 or place cannot be ascertained.*
 - c. *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 Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or Section 64A or Section 66”.

3. OVERVIEW OF OBSERVER’S DUTY

1. By dint of their seniority and long experience in the administrative services, they are expected to be in a position to assist the Commission in the conduct of free and fair polls.
2. They will also be able to oversee the efficient and effective management of the electoral process at the field level.
3. For all purposes, they will act as the eyes and ears of the Commission during the period of the election (and not the mouthpiece) and provide direct inputs to the Commission from the field as an interface with the election machinery the candidates, political 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.
4. 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.
5. 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 CEO/RO/DEO about their observation on various aspects of election management in order to facilitate midcourse corrections.
6. However, the Observers shall not mark copies of their formal reports to the Commission, to any other person including CEO/RO/DEO.

7. 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.

4. BRIEFING OF OBSERVERS

1. The appointment of an officer as an Observer and the intimation for the briefing meeting shall be communicated by the ECI through the nodal officer of the State and Central Government who shall coordinate with Election Commission for various issues including provision of list of officers for appointment as observers. No request for exemption shall be entertained for this meeting and any replacement should be done only with the permission of ECI. Replacement requests shall not be entertained without serious reasons.

5. TOURS AND ABSENCE FROM HEADQUARTERS

1. 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.
2. Any request in this regard for special permission shall be made to the Deputy Election Commissioner (in charge of the State/UT).
3. No Observer is allowed to go on a foreign trip during the period intervening between the briefing session and the completion of election process.
4. 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 may recommend release of such officer by substituting an officer of equivalent or high rank.
5. **All such requests shall be addressed by the DOPT to the Commission.**

6. REQUESTS FOR LEAVE

1. 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 Constituency(ies) in which officer has been appointed as Observer or for which Observer has been kept in reserve.
2. **All correspondence in this regard shall be addressed to Deputy Election Commissioner (in charge of the State) by name.**

7. OBSERVER PORTAL

1. A web portal has been made for observers. Link to the Observer Portal is given on the website of the Commission (<http://www.eci.nic.in>).
2. Observers have been communicated their user ID and Password in the briefing letter. They must change their password when they login for the first time.
3. Observer Portal is the best method of communication between Observers and the Commission.
4. All the latest instructions of the Commission are available on the portal. Message for Observers are also given on the message board of the portal.
5. **Observers should, therefore, check the portal frequently. Similarly, observers should send their reports to the Commission by uploading on the Observers Portal.**

8. ROLE OF OBSERVERS

1. Section 20B of the Representation of Peoples Act, 1951 has vested the Observers with some statutory powers. They are empowered to stop counting or the declaration of result in a event which could have made it difficult to

ascertain the result correctly. Besides this, they have got certain direct executive roles to play which include:-

- a. Observing the processes of scrutiny and withdrawal, and
Report back to the Commission promptly in case of any irregularity;
- b. Examination of the video clipping of the nomination process as well as making proper investigation on the complaints received in connection with the process of nomination. Also to examine the unresolved grievances by the candidate/political parties about the allotment of symbols;
- c. 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, training of Micro-Observers and such other things;
- d. Though checking the account of expenditure of the candidates is entrusted to Expenditure Observers, however, General Observer are also required to do so, in case of exigencies, if directed by the Commission.
- e. Tracking dispatch of postal ballot papers to the service voters, ensuring the setting up of the facilitation counters for polling officials, police and security personnel etc., in accordance with the recent guidelines of the Commission and sending specific report in this regard to the Commission.
- f. Checking randomization software, reviewing the process of randomization of the polling personnel, obtaining report from the DEO regarding first level randomization; and
- g. Observing and regulating the counting process. Observer has to sign the round wise counting sheets as proof of his/her satisfaction. She/he can

direct the Returning Officer to stop counting of votes or declaration of result, if she/he notices any irregularities and bring the matter to the notice of the Commission for further directions.

2. 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. An illustrative list is as below:

a. Nominations, Withdrawal, Scrutiny and Symbol allotment

- I. The General Observer arrives on the last day nomination and thus does not observe the process of nomination. However, he should get the video recording of the nomination process from the RO and see the recordings to get an overview of compliance of ECI Instructions and report major violations, if any, with specific reference to Commission's instructions regarding number of people allowed to be present during Nominations.
- II. Scrutiny is a quasi-judicial process and should be conducted by the RO without any outside influence. However, Observer can ensure that RO is aware of the latest instructions; he has the latest list of disqualified candidates and the latest symbol order. The Observer should observe the scrutiny process and report glaring error to the Commission. The observer should send tabular information of all rejected cases with reasons thereof. **Observer should, however, abstain from directing or advising the RO.** Observer may remind RO that the scrutiny proceedings can be adjourned in case an opportunity is to be provided or if any legal provision needs to be examined that requires time.
- III. Allotment of symbol is a process that is very technical and requires due care. It should be ensured that RO is aware of the provision of issue of reserved symbols and free symbols. He should have the latest symbol

allotment order. Another important aspect to be kept in mind is the symbol concession order issued by Commission. After allotment of symbols, the list of contesting candidates should be prepared in Form 7A.

b. Electoral Roll Related

- I. It should be ensured the EPICs prepared during the last days are properly distributed to the electors and are not left with some intermediary.
- II. Although no deletions can be made from the roll, absentee and dead and duplicate voters should still continue to be tracked and a separate list of such voters should be prepared Polling Station-wise that can be used on the day of Poll.
- III. The last supplement is prepared after the date of withdrawal by manually marking the mother roll and previous supplement based on the last supplement. This activity has to be closely observed and ensured that efforts have been made to avoid any mistakes at this stage.
- IV. It should be ensured that the copies given to the candidates are exactly the same as that which would be used on the poll day by the polling party. Observer should see the latest instructions of the Election Commission, dated 11.12.2013 on this matter.

c. Campaign Period

- I. Monitoring implementation of Model Code of Conduct (MCC) and measures to prevent occurrence of electoral offenses. In this regard, the Observers should bring lapse to the notice of DEO, CEO and report to the Commission, if required but abstain from any executive action on their part.

- II. Meeting with candidates to explain the provisions of Model Code of Conduct and the instructions of Commission thereunder.
- III. Observe various events like political meets, visits of star campaigners etc.
- IV. Monitor the work done by teams constituted for enforcement of MCC.
- V. Monitor dummy candidates, surrogate advertisements and paid news.
- VI. Review video recordings of activities of those candidates for whom video trailing has been resorted to.

d. Pre-Poll Election Management

- I. Monitor preparation of dispatch of postal ballot papers to service voters immediately after the preparation of list of contesting candidates i.e. Form 7-A.
- II. The first randomization of the election staff is done before the Observers arrive. The second and third randomization is, however, done in the presence of Observers.
- III. First level of EVM randomization is done before the arrival of the Observer but the second level randomization is done in the presence of Observers.
- IV. 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 regard to recent instructions of EC and related to operation of EVMs.
- V. Monitor adherence to the instructions of the Commission regarding issue of postal ballot papers to the polling staff and voting through them.

- VI. Visit polling stations and monitor that all polling stations are visited by election official for verification from fitness angle. Verify whether the list of polling stations is approved by the Commission.
- VII. Go through the exercise of **Vulnerability mapping** and identification of critical booths and critical clusters done by the DEO/SP and finalize and list of critical polling stations and critical clusters.
- VIII. Discuss and approve the District Security Plan with the DEO and the SP and review the law and order issue in general. Review the availability of CPF, SAF and District Police. Review the preventive measures taken by the law and order implementation machinery.
- IX. Review the Communication Plan and confirm dry runs.
- X. Review Control Room arrangement and complaint monitoring system.
- XI. Training and placement of Micro Observers
- XII. 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.
- XIII. Review counting arrangements.

e. Poll Day Management

- I. Monitor placement of Sector Officers and Micro Observers.
- II. Monitor conduct of mock polls and receipt of mock poll certificate in prescribed format signed by PO. Review the polling stations with no or only one polling agent.
- III. Review the pace of poll and percentage of polling at regular intervals.
- IV. Keep track of occurrence of any special events during the poll day.

- V. Keep track of any delays or temporary suspension of poll.
- VI. Report anything exceptional to the CEO and the Commission.
- VII. 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. Ensure that the non-statutory documents are not locked with the EVMs in that strong room.
- VIII. Ensure that a “special counter” is setup for receipt of polling parties from those polling stations where any special events has been reported and on receipt, proper documentation, along with the statement/report of the Presiding Officer, if required, is done.

f. Post Poll

- I. Scrutiny is an important analytical tool to analyse proper conduct of elections and taking repoll decision. Scrutiny is done for those polling stations that fall within the criteria as per Commission’s instructions in the presence of Observer on the next day of the poll.
- II. Report to the Commission about the conduct of poll and requirement of repoll, if any.

g. Counting

- I. Review the arrangements for counting made by the DEO.
- II. The randomization of counting staff is done in the presence of Observer.
- III. Monitor that the counting of postal ballot taken up before the EVMs but the EVM counting is not held up till the completion of postal ballot counting.

- IV. The Observer has to ensure that the results as tabulated by the counting staff and the additional counting staff, drawn from the central government establishment, tally.
- V. Conduct random test for two EVMs in every round and take corrective action as per the directions of ECI, in case any mistakes are found.
- VI. Ensure that during the counting, round-wise results are announced as and when they are finalized.
- VII. Certify proper completion of counting process and allow RO to declare results, if satisfied with the counting process.
- VIII. Report to the Commission for recount to be held, if recount required.

9. REPORTS BY OBSERVERS

1. The Commission expects six mandatory reports from the Observers. However, in case of any serious deviations the Observers should bring it to the notice of ECI through interim report(s) as and when necessary.
2. 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 concerned and must be followed by a written message in confirmation.

10. POSTAL BALLOT FOR OBSERVERS

1. Rules 17 to 20 of the Conduct of Elections Rules, 1961 provide that voters on election duty are entitled to vote by post. The term “Voters on Election Duty” includes a public servant, who is an elector in the constituency and is

by reason of his/her being on election duty, is unable to vote at the polling station where he/she is entitled to vote. Observers are also covered in this category. As Commission does not appoint any officer as observer in the Home State/State of posting.

2. If an Observer is registered as an elector in any constituency, he/she can apply for a postal ballot paper to the Returning Officer of the Constituency concerned in Form 12. The Observers may write or contact the Returning Officer of the Constituency concerned and present his/her duly filled in Form 12, to obtain a Postal Ballot Paper.

11. ARRIVAL OF OBSERVERS IN THE CONSTITUENCIES

1. The Observer is mandated to report in the constituency on the last day of filing of nominations in forenoon.
2. The DEO may appoint an English knowing officer as the liaison officer for the Observer and the liaison officer receive the Observer at the point of his/her arrival in the State and escort him/her to the place of stay.
3. The DEO has to make arrangements for accommodation, vehicle and communication, like Internet, fax, office stationery etc.
4. The information/particulars as enumerated in the check list (Annexure-I) are to be provided to the Observer on his/her arrival along with the District Election Plan and a map, by the DEO/RO.

12. INTERFACE OF ROs/AROs AND DEO

1. The DEO will organize a structured meeting with the Observers as early as possible. All the ROs, AROs, SP, other election officials including the nodal officers for medial cell, 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 their special attention.

2. The Observer should proactively use this meeting to familiarize with the state of preparedness of the district administration in all aspects.
3. The Observer should monitor that:
 - a. The posting of requisite officers for RO and ARO has been completed (including for counting)
 - b. The identification 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. The primary list of polling personnel has been prepared.
 - f. The arrangements for receiving information from public and political parties-control room arrangements and inter coordination of police and DEO, RO control rooms, has been made.
4. After reviewing the check list (Annexure-I) the Observer shall take up the matter with the ECI, if any deficiency is found in the election preparedness.

13. SCRUTINY OF NOMINATION PAPERS

1. The Observer is expected to observe the scrutiny process and finalization of the contesting candidates after withdrawal very closely. The role of Observer in scrutiny is to observe the events, rather than guide formally. However, in a situation where there is some confusion, the observer shall report to the Commission but under no circumstances shall give instructions to the RO.

2. The Observers are expected to be present during the Scrutiny of Nominations. However, before the scrutiny, it is important that the Observers verify from the Returning Officers the availability of latest instructions and orders of the Commission, which are specifically relevant for the Returning Officers in discharging their statutory functions for scrutinizing the nominations.
3. The following items are important:
 - (a) The latest list of “Political Parties and Election Symbols” published by the Commission.
 - (b) Commission’s instructions on criminalisation of politics and the latest Form of Affidavits, which will accompany every nomination form (ECI Instruction No. 3/ER/2003/JS-II dated 27th March, 2003 read with Instruction No. 3/ER/2011/SDR dated 25th February, 2011 and No. 3/4/ 2012/ SDR dated 24th August, 2012), as amended from time to time.
 - (c) The latest copy of the List of Disqualified Candidates.
 - (d) Instructions and copies of latest versions of Forms A&B which are utilized by the political parties to indicate the names of their official candidates who are eligible for being allotted the symbol reserved for the party.
 - (e) An authentic copy of the Electoral Roll for the constituency.
4. 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 Returning Officers have not only received the latest instructions but have understood the implications clearly.

14. ALLOTMENT OF SYMBOLS

1. Immediately after the process of withdrawal of nominations is completed, the Returning Officers are to take up the process of Allotment of Symbols. The

Observers will be available for overseeing this important activity. The RO should have the latest list of Political Parties and Election Symbols and any relevant symbol concession order issued by the Commission with regard to political parties not recognized in the particular State but recognized in some other State.

2. As soon as the allotment of symbols is completed, a List of Contesting Candidates and Symbols allotted to them is prepared and published in Form 7A. Special care should be taken regarding order in which the name of candidates appear in the list and Commission's instructions in this regard should be strictly adhered to. This is a very important document and it is of utmost importance that copies of the same reach the Chief Electoral Officer at the earliest. The Returning Officers will make arrangements to send the original copy to the Chief Electoral Officer in the State / Union Territory through special messenger. The later will consolidate these and send it through special messenger or camp bag to the Commission.
3. In case of Parliament election the Commission publishes a Consolidated List of Contesting Candidates in English and Hindi. It is likely that some of the nominations may be filed in the local language. The Returning Officer will nevertheless prepare two sets of the copies of the Form 7A in English and Hindi and ensure that these are sent to the Commission through the process aforementioned. However, if the RO is unable to prepare the Hindi version, this can be left to the CEO who will get it done at his level. In any case, the English version and the version in the local language should invariably be sent by the ROs. In case of Assembly election the CEO of the State publishes it in the official language of the State.

15. ELECTORAL ROLLS

1. Several complaints have been received in the Commission that during past elections the electoral rolls provided at the polling booths were different from the electoral rolls that were provided to the candidates. The Commission has viewed such complaints with concern and decided as follows:
 - (a) The electoral roll supplied to the polling booths shall be certified to be true copy of the one that has been provided to the candidates / political parties and the marked copy kept by the Returning Officer as per Conduct of Elections Rules, 1961 by one officer and one subordinate to the specifically responsible for the purpose.
 - (b) These officers shall sign the electoral roll supplied to the polling booths, on all pages.
 - (c) A copy of the electoral roll, which will be used on the day of election at polling booths (copy of the one given to the candidates / political parties), shall also be given to the Observer. The Observer shall check the authenticity of the roll provided at polling booths vis-à-vis the roll given to the candidates on the day of poll at the polling stations visited by him/her. The Observers will discuss this subject thoroughly with the RO and ensure that there is no room for any complaint on this score. This aspect should also be explained to the candidates and political parties during discussion.
2. The Observers should monitor the action plan prepared for covering the residual electors, issue of EPIC, identification of electors absent without family linkage, expired electors and duplicate entries and preparation of polling station wise list of such entries. Commission has mandated that if any elector figuring out in this list appears for voting, the strict identity checks should be applied.

16. MEETING WITH THE CANDIDATES

The RO should conduct a meeting in the presence of Observer with all the contesting candidates and party representatives on the last day of withdrawal or on the next day and brief them about –

- a) Important aspects of the model code of conduct,
- b) Expenditure reporting formats, rate list etc. and frequency of reporting required, time and place of reporting of expenditure,
- c) Issuance of permissions for vehicles, processions and public meetings
- d) Date and time of EVM preparation and candidates' role in it.
- e) Interaction of Observers with the candidates/political parties/electors (with specific details of time, contact numbers and place for meeting the Observers).
- f) Important aspects of conduct of elections (like appointment of polling agent, counting agent, election agent – their rights & duties).
- g) The Observers should explain the **concept of worry list**. Wherever a candidate has apprehension about any unfair practice, procedural lapse, he will bring them to the notice of the Observer through the worry list indicating details of polling centres and reasons for such apprehension.
- h) Latest instructions of the Commission or important changes from past practices should be brought to the knowledge & notice of candidates.

17. VISIT OF AREAS IN THE CONSTITUENCY AND POLLING STATIONS

1. After finalization of contesting candidates by the RO, the Observer should visit as many polling stations (areas thereof) to understand the constituency in social, economical and political context. During their visits, the Observers shall

definitely visit all new polling station, sensitive polling stations and distant polling stations.

18. REVIEW OF OVERALL PREPAREDNESS OF LAW & ORDER MACHINERY

1. The Observer should have a detailed discussion at a mutually convenient time not later than 4 days of his/her arrival about the following.
 - (a) Adequacy of police personnel,
 - (b) Requirement of Central Forces,
 - (c) Preventive actions taken (preventive detentions, bonds & arms deposition)
 - (d) Identification of critical clusters and polling stations through vulnerability mapping
 - (e) Sector plans for policing on the day of poll,
 - (f) Response strategy on the day of poll and transportation of EVMs, and
 - (g) Discussion about sensitivity of inter-district, national and international boundaries.
2. The vulnerability index mapping of the district should have been completed. The Observer should ensure whether this has been done and **critical clusters** and polling stations are identified. The sector plan for police patrolling and the requirement for additional force should be reviewed in this context.
3. The distilleries in the district should be monitored for the stock position of liquor and any abnormal increase in outflow during the election period should be checked. This should be compared to the average of the last six months.

19. OBSERVATION OF IMPLEMENTATION OF MODEL CODE OF CONDUCT

1. It has been the most important and crucial task of Observers to ensure non-partisan and effective implementation of Model Code of Conduct.
2. The main areas for strict vigil are:-
 - (a) Use of vehicles for campaigning without required permission,
 - (b) Use of muscle power to mobilize or restrain people from voting,
 - (c) Flow of liquor and money and 'gifts' to ensure voting in favor of a particular candidate,
 - (d) Divisive tactics through inflammatory and condemnable speeches/ acts, and
 - (e) Dealing with defacement of property as per prevailing law, if any, of the state, in case of absence of any such law as per the latest instruction of the ECI.
3. To ensure effective enforcement, the Observer should check whether the enforcement squads are formed with clear territorial jurisdiction to have accountability. The teams of enforcement should consist of civil and police personnel.

20. APPROACH OF THE OBSERVER IN IMPLEMENTATION OF MODEL CODE OF CONDUCT

1. The approach of observer should be to get the complaint inquired by DEO/RO through the inquiry officer and tracking how the inquiry is conducted and how the concurrent corrective measure is affected. The Observer should advise the RO/DEO 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 ECI. Observer should use videography as an effective tool to implement Model Code of Conduct.

2. Observers are eyes and ears of the ECI and not the executives in the field. There are several instances where implementation of Model Code of Conduct has been handled for the same issue in different manner in different constituencies. Some instances are given as case studies to sensitize you to this aspect-

Situation A

An Observer found a vehicle with a party flag and lot of workers with a microphone campaigning for a candidate without a permit.

- a. He detains the vehicle with the help of his PSO and calls for the police and orders them to take a particular action, issues a specific instruction in writing.
- b. He reports the matter on phone to the concerned SP and subsequently writes a letter and warrants an ATR from the SP and RO. In case of non-action, the lapse is reported to ECI.
- c. He gives an instruction to immediately arrest the people in the vehicle to the police in writing.

The ECI would appreciate the option 'b' in this case. However, to ensure ripple effect, the incident and the action taken should be publicized in the media to create further deterrence through the RO. In any case the Observer is not expected to interact and brief the media personally.

Situation B

There is a complaint from a particular political party that there is possession of illegal arms in a particular location by another contesting party. The complaining party does not disclose the location and requests for a police party to raid in a location to be specified later.

- a. The Observer agrees to the demand and orders the SP to send a police party.
- b. The Observer takes the complaint and location confidentially, asks the SP to act on it and report back. He also sends a videography team with the police party
- c. The Observer takes the police party and goes to the specified location and raids it.

The ECI would recommend the option 'b' in this case as observers have to think and act independently after receiving a complaint and not physically move with one party or other as that is also seen as partisan.

Situation C

Every party has a list of star campaigners designated who shall be funded centrally from the party level for their travel and campaigning. One of the star campaigners deliver inflammatory speeches hurting the sentiments of a particular section of society and this is widely covered by media at national and local levels.

- a. This episode and the contents of speech is recorded and reported to ECI and at the same time appropriate action by the Election machinery has been initiated. The Action Taken is proportionate to the gravity of the lapse.
- b. This episode is not reported to ECI and action has been initiated at the local level which is covered by local media.
- c. It was not acted against at all.

The ECI would recommend option 'a' as the lapse is being covered by national media and the damage is no more localized and therefore the non-

reporting of this even to ECI shall have negative effect on the general scenario of elections at the national level.

Situation D

An observer witnesses that a public property has been defaced by posters, which is serious violation of model code of conduct. He had to deal with this.

- a. The Observer gets out of the vehicle and tears the posters himself.
- b. He informs the RO and asks the RO to send the enforcement squad responsible for territorial jurisdiction. He documents the violation through videography. After a day or two checks whether that violation has been dealt with and also ensures booking of that expenditure in the accounts.

The option 'b' is the desired response. ECI encourages effective observation rather than self-implementation of the Model Code of Conduct.

3. ECI envisages appropriate and timely action against lapses and at the same time proportionate flow of this information of action taken to the appropriate levels like local, district, State and national level to have a deterrence effect.
4. Every move of campaigning has an implication of election expenditure. The Observers are expected to correlate all the permissions taken and the expenditure statements submitted. In case of some expenditure not being reported, the standard rates prevailing in the district should be adopted.

21. WATCH ON EXPENDITURE INCURRED ON ELECTION CAMPAIGN BY THE CANDIDATES/POLITICAL PARTIES

1. The Commission appoints separate Expenditure Observers to monitor election expenses. For the purpose a separate manual/ guidelines has been prepared by

ECI. The observers should familiarize themselves with the expenditure monitoring guidelines.

2. Past experiences indicate that use of money power starts right from the distribution of tickets by the political parties. Subsequently, it takes various forms, which are enlisted herein below. However, 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.

- a) Booth-wise agents are appointed to purchase floating votes;
- b) Large donations to clubs and organizations to influence its members;
- c) Largesse to petty party workers to dole out the same to electors;
- d) Rented crowds for party meetings;
- e) Rallies and campaigns with purchasable crowd;
- f) Presence of candidates at social occasions like mass weddings, feasts, puja's, jagrans, inaugurals, etc. where gifts are given on behalf of candidates;
- g) Acceptance of felicitations by the contesting candidates at any educational or charitable organizations;
- h) Distribution of free liquor/liquor passes to the electors;
- i) Use of dummy candidates at election to utilize his quota of electioneering vehicles, etc.
- j) 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;

- k) Bringing cinema celebrities and sportspersons to campaign;
 - l) Providing voters with caps, vests, umbrellas, bi-cycles, etc.
3. 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 given in the CD in observer kit.
4. The gist and highlights of various instructions on the issue of election expenditure is given hereunder for the benefit of the Observers:
- a) Section 77 of the Representation of the People Act 1951 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.
 - b) Section 78 of the said Act further stipulates that every contesting candidate at an election shall within thirty days from the date of the election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of all the account kept by him or by his election agent u/s 77.
 - c) In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. All money to be spent on electioneering shall be deposited in this bank account

irrespective of its funding from any source including candidate's own fund.

- d) 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.
- e) 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 Election Commission u/s 10A of the Representation of the People Act, 1951 for a period of three years.
- f) The Election Commission of India has prescribed a format of the register which is required to be maintained by the contesting candidates along with supporting vouchers, bills, etc. arranged in a proper chronological order.
- g) Along with the Register, the Election Commission of India has prescribed a format of "Abstract of Election Expenses" which has also to be filled up by the contesting candidates
- h) The contesting candidates are further required to furnish an affidavit along with the "Register of day to day expenses" and "Abstract of Expenses"
- i) 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 in Hindi, English or the approved local language in which the electoral rolls are printed.
- j) The supporting vouchers of the day to day expenses should necessarily bear the signature in full of the contesting candidate or his election agent.

- k) The register along with the Abstract of expenses and the prescribed affidavit has to be made available by the contesting candidates for inspection by the Returning Officer/Designated Officer thrice before the date of poll. However, it has to be ensured that there is a gap of about four days in between each inspection and the first inspection may be on or after the 3rd day from the last date of withdrawal of nominations.
- l) If a candidate is contesting election for more than one constituency, he is required to maintain and lodge a separate account of his election expenditure in respect of each such constituency.
- m) The accounts of the candidate will be scrutinized by the Returning Officer/ Designated Officers and he shall keep two photocopies of the relevant pages of the register. One copy of the relevant pages of the register shall be displayed on the notice board of the Returning Officer and the other copy will be retained in a separate file for each constituency as proof of record with the Returning Officer and furnish to the DEO on conclusion of the whole electoral process.
- n) Where a candidate does not produce the register containing his daily account of election expenses before the designated officer/observer, despite notice, the DEO shall cause a complaint to be lodged u/s 171-I of the IPC against the errant candidates.
- o) 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
- p) The candidate, while maintaining their register of 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.

- q) The expenditure incurred by the leaders of the political parties on account of their travel for propagating the programs of the party shall NOT be considered as expenditure in connection with election incurred or authorized by the candidate or his agent, provided the names of the leaders for this purpose are communicated to the Commission and the CEO of the State within a period of seven days from the date of notification of the election
- r) In the event of failure of the political party to provide such names within the stipulated time, the aforesaid expenditure on travel of all leaders in the case of such parties will necessarily be included in the account of the election expenses of the candidate concerns.
- s) The Hon'ble Supreme Court in Kanwar Lal Gupta Vs. Amarnath Chawla (A.I.R. 1975 SC 308) has held that the expenditure incurred by the political party, as distinguished from expenditure on general party propaganda, which can be identified with the election of the given candidate would be liable to be added to the expenditure of that candidate as being impliedly authorized by the candidate. The Apex Court has further held that a party candidate does not stand apart from the political party and if the political party does not want the candidate to incur the disqualification, it must exercise control over the expenditure which may be incurred by it directly to promote the electoral prospects of the candidate.
- t) The expenditure on bullet proof cars and all others cars used by all the Ministers of Union and States and all other leaders of political parties shall be borne by the candidates.

- u) All vehicles (including two-wheelers, motor-bikes, scooters and mopeds, etc.) being used by the candidates for the election campaign are required to be lodged with the DEO.
- v) Whenever political parties or candidates use aircraft/helicopter for election campaign, prior information should be given to the CEO of the state. While giving such information, the following information also need to be furnished:-
 - (a) Number of aircrafts/helicopters used;
 - (b) Name of the hiring companies;
 - (c) Hire charges paid/payable;
 - (d) Areas covered;
 - (e) Number of sorties involved;
 - (f) Passenger manifest;
- w) The expenditure incurred by a political party on advertisements in connection with the election of a particular candidate or a group of candidates shall be treated as expenditure authorized by the candidates concerned and shall be accounted for in the election expenses of the candidates concerned. In case where the political party for the benefit of group of candidates incurs the expenditure then the expenditure is to be apportioned equally amongst the candidates.
- x) The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political

party addresses such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the “leader”, the expenditure will be apportioned equally amongst all, and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their private share of expenditure. This information will also be intimated to the Returning Officer/District Election Officer of the Constituency/District to which the other candidates belong.

- y) Where the aforesaid expenditure are incurred from the organizer’s own funds, the same will be reflected in the accounts of the concerned candidates or a group of candidates present in the meeting of the leader.
5. 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.

22. MEDIA CERTIFICATION AND MONITORING COMMITTEE (MCMC):

1. There shall be a Media Certification and Monitoring Committee in each district. This Committee will have the additional members- (i) DEO/ Deputy DEO, (ii) DPRO, (ii) Central Govt. I&B Ministry official and (iv) Independent citizen/journalist as may be recommended by the PCI. Besides carrying out the already assigned work of certification of advertisements, this Committee will also monitor both print and electronic media including cable networks, and

record either in CD or DVD, keep a photocopy of all advertisement / paid news / election related news of the contesting candidates/political parties.

2. The DEO will ensure that this Committee is provided with all the national and local newspapers, having wide circulation in the constituency, three to four TV sets with connections of all the local and national News channels and one recording device and separate rooms so that they can watch and record all the advertisements/discussions related to the election. The Committee will also look into MCC violations in the Media sphere and send a report to the DEO with copy to the General Observer. The MCMC shall see all the newspapers, print media, electronic media, cable network, mobile network and other modes of mass communication like bulk SMSs etc., and keep record of the advertisements, advertorials, messages, discussions and interviews relating to the candidates and parties. This committee will submit a Daily Report with respect to each candidate to the accounting team with copy to RO and Expenditure Observer with respect to expenditure incurred by the candidate on election advertising including the assessed cases of Paid News, along with supportive paper cuttings/clippings, recordings of relevant TV and Radio advertisements, which will also be included in the Shadow Observation Register. **The RO will issue notice to the candidate with regard to the incidents of Paid News in consultation with the Expenditure Observer for not showing the expenditure on such publication.**

23. EXPENDITURE MONITORING CONTROL ROOM AND CALL CENTRE

1. A 24x7 Call Centre will be established in the Control Room at the district level to operate from the date of notification of election. The call center will be given toll free telephone number with 3 or 4 hunting lines which will be widely publicized for the public to inform corrupt practices related to election. A senior officer will be put in-charge of the control room and call center who will

be responsible for receiving and recording the complaints and passing them on to the respective officer for action without any delay. The call center will be provided with sufficient staff to man the telephone lines round the clock.

24. DISTRICT MEDIA CELL

1. The DEO shall create a cell for dealing with media headed by Public Relation 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. Liaison officer may do this exercise depending on the location of the Observer 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
 - c. They should also ensure that videography of all the public meetings are done and passed on to the Observers. They should aid the Observers in viewing and bringing forth any violations of MCC to the notice of the Observers.

25. PREPARATION OF POLLING PARTIES AND TRAINING

1. To ensure transparency, the Commission has formulated a comprehensive three-stage randomization plan for selection and deployment of polling staff. In the first stage of randomization, polling staff is randomly selected from a complete database of all Government employees working in the district. This process would have been completed before arrival of the Observer. However,

the Observer should examine the outcome of the process and ensure that the selection has been random.

2. The second stage of randomization is for polling teams and assignment of the Assembly Constituency to which they shall be deployed. The polling station to which these teams will be going would be known only after the third stage of randomization, which is usually done on the day just before dispatch. For election to Lok Sabha, the Commission has directed that the polling staff may be randomized within their Parliamentary Constituency, as far as possible, so that they can vote through EDC.
3. 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:
 - a) All the staff appointed for poll duty is trained.
 - b) The trainers are well versed with the election process. It is a good practice to use the Sector Officers as trainers.
 - c) Training is imparted in small groups and not very large groups to ensure that proper focus is maintained.
 - d) Training covers all aspects of poll management, including EVM and Non EVM aspects, Forms and certificates to be filled by the staff.
 - e) Special focus should be given to the latest instructions issued by the Commission since most of the polling staff would be unaware of them.

26. ELECTRONIC VOTING MACHINE

1. The Observers will check on the stock of EVMs available in the district and whether they have been serviced by the engineers of the manufacturing firms (either ECIL or BEL depending on the make of the machine used in that State). The Commission issues detailed guidelines to the Chief Electoral Officers and the District Election Officers for training and awareness generation on the use of EVMs. It has to be seen whether these training programs have been taken up properly and the people are aware of the method of casting vote on the EVM. The training of Presiding Officers and polling personnel, especially the second polling officer who controls the “Ballot” button, on the use of EVMs is critical.
2. The Commission has also mandated randomization of EVMs to avoid apprehension of any attempt of manipulation of EVM. This randomization is done in two stages. In the first stage, which is done before the arrival of the Observers, EVMs are allotted to a particular Constituency and in the second stage, which is done in the presence of the Observer, an EVM is allotted to a particular polling station.
3. Observers should familiarize themselves with the latest instructions on EVM.

27. PREPARATIONS FOR DATE OF POLL

1. Effective checks to curb electoral malpractice 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.
2. The methods adopted by unscrupulous elements vary from State to State and from constituency to constituency. 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.

3. The Observers between 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 Officers, ROs, Escort and Liaison Officers and PSOs.

28. VISIT TO DISPATCH CENTRES

1. The Observers will visit the dispersal centres for dispatching the polling parties to different location and make a brief report on the manner in which the operations are being conducted. They will particularly see that the random formation of polling parties is being truly and correctly implemented.

29. MICRO OBSERVERS

1. The employees of the Central/Central Government PSUs are appointed as Micro Observers. The Micro Observers are expected to observe the polling process on the day of poll. They are assigned duty in the polling station. They shall be part of the polling team and be seated in the polling station. They are to be present in the polling station before the mock poll starts. They shall report about the poll day in the given format, Report of Micro observers.
2. Micro Observers are to be trained by the Observers two days before the poll with the help of RO and posted in the polling stations, which are critical. Therefore an arrangement is required wherein Micro Observers are stationed at a central location on the day of polls and they are moved to specific polling stations as per requirement (like absence of polling agents, critical polling stations etc.)

3. Micro Observers need not cover all the critical polling stations. They should be used effectively and not on an extensive basis unless required. The Micro Observers may be sent with the polling parties in case they are required to perform duty at remote locations.

30. SPECIAL OBSERVERS

1. In case of some districts where special circumstances prevail, the ECI may send Special Observers who shall be working on specific agenda delineated by ECI and they are on par with the other Observers working in the constituencies. They report to the ECI directly and have no supervisory role over other Observers. However, to enable them to get a clear picture of the happenings going on in the constituency, they are required to discuss and get information from other Observers of the district/constituency.

31. POLL DAY ACTIVITIES

1. One of the most important responsibilities of the Observers is to oversee the actual poll. On the date of poll, Observers available in the constituency should tour the maximum number of booths as is physically possible during the hours of polling. For this purpose, they will mutually decide as to which polling stations they will visit on the poll day. Also to save time they may consider carrying some packed food and start field visits well before the poll begins. 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, wireless, VHF Radio sets etc.
2. Commission has mandated conduct of mock poll before the actual poll begins to demonstrate proper functioning of the EVM to the polling agents. To this

effect, the Presiding Officer has to sign a certificate in the format prescribed by the Commission. Observers should monitor that the mock-polls have been conducted and the POs have issued the certificate to that effect.

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 RO, ARO, Sector Magistrates and other officers on duty to get feedback 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.
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 Officer's diary and such other matters that need verification. Register of Voters (Form 17A) must be checked with display of total votes polled on EVM and Observer must sign the visit sheet along with his observation and record the time of his/her visit.
5. The Observers will also take stock of the collection of the EVMs and the transport of polling parties and polling materials under appropriate security arrangement. The convoys once started should only stop at the destination, that is, the strong room where these are to be stored.
6. An important point to be noted is that Form 17C has been completely and correctly filled in by the Presiding Officer and these are deposited along with the Presiding Officer's diary at the collection centres and strong room.

32. RECEPTION OF POLLING PARTIES

1. There is need to focus on polling stations wherein
 - a. Polling was disrupted temporarily due to EVM failure or any other reason.
 - b. Serious complaints were received and
 - c. Confirmation regarding mock poll certificate not received.

The Returning Officer has to prepare a report of such polling stations with their names and numbers and send it to DEO and Observer by 4 P.M. and the polled EVMs and other documents pertaining to these polling stations are to be received in a **special counter** and not in the regular counters as a rule. The Presiding Officer's diaries have to be checked thoroughly for these polling stations.

2. At the reception centre, it should be ensured that a copy of Form 17-C is kept with the respective EVM in strong room. Other documents should not be kept in the EVM strong room. Other document should be kept separately in a separate strong room to facilitate access when required.

33. SCRUTINY OF REGISTER OF VOTERS AND OTHER DOCUMENTS

1. In order to deter electoral malpractices, the Commission has directed that scrutiny of various documents like Presiding Officers diaries, Register of Voter (Form 17A), Micro Observers reports, Visit Sheets, report of Zonal Magistrates etc. shall be taken up after completion of poll for polling station selected on the basis of detailed criteria laid down by the Commission. This scrutiny shall be taken up at 11:00 AM on the day next to the day of poll.

2. The scrutiny of the Register of Voters and other documents shall be taken up as laid down by the Commission and the Observer should ensure that his/her travel plan is so laid out that his/her departure from the constituency is not before 36 hours after completion of poll.

34. REPOLL AND ADJOURNED POLL CASES

1. 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. Sometimes, information received from other sources are referred back to the Observers on telephone by the concerned Secretary or Deputy Election Commissioner and the Observers are expected to make such enquiries and verification as are possible within the constraints of the time available. After this and after taking into consideration other inputs made available to the Commission, repoll is ordered in such of the polling stations as is considered necessary and appropriate by the Commission.
2. It is of utmost importance that the repoll itself is not vitiated in any manner. The Observers will give specific and comprehensive report on the actual conduct of repoll. The repoll, if any, is normally held on the second day following the date of poll unless specified otherwise.

35. END OF POLL REPORT

1. The Observers will send a report in the prescribed form 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/her for a particular polling station or a group of polling stations.

36. COUNTING OF VOTES

1. The Commission has prescribed a format for approval of counting centres and the Returning Officers have been directed to personally inspect each counting centre and send their proposals to the Commission for its approval. During the initial stage of their visit, i.e. before the scrutiny of nomination papers, the Observers will check if the data in the format has been sent to the Commission for approval by that time.
2. During this very stage of the visit itself, the Observers between them will also inspect each counting centre for a preliminary assessment of the facilities in the counting centre and to verify that these are as per specification prescribed by the Commission. In addition to what is given in the 'handbook for Returning Officer', the recent instructions given by the Commission should be read by the Observers thoroughly and, on this basis, they will interact with the Returning Officers to effect any further improvement as may be necessary for making the arrangements in the counting centres, up to the standard prescribed by the Commission.
3. One of the most important features relates to provision of specific facilities for the Observers and media in the counting centres. It is now mandatory for the Returning Officer to provide a separate room or a cubicle for the Observer or Observer in each counting centre with one STD telephone and a fax machine.
4. The Observers will ensure that RO/DEO and the technical staff assisting them have tested the GENESYS software and are ready for fast transmission of final result to ECI using this software. They will have to

use the password given to them and transmit the data to ECI. As this data gets loaded to the website automatically, it is essential that wrong data is not transmitted on the counting day. Hence doing the “dummy run” on designated date is also essential.

5. The statutory provisions regarding Observers specifically focus on their role during the counting process and empower them to stop counting and to direct the RO/ARO not to declare the result in circumstances mentioned in Section 20B of the Representation of the People Act, 1951. 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 immediate communication to the Commission. The Commission accordingly expects that Observers will have a key role in the superintendence of the counting process.
6. The staff selected for counting has to be randomized on the day of the counting early morning before the counting begins. The Commission is particularly concerned that the entire counting arrangement should be orderly and well structured. The 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. There should be no room for any doubt.
7. The Commission has issued detailed orders regarding the arrangements for counting. These include the specifications for selections of counting centres and for managing the counting process.

8. For ensuring accuracy of the result of counting, a round wise statement shall be prepared by the Returning Officer. Both the Returning Officer and Observer shall personally verify that number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in part II of Form 17'C' (result of counting) pertaining to that table. They shall append their initial below the total of each counting table. A copy of the detailed table/wise, polling station-wise, round-wise break up of the votes will be kept by the Observer in his/her folder.
9. The tallying process at the end of each round of counting should be completed in a systematic manner and the round-wise progress announced within the halls by the concerned ARO-in-charge and also written on black/white board, which should be clearly visible to all. Immediately thereafter, this should be announced over the public address system. These public announcements could be centralized, in a counting centre with multiple halls.
10. The Observers will also ensure that as soon as the final results and the winning candidate are announced and all the relevant papers are signed by the RO, the final detailed result is transmitted to ECI website. For this Genesys software shall be used.
11. The Observers should ensure after the declaration of result that the RO sends to CEO the duly filled and corrected copies of
 - a) Final Result Sheet in Form 20,
 - b) Declaration of Result in Form 21C,
 - c) Return of Election in Form 21E.
12. It may be noted that only the name, which is given in the Nomination Form, is normally valid for all future references and use in the other related

documents. The list of contesting candidates in Form 7A should reflect this name exactly and correctly with same spellings as given in the Nomination Form, unless the RO allows any deviation under Rule 8 of the Conduct of Elections Rules, 1961. Eventually the name of the candidate who is returned from the constituency is given in the declaration of the result in Form 21C. It is absolutely imperative that this Form 21C, as also the return of the election in Form 21E and the certificate of the election in Form 22 contain exactly the same name as given in the list of contesting candidates in Form 7A. Consistency of the names in the Forms 7A, Ballot Paper and Forms 21C, 21E, 22 has to be maintained without fail. The Observers will impress upon the Returning Officers about this aspect and ensure that full compliance is made.

CHECK LIST

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

a) Constituency

- i. No. & Name of the Constituency
- ii. No. of vulnerable villages/hamlets
- iii. Map of the district and map of the constituency highlighting vulnerable villages/hamlets

b) DEO

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

c) SP/Commissioner for a city

(Please indicate the names as per jurisdiction. If the constituency involves more than two districts – both the officers should be mentioned)

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

d) RO and ARO

- i. Name
- ii. Designation
- iii. Date of joining the designated cadre
- iv. Experience in conduct of elections
- v. Date of posting

e) Population

- i. Male
- ii. Female
- iii. Total

f) Electorate details

Number of Electors

ELECTORS							EPIC holders	Photos in Rolls
Male	Female	Others	Service	Proxy	Overseas	Total		

g) Electoral roll details

- i. Date of publication of revised electoral roll (revised w.r.t. 01-01 ---)

Date		Month		Year			

- ii. Whether copies of electoral roll have been supplied to the recognized political parties

Yes	No	If yes, date thereof	If no, reason therefor

- iii. List of polling station wise changes made (a separate sheet to attached)
- iv. Addition and deletion since the last publication date

Polling Stations		Male Electors	Female Electors	Total
	Original			
	Additions			
	Deletions			
	Change			
	Final Number			

- v. Date of printing of supplementary electoral roll (on a/c of continuous updation)

Date		Month		Year			

- vi. Preparation of authenticated copies completed and supplied to political parties on

Date		Month		Year			

h) Polling Stations

- a No of polling stations

- i) Whether the list has been approved by the ECI

Yes	No
-----	----

- ii. Whether all the polling stations have been visited by the RO and ARO

Yes	No
-----	----

- iii. 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

- iv. Electors details of Polling Stations in the constituency

Total No of Polling stations	No of electors attached to the Polling Station					
	Less than 300	300-800	801-1000	1001-1200	1201-1500	More than 1500

i. Identification of critical villages, urban clusters and polling stations

- i. Vulnerability mapping done or not

- ii. Critical polling stations identified or not (Detailed list with reasons)

j. EVMS

Name of constituency	No .of EVMs required for polling booths	No. of EVMs in reserve	No. of EVMs marked for training	Total number required	Available number

k. Have EVMs been allocated AC-wise by the DEO after 1st randomization?

Yes	No
-----	----

Date and location planned for sealing and randomization of EVMs by RO

(i) Date:

(ii) Location:

l. Identification of centres for dispatch, receiving and counting and any special arrangements

Name of Location	Activity	Facilities		Space		Lighting		Water/&toilets		Layout Plan	
		Adeq	Inad	Adeq	Inad	Adeq	Inad	Adeq	Inad	Done	Not done

m. Availability of staff

Polling Personnel

Total No of polling personnel required for the Constituency	No of State Govt. Official available	No of State PSUs officials available	No of Central Govt. Official available	No of Central PSUs officials available

Police personnel

i. The total number of police personnel by designation

SP	Dy SP	Pls	PSIs	Constables

- ii. Requirement of CPF
- iii. Operation of police control room(police and RO, DEO) and the contact numbers

n. 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.

o. Arrangements for implementation of model code of conduct

- i. Arrangements for prevention and removal of defacement of property
 - a. Territorial jurisdiction wise enforcement squads formed

Yes	No
-----	----
 - b. District media cell constituted or not

Yes	No
-----	----
- ii. Instructions to all the officers, candidate, political parties
 - . actions envisaged for the lapses

DONE	NOT DONE
------	----------
- iii. Nodal officer for communicating about the venues, and rallies of political party/candidates meetings
 - a. Name and contact details
- iv. Arrangements for expenditure observation at the constituency level.
 - a. Designated officers at constituency level appointed

Yes	No
-----	----
- v. Preparation of list of prevailing market rates for regular campaign material required done

Yes	No
-----	----

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

No of indelible ink phials obtained	No of green paper seal obtained	No of paper strips seals obtained	Whether secret seals of commission received	Whether sufficient No of handbook for the Presiding Officers etc. available	Whether Statutory/Non-Statutory forms etc available

q. Randomization of polling personnel

- i. Whether data base of polling personnel prepared?

Yes	No
-----	----

- ii. Date for formation of polling parties

Date		Month		Year			

- iii. Date for allocation of polling stations to polling parties

Date		Month		Year			

r. Training of Polling Personnel

- i. Whether training schedule for the polling personnel prepared?

Yes	No
-----	----

- ii. Whether schedule for EVM training for the polling personnel prepared?

Yes	No
-----	----

- iii. Whether schedule for training of the sector Magistrate / officers prepared?

Yes	No
-----	----

s. Dispatch arrangements

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

t. Receiving arrangements

- i. Location,
- ii. No of tables for receiving,
- iii. Plan for special counters.

u. Strong room location and security arrangement

- i. Location
- ii. Security arrangement

v. Counting arrangement

- | | | | |
|---|---|------|----------|
| i. Appointment of additional AROs, if any, | <table border="1"><tr><td>Yes</td><td>No</td></tr></table> | Yes | No |
| Yes | No | | |
| ii. Location of counting – whether approval from the ECI, | <table border="1"><tr><td>Yes</td><td>No</td></tr></table> | Yes | No |
| Yes | No | | |
| iii. Testing of Genesis and operational feasibility, | <table border="1"><tr><td>DONE</td><td>NOT DONE</td></tr></table> | DONE | NOT DONE |
| DONE | NOT DONE | | |
| iv. Arrangement for receiving and counting of Postal Ballot Papers. | <table border="1"><tr><td>Yes</td><td>No</td></tr></table> | Yes | No |
| Yes | No | | |

38. OBSERVERS REPORTS

The First Report

(Immediately after the end of Scrutiny of Nomination Papers).

OBSERVER REPORT – 1

Observer's Name with Code:	
Constituency:	
District:	
State:	

Sl No	Subject	Observer's Report
1	Whether Scrutiny has been done by the R.O. himself, if no whether ARO has been authorized by the R.O. in writing.	
2	Whether the Commission's instruction regarding number of persons allowed to be present during nomination process was observed/complied (this may be confirmed by viewing the video coverage of nomination process)	
3	Whether Scrutiny of nomination papers have been done properly in accordance with Sections 33, 34 and 36 of the R.P. Act 1951 read with rule 4 of the C.E. Rules 1961	
4	Names of Candidate whose nomination has been rejected with brief but clear reasons (Attach copy of summary orders passed by the R.O. in each case)	
5	Local Address with telephone / mobile number of the Observer, after arrival in the constituency.	
6	Whether Observer's name, contact number and the meeting hours with venue have been advertised? (Attach a copy of Advertisement)	

Signature of Observer

The Second Report (Immediately after meeting with the candidates and their representatives on or before the day of the Withdrawal of candidatures).

OBSERVER REPORT – 2

Observer's Name with Code:	
Constituency:	
District:	
State:	

Sl No	Subject	Observer's Report
1	What was the time, date & venue of the meeting with the political parties and contesting candidates? The names of the candidates or their representatives along with their party affiliation who attended	
2	Whether prior intimation regarding date and time of 2 nd randomization of EVM followed by EVM preparation and second level check of EVM has been given to; candidates with proper acknowledgement receipt.	
3	Whether all the candidates were furnished with the prescribed and authenticated register for maintaining day-to-day account of election expenditure by contesting candidates. Whether written communication by the Returning Officer detailing the provisions of maintenance of accounts of election expenses and submission of the formats in which Statement of Election Expenses as well as an Affidavit is to be submitted by candidate with in the stipulated time (30 days after result) has been issued to all	

	candidates?	
4	Whether standard rate list of the items were given to the candidates. Whether 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 have been provided by the DEO to the candidates.	
5	Whether the Designated Officers for checking the accounts of election expenses have been briefed by the Observer regarding the various aspects of election expenditure.	
6	Whether the names of leaders under Explanation 2 of Section 77(1) of the R.P. Act, 1951 (maximum of 20 in the case of unrecognized political party and 40 for recognized political party) has been received by the DEO/RO?	
7	In case where political parties have not submitted the list, whether the contesting candidates of the parties have been intimated that all expenses incurred in connection with visit of all leaders of the party including their traveling expenses will necessarily have to be shown in the account of election expenses of the candidate(s) concerned in connection with whose election the visit is made (if the visit is a common one in connection with the election of a group of candidates, the expenses will be equally apportioned amongst all such candidates)	
8	Whether the schedule for production of registers of election expenses has been finalized with the candidates? What is the schedule so fixed? (Please intimate the Commission)	
9	Whether important aspects of Model Code of Conduct was briefed to the political parties/ candidates (Describe the	

	main issues).	
10	Whether the concepts of worry list was explained to the Candidates, and they advised to submit their worry list.	
11	Whether political parties were advised to properly train their polling and counting agents (Described the main aspects)	

Signature of the Observer

The Third Report (Immediately after the end of Campaign period).

OBSERVER REPORT – 3

Observer's Name with Code:	
Constituency:	
District:	
State:	

Sl No	Subject	Observer's Report
1	Whether a copy of the electoral roll handed over to Candidates of recognized Political parties. Whether a copy of written receipts obtained from each of them. Report the exceptions.	
2	Whether list of EVMs to be used in the assembly constituency including the training EVM and reserved EVMs for replacement has been given to political parties/candidates.	
3	Whether Random verification of 5% or more of CU/BU was done by the R.O. in presence of political parties/candidates. Whether candidate verified the EVMs (2 nd level check) to their satisfaction. Please describe.	
4	Whether candidates were allowed to take help from the engineers/master trainers in order to eliminate doubt about the malfunctioning of EVM	
5	Whether all stages of Randomization of EVM mentioned in the Commission letter 51/8/7/2008-EMS (inst-1) dated 11-08-2008 have been fully covered with videography and record kept properly.	
6	How and when 2 nd randomization of polling personnel accomplished? Describe/ Any drawbacks?	
7	How is the preparedness of polling personnel? Describe the training schedule and contents. Any drawback?	

8	Similarly for micro observers what are the training and deployment arrangements?	
9	Whether vulnerability mapping have been done and critical polling stations and clusters have been identified.	
10	Whether adequate preventive steps have been taken for maintenance of Law and Order	
11	What is the security arrangement for polling stations and poll personnel (briefly the force deployment parameter). How many polling stations with static outside force, how many with video coverage and how many through micro observers? What is the arrangement to escort the polled EVM back? What is transportation and receipt arrangement for polled EVM? What is strong room guarding plan? Is the general atmosphere conducive for holding of free and fair poll? If no, state detailed reasons.	

Signature of the Observer

The Fourth Report (Immediately after the end of poll)

OBSERVER REPORT – 4

Observer's Name with Code:	
Constituency:	
District:	
State:	

Sl No	Subject	Observer's Report
1	Total number of Polling Station.	
2	Whether mock poll done and certificate issued in all Polling Stations. If no, indicate the specific number of Polling Station.	
3	Number of Polling Stations where there was only one election agent/polling agent was present (indicate the specific Polling Stations).	
4	No. of polling stations with video cameras	
5	No of polling stations with micro observers	
6	Number of EVMs replaced after the start of poll (indicate the specific polling Stations.) and describe the defect in the EVM (EVM No. and make to be clearly mentioned).	
7	No. and name of polling stations where complaints of violation of polls were received during the course of poll. Describe the nature of complaints and action taken.	
8	Number of Polling Stations where poll was interrupted for more than two hours or start of poll delayed by two hours or more in starting (indicate the specific Polling Stations).	
9	Number of Polling Stations, where the interrupted poll could not continue (indicate the specific polling stations)	

10	No. of polling station where there is, in the opinion of observer, a need for re-poll (based on point no. 7,8 & 9 above).	
----	---	--

Signature of the Observer

The Fifth Report (Immediately after the Scrutiny of 17 A (Register of Voter) and other documents on the day after poll)

OBSERVER REPORT – 5

Observer's Name with Code:	
Constituency:	
District:	
State:	

Sl No	Subject	Observer's Report
1	Whether proper intimation was given in advance, in writing, to the contesting candidates/their agents. (under proper acknowledgment).	
2	Whether Scrutiny of Form 17A (Register of Voters) and other documents such as Form 17 C, Presiding Officer's diary, Micro observer's reports, Sector Officer's visit Sheets (in the presence of candidates/election agents or their authorized representatives) done. Who were present? For how many polling stations?.	
3	Whether proper logbooks has been maintained for recording the time and purpose of opening and closing storage room where election records are kept.	
4	Whether the room was opened in the presence of observer and candidates/their election agents/ representatives	
5	Whether after the scrutiny of Form 17A, 17C, marked copies of electoral rolls etc., have been resealed by the Retuning Officer.	
6	Whether the election agents/ representatives present have	

	put their seal or signature thereon – who/which of the candidates?	
7	Whether after scrutiny of Form 17A, 17C and other documents and materials the R.O. and Observer makes any recommendations to the Commission for repoll. If yes described the reasons for each recommended polling station separately.	

Signature of the Observer

The Sixth Report (Immediately after Counting of Votes)

OBSERVER REPORT – 6

Observer's Name with Code:	
Constituency:	
District:	
State:	

Sl No	Subject	Observer's Report
1	Whether arrangements for counting has been done as per the instruction of the Commission's letters No. 470/2007/PLN-I dated. 11.01.2007, 29.08.2007 and 470/INST/2009/EP5 dated 08.09.2009? If No, what are the discrepancies?	
2	Whether randomization of counting staff was done as per the instruction of the Commission in the morning?	
3	Whether pairing of counting supervisor and counting assistant was done as per the instruction of the Commission?	
4	How many tables were arranged?	
5	How many rounds were planned?	
6	How many Micro-Observers were deployed for each table?	
7	How many postal ballot papers were counted?	
8	Whether after each round of counting, random checking of 2 (two) EVMs was done by the observer?	
9	Whether the counting agents of the candidates were present at the time of counting?	
10	Whether the signature of the counting agents taken in Part – II of Form 17C?	
11	Whether the total votes shown in Part-II of Form 17C tally	

	with the votes counted in EVM?	
12	Whether the seating arrangements of the counting agents were done as per the Commission's instructions?	
13	Whether continuous Videography of counting was done?	
14	Whether the EVM no. was tallied with the EVM list supplied to the polling stations	
15	Whether Green paper seal no for each counted EVM checked and verified?	
16	Whether the round wise result was immediately put on the blackboard in counting hall at the close of each round and before the beginning of next round?	
17	Whether there was any demand for re-totaling with what result? Describe.	
18	Whether any significant incident occurred during counting of votes? If yes, give details	
19	Whether candidates/ counting agents were present at the time of declaration of result?	
20	Time when counting started and ended. When was the result announced? If there was any time lag please describe the reasons.	
21	Is the observer satisfied about the counting & declaration of results? (Observer should enclose round wise tabulation sheets with post-copy)	

Signature of the Observer

39. DOs AND DON'Ts FOR OBSERVERS

DOs

- i. Attend the briefing and debriefing session fixed by the Commission
- ii. 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 of the State concerned.
- iii. Draw up your tour programs sufficiently in advance and intimate to the Chief Electoral Officer, District Election Officer and the Returning Officer of the constituency concerned.
- iv. Note carefully the numbers of visits, duration of visits and the period of visits given by the Commission and strictly act according to this.
- v. Ensure that your tour Programme is duly publicized within the constituencies allotted to you.
- vi. Identify areas / polling stations which might require closer attention.
- vii. Monitor that adequate stock of all election materials are actually available in adequate quantities.
- viii. Make an independent assessment of the Law and Order situation in general.
- ix. Make a random check of as many polling stations as possible and verify them,
- x. Monitor instances of violation of Model Code, ban on transfer etc.

- xi. Familiarize yourself with the use of Electronic Voting Machines (EVMs), and attend some training rehearsals.
- xii. Ensure that sufficient publicity regarding EVM has been given so that media and general public have no misgivings about EVMs.
- xiii. Monitor the deployment of central forces to have maximum impact.
- xiv. Send a report to the Commission within 24 hours of your return to the headquarters after the visit. In addition, also please send spot report (s) from time to time as considered necessary.
- xv. 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.
- xvi. Upload on Observer Portal or send your report in a closed envelope addressed to the secretary concerned looking after the particular State / Union Territory.
- xvii. Attend meetings of the political parties called by the District Election Officers / Returning Officers.
- xviii. Make independent assessment of the expenditure incurred by a candidate, political party or any other person.
- xix. Speak to the local people and check posters, pamphlets etc. to arrive at an independent assessment.
- xx. Inspect the register of Election Expenditure prescribed by the Commission.
- xxi. Obtain prior permission of the Commission before leaving the headquarters.

- xxii. Maintain proper conduct in the Constituency as ECI Observers are keenly observed.

DON'Ts

1. Do not ask for any exemption from the briefing session.
2. Do not travel to the Constituency with your families.
3. Do not go to the State capital to meet the Chief Electoral Officer if the route to the constituency from your headquarters does not pass through the State capital.
4. Do not talk to the Press.
5. Do not call meetings of the political parties on your own.
6. Do not make any unreasonable demands to the Chief Electoral Officer / District Election Officer / Returning Officer regarding accommodation, vehicles, security etc.
7. Do not leave your headquarters once you have been allotted specific constituencies without the prior written permission of the Commission.
8. Do not plan for arrival to the Constituency on the day of scrutiny.
9. Do not plan for departure from the Constituency on the day next to the day of poll or on the day of counting.
10. Do not defer submitting reports of 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.