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# **GUIDELINES FOR OBSERVERS**

## **Municipal Elections**

**2013**

**State Election Commission**

**Arunachal Pradesh**

**Itanagar**

## **Background**

In Arunachal Pradesh Municipal Elections are going to be held for the first time in 2013. In the elections conducted by the State Election Commission (SEC) there has been no concept of deputing Observers in Arunachal Pradesh. However, the SEC can depute observers under the plenary power conferred on SEC under Article 243 K of the constitution of India.

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 and the Election Commission of India was given statutory powers to appoint Observers by amending the Representation of People Act, 1951 suitably in 1996.

Realizing the roles 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.

## **Appointment of Observers**

The State Election Commissioner appoints Observers under the plenary power conferred on him under Article 243 K of the Constitution of India as also under Sec 15(1) of the Arunachal Pradesh Municipal Elections Act, 2009 which reads:

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 may be entrusted to him by the State Election Commission.+

### **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.+

### **OBSERVER'S DUTY IN NUTSHELL**

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

They should always clearly and firmly bear in mind the fact that they are only the eyes and ears (and not the mouthpiece) of the Commission. Their inputs/observations are confidential and solely for the use of the

Commission and not for any other agency including media. They must not, therefore, interact with or respond to the queries of the Press even after the elections are over. In recent times it has been observed that some observers in case of Assembly and Parliament elections had a tendency to give interview to the media even during the course of the polling process ventilating their opinion on various electoral issues.

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 MEO/RO about their observation on various aspects of election management in order to facilitate mid-course corrections. It should be kept in mind that the objective of the deputation of the observer is not to find fault but to facilitate field administration in ensuring a free and fair poll.

However, the observers shall not mark copies of their formal reports to the Commission to any other person including MEO/RO.

## **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.**

## **ROLE OF OBSERVERS**

5. 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, if directed so by the Commission, and report back to the Commission promptly in case of any irregularity;

(ii) 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

(iii) effective monitoring of the cases of violation of the model code of conduct by watching the video clippings of various meetings and, if needed, even by visiting important rallies to get first hand input, enforcement of the defacement of property act, checking the account of expenditure of the candidates and such other things

(iv) checking 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. An illustrative list is as below:

### **Nominations, Withdrawal, Scrutiny and Symbol allotment**

6. The Observer need to observe the process of nomination and see that the instructions of the State Election Commission are complied with and report major violations, if any, with specific reference to Commission's instructions regarding number of people allowed to be present during Nominations.
7. Scrutiny is a quasi judicial process and should be conducted by the RO without any outside influence. However, Observer can ensure that the 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 any glaring error to the Commission. 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.

8. 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 reserve symbols and free symbols. He should have the latest symbol allotment order. After allotment of symbols, the list of finally contesting candidates should be prepared in Form . 23 (AP Municipal Election Rule 30)(Annexure-V)

### **Electoral Roll Related**

9. The Electoral Rolls would have been frozen by the time of arrival of the Observers on the scene. The Observer may, however, examine the overall quality of the roll. Although the scope for any further change in the roll is not there, if glaring mistakes, especially of technical nature, are found, same should be reported to the Commission.
10. Although no deletions can be made from the roll, absentee and dead and duplicate voters should still continued 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.
- 11 It should be ensured that the copies of Electoral Rolls given to the candidates are exactly the same as that which would be used on the poll day by the polling party.

### **Campaign Period**

- 12 Monitoring implementation of Model Code of Conduct and measures to prevent occurrence of electoral offences. In this regard, the Observers should bring any lapse to the notice of MEO and report to the Commission, if required but abstain from any executive action on their part.
- 13 MEO and RO shall hold meeting with candidates to explain the provisions of Model Code of Conduct and the instructions of Commission thereunder, if any.

14. Monitor that teams are constituted for enforcement of Model Code of Conduct.
15. Monitor dummy candidates and surrogate advertisements.

### **Election Expenditure**

16. The maximum limit of election expenditure is fixed under Rule 33 A(1) of the A.P Municipal (Election) Rules, 2011. Accordingly maximum limit of election expenditure to be incurred by the contesting candidate or his/her authorized agent shall be as under :
  - i). For Itanagar Municipality :- Rs. 1,00,000 ( One Lakh)  
being Municipal Class %A+
  - ii). For Pasighat Municipality :- Rs. 60,000/- ( Sixty Thousand)  
Being Municipal Class %C+
- 17 Every candidate contesting election to a Municipal Council or a Nagar Panchayat shall keep an account of election expenditure in a register to be called the register of election expenditure in form 38.
18. The account shall be maintained by the contesting candidate either by himself/herself or by his/her authorized agent.
19. The account shall be correctly maintained in respect of each items of expenditure on day to day basis from the date of nomination upto the date of declaration of result , both days inclusive.
20. All expenditure by the candidate or his/her authorized election agent on all items of expenditure maintained in form 39 shall be included in the aforesaid account of election expenditure.
  - i. All documents such as vouchers, receipts, acknowledgements etc in support of expenditure incurred and recorded in the register shall be maintained correctly.
  - ii. The day to day account maintained shall be made available for

inspection at any time during the process of election to the Municipal Returning Officer or any other officer authorized by him/her.

- iii. Failure on the part of the candidate or his/her authorized agent, as the case may be, to submit the account of election expenses within the time and in the manner required by the Act and these rules or, to produce the register of election expenditure on demand by an officer authorized to do so, shall be deemed to be corrupt practice under section 73 of the Act.
21. A Statement of account of the total election expenditure so maintained shall be submitted to the District Municipal Election Officer of the area under whose jurisdiction the concerned Municipal Council or the Nagar Panchayat falls, as the case may be.
22. The account shall be submitted within thirty days of the declaration of the result.
23. The Statement of account shall be submitted in Form No. 39 and 40 (Annexure- X & XI) along with an affidavit of the candidate in Form No. 41.( Annexure-XII).
24. On receipt of the Statement of accounts, the District Municipal Election Officer shall issue an acknowledgement in Form No. 42 (Annexure . XIII).

### **Watch on election expenditure**

25. Fix dates for reviewing the register maintained by each candidate for accounting of election expenditure and review the register on those dates.
26. Review supporting documents.

### **Pre-Poll Election Management**

27. Monitor EVM randomization.

28. 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.
29. Visit polling stations and monitor that all polling stations are visited by election officials for verification from fitness angle. Verify that the list of polling stations approved by the Commission.
31. Go through the exercise of **vulnerability mapping** and identification of critical booths and critical clusters done by the DEO/SP and finalise the list of critical polling stations and critical clusters.
32. Discuss the Security Plan with the MEO and the SP and review the law and order issue in general. Review the availability of Central Forces, SAF Review the preventive measures taken by the law and order implementation machinery.
33. Review the Communication Plan and confirm dry runs.
34. 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 Commission.

### **Poll Day Management**

36. Monitor placement of Sector Officers.
37. 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.
- 38 . Review the pace of poll and percentage of polling at regular intervals.
- 39 . Keep track of occurrence of any special events during the poll day.

40. Keep track of any delays or temporary suspension of poll.
41. Report anything exceptional to the MEO and the Commission.
  
42. 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.
43. 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.

### **Post Poll**

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

### **Counting**

45. Review the arrangements for counting made by the MEO.
46. The randomization of counting staff is done in the presence of observer.
47. Any person who is a voter and on election duty, wishes to vote shall at least 3days before the date of poll approach the RO or any officer of the constituency designated by him in respect of which he is voter and made an application in Form 16 for the issue of a ballot paper in order to enable him to cast his vote.

48. Report to the Commission for recount to be held if recount required.

### **TOURS AND ABSENCE FROM HEADQUARTERS**

49. 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 State Election Commissioner. No Observer is allowed to go on a foreign trip during the period intervening between the briefing session and the completion of election process. No requests in this regard should be made to the Commission.

### **REQUESTS FOR LEAVE**

54. 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/she has been appointed as Observer or for which he/she has been kept in reserve. All correspondence in this regard shall be addressed to State Election Commissioner.

### **REPORTS BY OBSERVERS**

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

- (i) The first 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 immediately after the end of campaign period.
- (iv) The fourth, immediately after the end of Poll.
- (v). The fifth, immediately after scrutiny of register of voters in Form-

And 43 (Annexure XIV) and other documents after the day of the poll.

(vi) the sixth immediately after the counting of votes.

56 The Observers should send these reports by fax followed by sending physical copy by post.

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

58. 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.

### **ARRIVAL OF OBSERVERS IN THE CONSTITUENCIES**

59. The observer is mandated to report in the constituency on the first day of filing of nominations.

69. The MEO has to make arrangements for accommodation, vehicle and communication modes like internet, fax, etc. 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.

### **INTERFACE OF ROs/AROs AND DEO WITH THE OBSERVERS**

61. 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.

62. 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 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 parties control room arrangements and inter coordination of police and MEO, RO control rooms.

63 . After reviewing the check list, the Observer shall take up the matter with the SEC, if any deficiency is found in the election preparedness. process have been complied. In this regard compliance to the specific instruction of the Commission, if any, regarding number of persons allowed to be present during the nomination process should be specially observed for compliance

64. 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.

65. 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.

66. The following items are important:

- (a) The latest list of "Political Parties and Election Symbols" published by the Commission.
- (b) The latest copy of the List of Disqualified Candidates.
- (c) Instructions and copies of latest versions of Forms 17 A & 17B (Annexure . II & III) 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.

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

### **ALLOTMENT OF SYMBOLS**

68. 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 will 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 Commission with regard to parties not recognized in the particular State but recognized in some other State.

69. 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. 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 SEC at the earliest. The Returning Officers will make arrangements to send the original copy to the SEC through special messenger. The latter will consolidate these and send it through special messenger or camp bag to the Commission.

### **ELECTORAL ROLLS**

70. Complaints have been received in the Commission that during past in Panchayat Elections the electoral rolls provided at the polling booths were different from the electoral rolls that were provided to the Presiding Officer. The Commission has viewed such complaints with concern and therefore due care should be exercised that the Electoral Rolls used at Polling Booths are authentic.

71 . 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 rolls given to the candidates on the day of poll at the polling stations visited by him. 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.

#### **MEETING WITH THE CANDIDATES**

72. 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 -

- 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 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.

#### **REVIEW OF OVERALL PREPAREDNESS OF LAW & ORDER MACHINERY**

74. The observer should have a detailed discussion with MEO/RO 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, and
  - g. Discussion about sensitivity of inter-district, inter State boundaries.

75. The vulnerability index mapping of the Municipal area 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.

76. The distilleries/blending units/Liquor Ware Houses 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. The outflow should be compared to the average of the last six months.

## **OBSERVATION OF IMPLEMENTATION OF MODEL CODE OF CONDUCT**

77. It has been the most important and crucial task of observers to ensure non-partisan and effective implementation of model code of conduct.

78. 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. Slaughter of Mithun and other animals by the candidates for distributing meat to lure voters.
- 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 instructions of the SEC.

79. 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.

## **APPROACH OF THE OBSERVER IN IMPLEMENTATION OF CODE OF CONDUCT**

80. The approach of observer should be to get the complaint inquired by MEO/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 MEO/RO 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 SEC.

81. There are several instances where implementation of model code of conduct has been handled for the same issue in different manner in different constituencies. **Observers should never forget that they are the eyes and ears of the SEC and not of the executives.**

82. SEC encourages effective observation rather than self implementation of the Model Code of Conduct.

83. SEC envisages appropriate and timely action against lapses and at the same time proportionate flow of this information of action taken to the appropriate levels.

84. 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.

## **WATCH ON EXPENDITURE INCURRED ON ELECTION CAMPAIGN BY THE CANDIDATES/POLITICAL PARTIES**

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

86. There can be many ways of spending money which should engage the attention of the Observers.

“ Booth-wise agents are appointed to purchase floating votes;

“ Large donations to clubs and organizations to influence its members;

“ Largesse to petty party workers to dole out the same to electors;

“ Rented crowds for party meetings;

“ Rallies and campaigns with purchasable crowd;

“ Presence of candidates at social occasions like mass weddings, feasts, Meeting of society, inaugurations, etc. where gifts are given on behalf of candidates;

“ Acceptance of felicitations by the contesting candidates at any educational or charitable organizations;

“ Slaughter of animals like Mithun etc to distribute meat to lure electors.

“ Distribution of free liquor to the electors;

“ Surrogate advertisements in print and electronic media whereby candidature is canvassed by unconnected persons/organizations so as to avoid the expenditure on the same being accounted for in the expenditure of the contesting candidates;

“ Providing voters with caps, vests, umbrellas, bi-cycles, etc.

87. The gist and highlights of various instructions on the issue of

“ Even if a contesting candidate does not seriously contest the election for any reason whatsoever and incurs only a nominal expenditure on his security deposit, etc., he is required by law to lodge his account of election expenses.

“ Contesting candidates, who fail to comply with the requirement of law regarding the lodging of account of election expenses, are liable to be disqualified as for the purpose of Arunachal Pradesh Municipal Election Act, 2009 election offences dealt with under Representation of People Act, 1951 as explained at para 5 herein above under caption %Special Provision+.

“ The State Election Commission has prescribed a format of the

Register( Form-38)(Annexure . IX) which is required to be maintained by the contesting candidates along with supporting vouchers, bills, etc. arranged in a proper chronological order.

“ The contesting candidates are further required to furnish an affidavit alongwith the %Register of day to day expenses+and %Abstract of Expenses+

“ The prescribed register/forms/extracts of rules relating to lodging of returns of accounts of election expenses should be printed and made available to the contesting candidates.

“ The supporting vouchers of the day to day expenses should necessarily bear the signature in full of the contesting candidate or his election agent.

“ The register along with the prescribed Affidavit (Form 41) (Annexure XII) 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.

“ If a candidate is contesting election in more than one constituency, he is required to maintain and lodge a separate account of his election expenditure in respect of each such constituency.

“ 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 MEO on conclusion of the whole electoral process.

**• Where a candidate does not produce the register containing his dailyaccount of election expenses before the designated officers/observer,despite notice, the MEO shall cause a complaint to be lodged u/s 171-I of the IPC against the errant candidates.**

“ 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.

“ The expenditure incurred by the leaders of the political parties on account of their travel for propagating the programmes of the party shall NOT be considered as expenditure incurred in connection with election by the candidate or his authorized agent, provided the names of the leaders for this purpose are communicated to the Commission and the MEO within a period of seven days from the date of notification of the election.

“ 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.

## **ELECTRONIC VOTING MACHINE**

88. The Observers will check on the stock of EVMs available in the In the Municipal Constituency and whether they have been serviced by the engineers of the manufacturing firms (ECIL). It has to be seen whether training programmes have been taken up properly and the people are aware of the method of casting their votes on the EVMs. The training of Presiding Officers and polling personnel, especially the polling officer who controls the %Ballot+button on the use of EVMs is critical.

89. The Commission has also mandated randomization of EVMs to avoid apprehensions of any attempt of manipulation of EVM.

## **PREPARATIONS FOR DATE OF POLL**

90. 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.

91. The methods adopted by unscrupulous elements vary 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.

92. The Observers 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 PSOs.

### **POLL DAY ACTIVITIES**

93. One of the most important responsibilities of the Observers is to oversee the actual poll. On the date of poll, Observers should tour the maximum number of booths as is physically possible during the hours of polling. The observers will be provided with the list of Ward by the SEC for which they will be responsible. 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 Administration constantly through telephone, wireless, VHF Radio sets etc.

94. 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.

95. 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.

96. 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 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 visit.

97. The Observers will also take stock of the collection of the EVMs and the transport of polling parties and polling materials under appropriate security arrangements. The convoys once started should only stop at the destination, that is, the strong room where these are to be stored.

### **Special counter at Polling Stations.**

99. There is need to focus on polling stations wherein (i) polling was disrupted temporarily due to EVM failure or any other reason, (ii) serious complaints were received and (iii) 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 MEO and observer by 4 PM 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 officers' diaries have to be checked thoroughly for these polling stations.

### **SCRUTINY OF REGISTER OF VOTERS AND OTHER DOCUMENTS**

100. In order to deter electoral malpractices, the 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 after completion of poll for polling station selected randomly.

### **REPOLL AND ADJOURNED POLL CASES**

101. 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 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 Commission, repoll is ordered in such of the polling stations as is considered necessary and appropriate by the Commission.

102. 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.

### **END OF POLL REPORT**

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

### **COUNTING OF VOTES**

104. 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.

105. During this very stage of the visit itself, the Observers 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 specifications prescribed by the Commission. In addition to what is given in the Handbook for Returning Officers

106. 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 15 (2) of the Arunachal Pradesh Municipal Election Act, 2009. 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 the Observers will have a key role in the superintendence of the counting process.

107. 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.

110. 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 SEC by fastest means of communication.

111. The Observers should ensure after the declaration of result that the RO sends to SEC the duly filled and corrected copies of

- (i) Final Result Sheet in Form 34, (Annexure- VI)
- (ii) Declaration of Result in Form 35,( Annexure-VII)
- (iii) Return of Election in Form 36. (Annexure- VIII)

112. 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 23 should reflect this name exactly and correctly with same spellings as given in the Nomination Form 18 & 20. Eventually the name of the candidate who is returned from the constituency is given in the declaration of the result in Form 35. It is absolutely imperative that consistency of the names in the form 23

(Annexure- V), on ballot papers and inform 35 & 36 is maintained without fail.

## **DOs AND DON'Ts FOR OBSERVERS**

### **DOs**

- Attend the briefing and debriefing sessions fixed by the Commission.
- 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 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, ban on transfer etc.
- Familiarize yourself with the use of Electronic Voting Machines (EVMs), and attend some training rehearsals.
- Monitor the deployment of central forces to have maximum impact.
- 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.
- Bring any development that merits immediate remedial action or attention of the Commission, to Returning Officers notice without any loss of time. Such information should not be deferred till the regular reports are submitted.
- Send your report 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 Commission.
- Maintain proper conduct in the Constituency as SEC Observers are keenly observed.

### **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 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 Commission's notice by fastest means.

**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

**a. Name of the Wards**

i. No of vulnerable Polling Stations:

**c. Electorate details**

Number of Electors :

i. Male :

ii. Female

Total Electors  
holders

**d. 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 If no, reason therefore  
Date Month Year

**i. Polling Stations**

i. No 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 Station Details

PS

location

v. Electors details of Polling Stations in the constituency

Total No of Polling stations  
No of electors attached to the Polling Station  
Less than 1000 :  
Less than 1500:  
More than 1500:

**j.** Identification of critical Wards, urban clusters and polling stations  
ii. Vulnerability mapping done or not  
iii. Critical polling stations identified or not (please provide the list with reasons)

**k.** EVMs

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

Yes No

Yes No

**l.** Have EVMs been allocated Ward-wise by the MEO by randomization?

Date and location planned for sealing and randomization of EVMs by RO (i) Date:

(ii) Location:

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

Facilities Space Lighting Water/ & toilets

Name of Layout Plan

Location

Activity-adequate/inadequate/done/not done

**n.** Availability of staff

Polling Personnel

Total No of polling personnel required for the Wards

Police personnel :

i. The total number of police personnel by designation

SP Dy SP PIs PSIs Constables

- ii. Requirement of Central forces
- iii. Operation of police control (police and RO, MEO) and the contact numbers

Yes No

**o.** Preventive actions taken

i. Arms deposited

ii. Security bonds

iii. Preventive detentions

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.

**p.** Arrangements for implementation of model code of conduct

i. Arrangements for prevention and removal of defacement

**Annexure -II**

**FORM - 17(A)**  
(See rule 22.A)

**NOTIFICATION**

In exercise of power conferred upon under sub-section(3) of section 36 of the Arunachal Pradesh Municipal Election Act 2009 and in pursuance of the provision of Rule 22(A) of the Arunachal Pradesh Municipal Election Rule 2011, I ..... the State Election Commissioner, Itanagar, call upon the municipality of ..... to elect members from .....

State Election Commissioner,  
Arunachal Pradesh  
Itanagar

**FORM-17 (B)**  
(See Rule 22 B)

**NOTICE OF ELECTION**

In pursuance of Sub Rule (4) of Rule 22 (B) of the Arunachal Pradesh Municipal (Conduct of Election) Rules, 2011, I ..... hereby notify that Election to fill the vacancies of Councilor/Ward Commissioner from the ..... under ..... Municipal area shall be held as per schedule of programme mentioned below.

1. Date of issue of Public Notice by Municipal Returning Officer. :-
2. Last date of filing Nomination :-
3. Date of Scrutiny :-
4. Last date of Withdrawal :-
5. Date of Poll :-
6. Date of Counting :-

The respective Municipal Returning Officer shall issue Public Notice of intended Election under Rule 23 of the Arunachal Pradesh Municipal (Conduct of Election) Rules 2011 on.....

State Election Commissioner,  
Arunachal Pradesh: Itanagar.

**Annexure -iv**

**FORM-20**  
**[See rule 28(8)]**  
**LIST OF VALIDLY NOMINATED CANDIDATES**

Election to the Municipal Council/Nagar Panchayat ..... from  
.....Ward.

Sl. No.	Name of candidate	Name of Father/Husband	Address of candidate
1	2	3	4

Municipal Returning Officer.

Place:-

Date:-

Annexure-V

**FORM-23**  
**[See rule 30]**  
**LIST OF CONTESTING CANDIDATES**

Election to the Municipal Council/Nagar Panchayat .....  
from .....Ward.

---

Sl. No.	Name of candidate	Address of candidate	Symbol allotted
1	2	3	4

---

---

Place:-

Date:-

Municipal Returning Officer.

Annexure . VI

**FORM-34**  
**(See rule 62)**  
**RESULT SHEET**

Election to Municipal Council/Nagar Panchayat ..... from  
.....ward.

Sl. No. and name of polling station	No. of valid votes polled in favour of				Total of valid votes polled	No. of Rejected votes	Total votes polled (Col. 3+4)	Remarks
	A.	B.	C.	D.				
1	2			3	4	5	6	

Total No. of valid votes polled in all polling stations of the ward.....

Total No. of rejected votes at all polling stations ..... of ward.

Total number of votes polled (Valid/rejected) in the ward.. ..

Place:-  
Date:-

Municipal Returning Officer.

N.B.- In Col. 2-A, B, C and: D denote the name of contesting candidates.

Annexure-VII

**FORM-35**  
**(See rule 64)**  
**DECLARATION OF RESULT OF ELECTION WHEN SEAT IS CONTESTED**

Election to Municipal Council/Nagar Panchayat .....  
from .....ward.

In pursuance of the provisions contained in rules of the Arunachal Pradesh Municipal Election Rules, 2011, 1 declare that (Name).....

(Address) ..... had been duly elected to fill the seat in the  
.....Municipal Council/Nagar Panchayat from the above ward.

Place:-  
Date:-

Municipal Returning Officer.

**FORM-36**  
**(See rule 65)**  
**RETURN OF ELECTION**

Election to Municipal Council/Nagar Panchayat.....  
from ..... ward.

Sl. No. of candidate	No. of valid votes polled
1.	
2.	
3.	
4.	
5.	
Etc.	

Total No. of votes polled .....

Total No. of valid votes polled .....

Total No. of rejected votes .....

I declare that ..... (Name) ..... (address)

has been duly elected to fill the seat in .....Municipal Council/Nagar Panchayat.

Place:-

Date:-

Municipal Returning Officer

Annexure-ix

**FORM.38**

[See rule 71(3)]

**REGISTER FOR MAINTENANCE OF DAY TO DAY ACCOUNT OF ELECTION EXPENDITURE BY CONTESTING  
CANDIDATES FOR ELECTION TO NAGAR  
PANCHAYAT/ MUNICIPAL COUNCIL**

1. Name of the candidate .....
2. Ward from which contested .....
3. Seat for which contested .....
4. Date of filing nomination .....
5. Date of declaration of result .....

Date of expenditure	Nature of expenditure	Amount of Exp.		Date of payment
		Paid	Outstanding	
1	2	3	4	5

Name and Address of payee	No. of vouchers in case of amount paid	No. of bills in case of amount outstanding	Name and Address of person to whom the amount outstanding is payable	Remark
6	7	8	9	10

---

Certified that this is a true copy of the account kept by me/ my election agent.

Signature of Contesting Candidate.

Annexure-X

**FORM-39**  
**DETAILS OF ELECTION EXPENSES (THE CONTESTING CANDIDATE) FOR THE ELECTION TO MUNICIPAL COUNCIL/NAGAR PANCHAYAT.**

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1. Name of contesting candidate í

2. Name of Ward í .

Item of expenditure	Sources from where money procured	Amount of Exp.	
1	2	3	
1. Expenditure on security deposit.			
2. Expenditure on purchase of copies of electoral rolls.			
3. Expenditure on printing of manifestos and expenditure on printing of posters and hand bills etc.			
4. Expenditure on pasting of posters.			
5. Expenditure on writing of wall writing and on publication of advertisements.			
6. Hiring charges of places for public meetings and hiring charges of pandals etc. for public meetings.			
7. Hiring charges of loudspeakers for public meetings.			
8. Hiring charges on vehicle and POL use by the candidate.			
9. Hiring charges and POL on vehicle used by election agent/polling agent.			
10. Misc. expenses (other than those listed above).			
Date(s) of payment	Mode of payment	Evidence of payment enclosed with the account	Remarks.
4	5	6	7

---

---

Signature of the Contesting Candidate.

Annexure-XI

**FORM-40**  
**[See rule 33-A (11)]**  
**PROFORMA FOR THE SUBMISSION OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR**  
**ELECTION TO MUNICIPAL**  
**COUNCIL/ NAGAR PANCHAYATS**

1. Name of the candidate .....
2. Ward from which contested .....
3. Seat for which contested .....
4. Date of filing nomination .....
5. Date of declaration of result .....

Date of expenditure	Nature of expenditure	Amount of Exp.		Date of payment
		Paid	Outstanding	
1	2	3	4	5
Name and address of payee	No. of vouchers in case of amount paid	No. of bills in case of the amount outstanding	Name and address of person to whom outstanding is payable	Remarks
6	7	8	9	10

Certified that this is a true copy of the account kept by me/my election agent.

Signature of Contesting Candidate.

Annexure-XII

**FORM-41**  
**[See rule 33-A (11)]**  
**AFFIDAVIT**

I, .....son/wife/daughter of ..... aged ..... years .....  
r/o ..... do hereby solemnly and sincerely state and declare as under –

1. That I was a contesting candidate at the general election/bye-election to the ward of ..... the result of which was declared on .....
2. That I/my election agent kept a separate and correct account of all expenditure in connection with the above election incurred or authorized by me or by my election agent between ..... (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.
3. That the said account was maintained in Forms 38, 39, and 40 appended to the Arunachal Pradesh Municipal Election Rules, 2011 and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said account.
4. That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.
5. That the statements in the foregoing paragraphs 1 to 4 are true to my personal knowledge, that nothing is false and nothing material has been concealed.

Deponent,

Solemnly affirmed/sworn by.....  
at ..... this day of .....  
20..... before me.

Annexure- XIII

**FORM-42**  
**[See rule 33-A (12)]**  
**ACKNOWLEDGEMENT**

The detailed accounts of the election expenses on prescribed form are in respect of  
Shri ..... (Candidate) from ..... (Ward) result of which was declared on  
..... (Date) has been filed by him on ..... (Date) has been received by me today the (date) of  
.....(Month) .....(Year).

District Municipal Election Officer

District.....

Arunachal Pradesh

**FORM-43**  
**REGISTER OF VOTERS**

Election to the Municipality of the..... from.....  
Ward No. and Name of Polling Station.....

Remarks No. electoral roll impression of elector.

Sl. No.	Sl. No. of elector in the electoral roll	Signature/Thumb impression of elector	Remarks
1.			
2.			
3.			
4. etc			

Signature of the Presiding Officer