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**GENERAL GUIDELINES FOR ELECTION OBSERVERS
DURING URBAN LOCAL BODY ELECTIONS
(MUNICIPAL ELECTIONS)**

2020



**STATE ELECTION COMMISSION
ARUNACHAL PRADESH
ITANAGAR**

STATE ELECTION COMMISSION ARUNACHAL PRADESH

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INTRODUCTION

1. 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.

Considering the important role played by observers in assisting SEC in conduct of free and fair elections and efficient management of elections to local bodies, particularly, Municipal elections, statutory provisions have been made in the Arunachal Pradesh Municipal Act, 2009 to appoint Observers by the State Election Commission.

2. Appointment of Observers

The State Election Commissioner appoints Observers under the plenary power conferred on him under Article 243 ZA of the Constitution of India read with Sec 15(1) of the Arunachal Pradesh Municipal Elections Act, 2009.

243ZA. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

Section 15 (1) *“The State 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 State Election Commission.”*

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.

3. Statutory Powers of Observers

Observers have also been given powers to watch the conduct of elections and specially in respect of counting of votes under section 15(2) and (3) of the Arunachal Pradesh Municipal Election Act, 2009 which are reproduced below:

15 (2) *“The Observers 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 results 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 and poll materials 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.”*

15 (3) “Where an observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the observer shall forthwith report the matter to the Commission and thereupon the Commission shall after taking all material circumstances into account, issue appropriate directions.”

4. Observers –eyes & ears of the State Election Commission

Observers with their administrative experience are expected to be in a position to assist the State Election Commission in the conduct of free and fair polls. They will also be able to oversee the efficient and effective management of the electoral process at the field level. For all purposes, they will act as the eyes and ears of the State Election Commission during the period of the election and provide direct inputs to the State Election Commission from the field as an interface with the election machinery, the candidates, parties and electors to ensure that the acts, rules, procedures, instructions and guidelines related to elections are strictly and impartially complied with by all concerned.

They should always clearly and firmly bear in mind the fact that they are only the eyes and ears and not the mouthpiece of the 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 queries of the media 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 MEO/RO 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 deputation of the Observer is not to find fault but to facilitate field administration in ensuring a free and fair poll.

The Observers shall mark copies of their formal reports to the State Election Commission only and to no other person or office including MEO/RO.

5. Special Provision

It may be noted that for the purpose of the Arunachal Pradesh Municipal Election Act, 2009, electoral offences under Chapter III of Part VII of the Representation of the Peoples Act, 1951, shall be the electoral offences under this Act, and the provisions of the said Chapter and Part of the RP Act shall apply to the electoral offences under this Act.

6. Other duties of Observers

Besides the statutory powers conferred under section 15(2) and (3) of the Arunachal Pradesh Municipal Election Act, 2009, they have got certain direct executive roles to play which include:-

- (i) monitoring the processes of nomination, scrutiny and withdrawal as directed so by the State Election Commission, and report back to the State Election Commission promptly in case of any irregularity;
- (ii) examination of the video clipping, if any, 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.

- (iii) effective monitoring of the cases of violation of the Model Code of Conduct by watching the video clippings of various meetings, if any, and, if needed, even by visiting important rallies to get first hand input, enforcement of the Defacement of Property Act, checking the account of expenditure of the candidates and such other things.
- (iv) checking the randomization software, reviewing the process of randomization of the polling personnel, obtaining report from the MEO regarding first level randomization.
- (v). 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.

7. Pre-Poll Election Management

- 7.1 Monitor EVM randomization.
- 7.2 Training is an activity on which special emphasis should be provided. Observers should monitor that proper training is arranged for the election staff related to operation of EVMs.
- 7.3 Visit polling stations and monitor that all polling stations are visited by election officials for verification from fitness angle.
- 7.4 Go through the exercise of **vulnerability mapping** and identification of critical booths and critical clusters done by the MEO/SP and finalise the list of critical polling stations and critical clusters.
- 7.5 Discuss the Security Plan with the MEO and the SP and review the law and order issue in general. Review the availability of State/Central Forces. Review the preventive measures taken by the law and order implementation machinery.
- 7.6 Review the Communication Plan and confirm dry runs.
- 7.7 Ensure that proper arrangements for dispatch of Polling men and materials have been made. The dispatch should normally be the day before the poll and any exception should have prior approval of the State Election Commission.

8. Poll Day Management

- 8.1 Monitor placement of Sector Officers.
- 8.2 Monitor conduct of mock polls and receipt of mock poll certificate in prescribed format signed by Presiding Officer. Review the polling stations with no or only one polling agent.
- 8.3 Review the pace of poll and percentage of polling at regular intervals.
- 8.4 Keep track of occurrence of any special events during the poll day.
- 8.5 Keep track of any delays or temporary suspension of poll.
- 8.6 Report anything exceptional to the MEO and the State Election Commission.
- 8.7 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.
- 8.8 Ensure that a **“special counter”** is setup for receipt of polling parties from those polling stations where any special event has been reported and on receipt, proper documentation, alongwith the statement/report of the presiding officer, if required, is done.

9. Post Poll

Report to the State Election Commission about the conduct of poll and the requirement of repoll, if any.

10. Counting

10.1 Review the arrangements for counting made by the MEO.

10.2 Attend the randomization of counting staff.

10.3 Report to the State Election Commission for recount to be held if recount is necessitated.

11. Reports by Observers

11.1 The State Election Commission expects **six mandatory reports** from the Observers. However, in case of any serious deviations the Observer should bring it to the notice of SEC through interim report(s).

(i) The **first** report immediately after scrutiny of nomination papers.

(ii) The **second** report immediately after meeting with the candidate or their representatives or before the last date of withdrawal of candidature.

(iii) The **third** report immediately after the end of campaign period.

(iv) The **fourth** report immediately after the end of poll.

(v) The **fifth** report immediately after scrutiny of register of voters in Form 43 and other documents after the day of the poll.

and

(vi) The **sixth** report immediately after the counting of votes.

11.2 All reports of the Observers shall be sent through fax or the email id: secap9999@gmail.com to the State Election Commission for immediate and effective communication. SEC has a website <http://secap.nic.in> containing relevant Acts/Rules and Guidelines which should be utilised by the Observers. The Observers shall not, under any circumstances, share the contents of their reports or any information therein with anyone, repeat anyone, except the State Election Commission. Utmost care should be taken while sending the reports to ensure that no unauthorized person can have access to such reports.

11.3 Oral communication with the State Election 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, SEC or any other authorised officer and must be followed immediately by a written message in confirmation.

12. Arrival of Observers in the constituencies

12.1 The Observer is mandated to report in the constituency on the **last day of filing of nominations**.

12.2 The DC/MEO shall provide logistic support such as accommodation, security, vehicle, desktop computer, telephone, internet facilities, a fax machine and services of a liaison officer, stenographer and any other reasonable requirement to the Observer. The MEO and RO shall compile information/particulars as enumerated in the check list (Annexure-I) and furnish the same to the Observer on his arrival along with the District Election Plan.

13. Interface of ROs/AROs and DEO with the Observers

13.1 The MEO should organize a structured meeting with the Observers as early as possible. All the ROs, AROs, SP and other election officials shall discuss the strategies for effective implementation of Model Code of Conduct and monitoring of expenditure and apprise the Observers about the specific issues needing their attention. The Observer should use this meeting to familiarise himself of the state of preparedness of the District Administration in all aspects.

13.2 The Observer should monitor that:-

- a) The posting of requisite officers for RO and ARO has been completed (including for counting)
- b) The identification and status of all the venues which will be used for despatch, receipt, storage 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 of control room for receiving information from public and political parties and inter coordination of police and MEO, have been made.

13.3 After reviewing the check list, the Observer shall take up the matter with the SEC, if any deficiency is found in the election preparedness.

13.4 The Observer is expected to observe the scrutiny process and finalization of the contesting candidates, after withdrawal, very closely. However, in a situation where there is some confusion, the Observer shall report to the State Election Commission but under no circumstances shall give instructions to the RO.

13.5 The following items are important:

- (a) The latest list of "Political Parties and Election Symbols" published by the State Election Commission.
- (b) The latest copy of the List of Disqualified Candidates.
- (c) Instructions and copies of latest versions of Forms 17A & 17B 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.
- (d) An authentic copy of the Electoral Roll for the constituency.

13.6 It is important for the Observers to go through these instructions carefully in advance before they interact with the Returning Officers.

14. Meeting with the Candidates

- 14.1 The RO should conduct a meeting in the presence of the Observer with all the contesting candidates and party representatives on the last day of withdrawal or on the next day and brief them about: –
- i) Important aspects of the Model Code of Conduct,
 - ii) Expenditure reporting formats and frequency of reporting required, time and place of reporting of expenditure,
 - iii) Issuance of permissions for vehicles, processions and public meetings,
 - iv) Proposed actions against violations,
 - v) Interaction of the Observers with the candidates/political parties/electors (with specific details of time, contact numbers and place for meeting the observers),
 - vi) Electoral rolls, and
 - vii) 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.

15. Review of overall preparedness of law & order machinery

- 15.1 The Observer should have a detailed discussion with MEO/RO/SP at a mutually convenient time 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.
- 15.2 The Observer should monitor whether the instructions of the State Election Commission on liquor regarding “Dry Days” during the conduct of polls are being strictly followed.

16. Observation of implementation of Model Code of Conduct

- 16.1 It is the most important and crucial task of observers to ensure non- partisan and effective implementation of Model Code of Conduct.
- 16.2 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 favour of a particular candidate,
 - d) Slaughter of Mithun and other animals by the candidates for distributing meat to lure voters.
 - e) Divisive tactics through inflammatory and condemnable speeches/ acts, and,
 - f) Dealing with defacement of property as per the Arunachal Pradesh Prevention of Defacement of Property Act, 1997.

- 16.3 To ensure effective enforcement, the Observer should check whether the enforcement squads under Sector Magistrates are formed with clear territorial jurisdiction to have accountability. The teams of enforcement should consist of civil and police personnel.
- 16.4 **SEC encourages effective observation rather than self implementation of the Model Code of Conduct.**

17. Tours and absence from headquarters

All Observers should seek prior permission from the Commission every time they want to leave the headquarters on personal work or on official work not connected with performance of their duties as Observers. Any request in this regard for special permission shall be made to the Secretary, State Election Commission.

18. Requests for leave

No officer appointed as Observer shall proceed on any kind of leave without prior approval of the Commission till the completion of the election in the Constituency(ies) in which he has been appointed as Observer or for which he has been kept in reserve. All correspondence in this regard shall be addressed to Secretary, State Election Commission.

19. Allotment of Symbols

- 19.1 Immediately after the process of withdrawal of nominations is completed, the process of Allotment of Symbols is taken up by the Returning Officers. The Observers should be available for overseeing this important activity. The RO should have access to the latest list of Political Parties and Election Symbols and any relevant symbol concession order, if issued by the State Election Commission with regard to parties not recognized in that particular State but recognized in some other State(s).
- 19.2 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 23. The Observer should see that special care is taken by the RO regarding the order in which the name of candidates appear in the list and the State Election Commission's instructions in this regard strictly adhered to. This is a very important document and it is of utmost importance that copies of the same reach the SEC at the earliest. The Returning Officers will make arrangements to send the original copy to the SEC through special messenger.

20. Scrutiny of register of voters and other documents

In order to deter electoral malpractices, the State Election Commission has directed that scrutiny of various documents like Presiding Officers' diaries, Register of Voters (Form 43), Visitor Sheets, report of Magistrates etc shall be taken up by the RO after completion of poll **and before counting** for polling stations selected randomly. The Observer should monitor this.

21. Repoll and adjourned poll cases

- 21.1 The report of the Observer is a vital input for the State Election 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 State Election Commission on this matter. Sometimes information received from other sources are referred back to the Observers on telephone by the Secretary SEC 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 State Election Commission, repoll is ordered in such of the polling stations as is considered necessary and appropriate by the State Election Commission.

21.2 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.

22. **DO's and Don'ts for Observers**

22.1 **DO's**

- Attend the briefing and debriefing sessions fixed by the State Election Commission.
- Notify your correct office and residential addresses and phone / fax numbers /email. Also please notify changes, if any, from time to time, to the Secretary SEC.
- Identify areas / polling stations which might require closer attention.
- Monitor that adequate stock of all election materials are actually available in adequate quantities.
- Make an independent assessment of the Law and Order situation in general.
- Make a random check of as many polling stations as possible and verify them.
- Monitor instances of violation of Model Code of Conduct.
- Familiarize yourself with the use of Electronic Voting Machines (EVMs) and attend some training rehearsals.
- Monitor the deployment of state/central forces to have maximum impact.
- Send a report to the State Election 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.
- Bring any development that merits immediate remedial action or attention of the State Election Commission, Returning Officer's notice without any loss of time. Such information should not be deferred till the regular reports are submitted.
- Send your reports in time through fax/email as advised and the hard copies in a closed envelope addressed to the Secretary, SEC.
- Attend meetings of the political parties called by the Municipal Election Officers / Returning Officers.
- Make independent assessment of the expenditure incurred by a candidate, political party or any other person.
- Speak to the local people and check posters, pamphlets etc. to arrive at an independent assessment.
- Inspect the register of Election Expenditure prescribed by the State Election Commission.
- Maintain proper conduct in the Constituency as SEC Observers are under public scrutiny.

21.2 DON'Ts

- Do not ask for any exemption from the briefing session.
- Do not travel to the Constituency with your families.
- Do not talk to the Press.
- Do not call meetings of the political parties on your own.
- Do not make any unreasonable demands to the SEC/Municipal Election Officer / Returning Officer regarding accommodation, vehicles, security etc.
- Do not leave your headquarters once you have been allotted specific constituencies without the **prior written permission** of the State Election Commission.
- Do not plan for arrival to the Constituency on the day of scrutiny.
- Do not plan for departure from the Constituency on the day next to the day of poll or on the day of counting.
- 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 State Election Commission's notice by the quickest means.

STATE ELECTION COMMISSION
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CHECK LIST

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

The information may be furnished in a tabular form.

1) Number of the Wards:-

- i) No. of vulnerable polling stations:-

2) Electorate details:-

Number of Electors :-

- i) Male :
ii) Female:
iii) Total Electors:

3) Electoral roll details:-

- i) Date of publication of latest revised electoral roll :-
Date /Month/ Year.
ii) Whether copies of electoral roll have been supplied to the recognized political parties - Yes /No.
If yes, date thereof - Date/ Month/ Year
If no, reason thereof -

4) Polling Stations :-

- i) Number of polling stations:-
ii) Whether the list has been approved by the SEC
iii) Whether all the polling stations have been visited by the RO and ARO
iv) Polling Stations with details of location Police Station:-
v) Name of Polling Station and number of electors attached to the polling station :-
Less than 1000
Less than 1500
More than 1500

5) Identification of critical wards, urban clusters and polling stations:-

- i) Vulnerability mapping done or not
ii) Critical polling stations identified or not (please provide the list with reasons)

6) EVMs:-

- i) Name and number of Wards :-
ii) No. of EVMs required for polling booths :-
iii) No. of EVMs in reserve :-
iv) No. of EVMs marked for training :-
v) Total number required:-

- vi) Availability of required EVMs:- Yes /No.
 - vii) Have EVMs been allocated Ward-wise by the MEO by randomization?
- 7) **Date and location planned for sealing and randomization of EVMs by RO :-**
- i) Date:-
 - ii) Location:-
- 8) **Identification of centres for dispatch, receiving and counting and any special arrangements:-**
- i) Facilities like Space/ Lighting/ Water/ & toilets:-
 - ii) Layout Plan.
 - iii) Location.
 - iv) Activity - adequate/inadequate/done/not done.
- 9) **Availability of staff:-**
- i) Total No of polling personnel required for the Wards:- Available/Unavailable
 - ii) Police personnel :
- 11) **List of Sector Magistrates indicating their areas of jurisdiction.**
- 10) **The total number of police personnel by designation such as SP/ Dy. SP/ PIs/ PSIs Constables :-**
- 11) **Requirement of State/Central forces:-**
- 12) **Operation of police control rooms (Police and RO, MEO) and the contact numbers - Yes/ No.**
- 13) **Preventive actions taken by the District Administration/MEO:-**
- i) Arms deposited
 - ii) Security bonds
 - iii) Preventive detentions
 - iv) List of persons provided with security cover
 - v) Copies of the law & order reports sent to the State HQs should be invariably endorsed to the Observer.
- 14) **Arrangements for implementation of Model Code of Conduct.**
- 15) **Arrangements for prevention and removal of defacement.**