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GENERAL GUIDELINES FOR ELECTION OBSERVERS DURING PANCHAYATI RAJ ELECTIONS

2020



**STATE ELECTION COMMISSION
ARUNACHAL PRADESH
ITANAGAR**

STATE ELECTION COMMISSION ARUNACHAL PRADESH

GENERAL GUIDELINES FOR OBSERVERS DURING - RURAL LOCAL BODY ELECTIONS (Panchayati Raj Elections)

INTRODUCTION :

The practice of deputing election observers by the Election Commission of India to deal with election related complaints is in vogue for quite some time. Over the years, the concept of deputing Observers took firm roots in the electoral system and as a part of election management the Election Commission of India was given statutory powers to appoint Observers by amending the Representation of People Act, 1951 suitably in 1996.

The State Election Commissioner appoints Observers under the plenary powers conferred on him under Article 243K of the Constitution of India read with Sec 104 (3) of Arunachal Pradesh Panchayati Raj Act, 1997.

The Observer, so appointed, shall be a government officer who shall be equivalent or above the level of Joint Secretary or a Director to the Government of Arunachal Pradesh and not below.

OBJECTIVES OF APPOINTING OBSERVERS :

To oversee, with their administrative experience, the efficient and effective management of the electoral process at the field level and will act as the eyes and ears of the State Election Commission during the period of election. They will provide direct inputs to the State Election Commission from the field as an interface with the election machinery; the candidates, political parties and electors to ensure that acts, rules, procedures, instructions and guidelines related to election are strictly and impartially complied with by all concerned.

They should always clearly and firmly bear in mind the fact they are only the eyes and ears and not the mouth piece of the State Election Commission. Their inputs/observations are confidential and solely for the use of the State Election Commission and not for any other agency including media. They must not, therefore, interact with or respond to the question of the press even after the elections are over.

It is clarified that while the formal report/input/observation sent by the Observers are meant for the use of the State Election Commission, it does not mean that the Observers will not discuss with the DC-Cum-DEOs/SPs/ROs about their observations on various aspects of election management in order to facilitate mid-course corrections. It should be kept in mind that the objective of the deputation of Observer is not to find fault but to facilitate field administration to ensure a free and fair poll.

All the Observers are appointees of the State Election Commission working under the superintendence, control & discipline of the State Election Commission for the period from their appointment until the process of elections is completed. The Observers so appointed under the plenary powers of the State Election Commissioner under Article 243K of the Constitution of India and under Section 104 (3) of the APPR Act, 1997 shall also enjoy the statutory powers of Observers conferred under Section 20(B) of the Representation of People Act, 1951 as under :-

20B. Observers - (1) 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.

(2) 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 incidentally 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.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and there upon the Election Commission shall, after taking all material circumstances into account issue appropriate directions under 58A or section 64A or section 66.

DUTIES OF OBSERVERS :-

1. The Observer is mandated to visit the district assigned to him during the following periods :-
 - (i) Before the last date of filing of nominations.
 - (ii) Scrutiny of nominations, allotment of symbols and publication of final list of contesting candidates.
 - (iii) During campaign period and training sessions.
 - (iv) Randomization of polling staff, formation of polling parties, distribution of polling materials and till polling is over and ballot boxes are delivered back and stored safely.
 - (v) The day of counting and declaration of results.

The above are indicative. If situation so warrants, the Observer may visit the area more frequently and stay as long as required.

Reports on the above are to be submitted to the State Election Commission immediately on completion of each phase.

2. Scrutiny of nominations is a quasi judicial process and should be conducted by the RO without any outside influence. The Observer can ensure that the RO is aware of the latest instructions. The Observer should, however, abstain from directing or advising the RO. The Observer may remind the 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.
3. Allotment of symbol is a process that is very technical and requires due care. The Observer should ensure that the RO is aware of the provisions of issue of reserved symbol and free symbol and has the latest symbol allotment order. After allotment of symbol, the list of finally contesting candidates should be prepared.
4. Training is an activity on which special emphasis should be provided. Observers should monitor that proper training is arranged for the election staff.
5. Ascertain whether the Model Code of Conduct issued for the Government employees and contesting candidates is being followed and the district administration is vigilant about its enforcement. Any lapses observed should be immediately brought to the notice of the concerned authorities.
6. Attend the meeting(s) of the contesting candidates and polling parties, if conveyed by the Deputy Commissioner and/or Returning Officer, but should not call any meeting of the contesting candidates/political parties independently.
7. Be accessible to the political parties, candidates and the public and send the complaints/representations/suggestions to the DC-Cum-DEO, Returning Officer or any other appropriate officer for suitable action.
8. Visit polling stations and monitor that all polling stations are visited by the election officials for verification from fitness angle.
9. Ensure that proper arrangements for dispatch of polling party and materials have been made as per the District Election Plan (DEP). The dispatch should normally be made the day before poll and any exception should have prior approval of the State Election Commission.
10. Review whether necessary arrangements for the conduct of free, fair and peaceful election have been made. Review the District Security Plan (DSP) made by the district administration at the polling stations and in the district. Check whether sensitive and hyper-sensitive polling stations and areas have been indentified for which adequate police force is proposed to be deployed and all other necessary security arrangements have been made to deal with any law and order problem in the district so that the polling takes place in a peaceful, free and fair manner.

11. Inspect with the DC-Cum-DEO/SP and the RO/ARO all the buildings for receipt and storage of ballot boxes after the poll and counting centers. Review the security arrangements in respect of safe storage and counting of votes.
12. Report to the State Election Commission about the conduct of poll, percentage of polling at regular intervals and the requirement of re-poll, if any.
13. No officer appointed as Observer shall proceed on any kind of leave without prior approval of the State Election Commission till the completion of the election process in the constituencies of the district in which he has been appointed as Observer. All correspondence in this regard shall be addressed to the Secretary, State Election Commission.
14. The District Administration shall provide logistic support such as accommodation, security, vehicle, a desktop computer, telephone, internet facilities, a fax machine and services of a liaison officer, stenographer to the observer. District map & the District Election Plan (DEP) and any other reasonable requirement may also be provided to the Observers.
15. All reports of the Observers are to be sent to the Secretary of the State Election Commission. The Observer shall not, under any circumstance, share the contents of their reports or any information therein with any one nor report to anyone except the State Election Commission. Utmost care should be taken while sending the reports to ensure that no unauthorized person can have access to such reports.
16. State Election Commission has a website <http://secap.nic.in> containing relevant Acts/Rules and Guidelines. Correspondences with the State Election Commission should be done through the e-mail id : secap9999@gmail.com. All Observers are to use this for immediate and effective communication.
17. Any issue not specifically covered by the above mentioned guidelines shall be governed by the Guidelines for General Observers issued by the ECI.
18. SEC encourages effective observation rather than self implementation by the Observers during the conduct of elections.

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