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# **ELECTION COMMISSION OF INDIA**

**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

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No. 464/OBS/2007/PLN-I

Dated: 09<sup>th</sup> Jan, 2007

To

The Chief Secretaries of all states & Union Territories  
The Chief Electoral Officers of all States & Union Territories.

**Subject: - Provision of facilities for Observers.**

Sir,

As you are well aware the Election Commission of India, under article 324 of the Constitution read with section 20(b) of the Representation of the People Act, 1951, depute Observers for various elections that are conducted by the Commission. The Observers are the eyes and ears of the Commission and their functions go along way in assisting the Commission to conduct free and fair elections. It therefore, naturally follows that they have to be treated by the administration and all concerned in election related activities with due regard and with proper courtesies. The Commission has, in the past, issued various instructions from time to time in connection with the appointment of General and Expenditure Observers to watch the process of making of nominations and other election related work for conducting of peaceful, free and fair poll. For convenience of all concerned, these instructions have now been consolidated which are as under: -

## **(A) NOMINATIONS:**

2. In order to ensure free and fair polls as well as to manage the conduct of elections in a smooth, efficient and effective manner, the Commission appoints and deploys sizeable number of observers to assist the commission in discharging of its constitutional responsibilities for the superintendence, direction and control of the process of elections. Since the entire activities have to be completed in a very tight schedule within the time frame indicated by the president of India/The Governor of States/Lt. Governor of UTs, as the case may be, the observers are required to immediately move to their constituencies after the briefing sessions. The Commission after taking the experience in the past and all other relevant factors have decided that **no observer will be allowed to go on foreign or other official tours (except observer-duty related tours) beginning from the date of the briefing sessions allotted to them till they complete their duties as observers of the commission.** Accordingly, all concerned may be directed not to sponsor any such case. The commission will not entertain any such requests in this regard. In the rarest of rare contingency where this is absolutely unavoidable, the Cabinet secretary may personally review the case and with full justification forward the same to the commission for its consideration and appropriate orders. The commission secretariat being fully

occupied with actual conduct of elections and observers having statutory responsibilities in discharging their functions, it is strongly advised that this direction should be taken with due seriousness and all concerned informed accordingly. It may be noted that once a constituency has been allotted to an observer any change in the middle of the election process would be totally undesirable and would create serious problems for suitable supervision of the poll process through observers. The review of the Cabinet Secretary will apply in case of all observers whether they are being sponsored by the establishment officers or by the Department of Revenue or the State Governments. The E.O. in D.O.P.T. may co-ordinate this with the commission secretariat on behalf of the cabinet secretary.

### **(B) ACCOMODATION AND TRANSPORT ARRANGEMENTS**

3. The observers are to be called for briefing and debriefing meetings and for other consultations very frequently and at short notices by the commission. Some of the IAS and IRS officers appointed as observers come to Delhi from different states and union territories and some times find it difficult to find accommodation and/or transport. In order that those officers are not put to any inconvenience during their stay in Delhi, the Chief Secretaries /Chief Administrators of the states and union territories may issue immediate suitable directions to the officers/departments allotting accommodation & transport as well as the resident commissioners, liaisons officers and managers in charge of the various state guest houses and bhawans in Delhi to provide the officers doing election duty with suitable accommodation during their stay in Delhi and transport be placed at their disposal right from their arrival at air port / railway station in Delhi till their departure.

4. State quota for air travel / rail travel required may also be released in favour of such officer without fail. The Chief Electoral Officers are requested to pursue the matter for immediate action. Resident Commissioners & liaison officers in Delhi may kindly see that no officer appointed as observer of the commission is put to any inconvenience on this account.

### **(C) FACILITIES AND CONTINGENCY EXPENDITURE – ARRANGEMENTS BY THE RETURNING OFFICERS**

5. It has been noticed that different practices are adopted in different States and different ROs in the matter of facilities extended to the Observers and there is lack of uniformity in this regard. The Commission has considered the issues relating to facilities and formulated detailed uniform guidelines in this regard to ensure efficient functioning of the Observers in the constituencies allocated to them.

6. Accordingly the Commission issues the following instructions in the matter:

6.1 Arrangements for boarding, lodging, transport and security of the Observers shall be arranged by the District Election Officers / Returning Officers concerned. These arrangements will also cover the escort officers PSO driver, security personnel etc. Arrangements for the full team will be made by the DEO/RO so that no time is lost on this account by the Observers in making best and optimum use of the time available during the election process. These expenses will be met out of contingencies for election by the RO.

6.2 The Commission has made every effort to provide everything needed by the Observers in terms of stationeries and other requirements for discharging their duties. The R.O. will supplement with any additional support required in this regard. However, there may be rare cases of the Observers being required to meet some emergent contingent expenditure including making telephone calls, sending fax messages or using postage or for any other similar items. In such cases, the Observer would immediately give a voucher to the R.O. who will reimburse the amount then and there on the basis of the certificate given by the Observer. This has to be charged to the contingency expenditure account of the concerned ROs' account.

6.3 The DEO / RO shall make arrangements for accommodation, security, transport, wireless communication and telecommunication facilities, guide / escort and secretarial assistance to the Observers for effective functioning.

6.4 The DEO/RO shall provide the Observers telephone and fax facilities at the circuit House or Guest House where they will be housed. As far as practicable, all Observers allotted to a constituency will be accommodated at the same place so that they can share telephone and fax facilities. The Zonal Secretaries in the Commission shall be intimated these numbers.

6.5 Specific facilities will also be provided for the observers in the Counting centers. RO should provide a separate table for the Observer(s) at each counting center with a STD Telephone and one fax to be jointly used with RO. If possible the fax should have a separate line with STD facilities. The telephone numbers are to be obtained in advance for the Observers' use and these are to be communicated to the Zonal Secretaries in the Commission.

6.6 Observers shall be provided with an Escort Officers who must have a clear knowledge of the area of constituency. ROs shall ensure that the Escort Officer should also be able to act as an interpreter for interaction of the Observers with the local people and officials.

6.7 The ROs shall provide each Observer with a folder containing the following:

- (a) A Map of the Parliamentary Constituency (showing also the boundaries of the Assembly Segments;

- (b) List of Polling Stations as made available to the Political Parties and contesting candidates in terms of the provisions of Hand Book for the ROs;
- (c) Table of contents of Electoral Roll of each Assembly segment;
- (d) Telephone Numbers at a glance for the District(s), constituency;
- (e) A Booklet containing the plan for managing the elections in the district(s) and such other documents as are essential;
- (f) Detailed plan for counting of votes of the constituency.

#### **(D) OTHER FACILITIES**

7. The question regarding the facilities that an Observer is entitled, when he visits a constituency, has not so far been spelled out in all its details. Nor does the Commission intend to do so, in view of the large areas over which such deployment takes place and the considerable variations in local conditions and local style and nature of administration that is prevalent in the country. However, in view of certain issues in this area that has crept up from time to time, the Commission desires that certain minimum facilities that are to be extended to the Observers are listed below:-

7.1 The Observers should be given reliable and dependable transport from the nearest Railway Station/Airport. When the constituency to which an Observer has been deputed, is proximate to his residence, then a car may be provided to enable him to reach the constituency.

7.2 The Observers should be provided with sturdy (non-AC) cars, as this would allow them to go into interior areas easily.

7.3 The Observers are not to be provided with a Guard of Honour.

7.4 The Observers should be provided with a minimum security of a PSO/gunman. However, if in the assessment of the CEO in consultation with the appropriate authorities of the State Government there is need for a higher level of security, suitably, enhanced security may be provided.

7.5 Security in excess of the minimum specified is to be provided by the district administration as directed by the CEO.

7.6 No escort car/pilot or advance pilot is to be given to the Observer except in terms of special requirement assessed in terms of 7.5 above.

7.7 Food arrangements should be made by the district administration for Observer, PSO/ gunman, driver and the local official in a manner that would allow the Observer full freedom of movement, as he so desires.

7.8 If the Observer desires mineral or bottled water that should be provided.

7.9 By and large the Observers should be housed in Government or Semi-government Guest Houses located in the constituency for which they are functioning as Observers. If suitable Government Guest Houses are not available, alternative accommodation may be provided of an appropriate quality in consultation with the CEO as per assessment of the district administration ratified by the CEO.

7.10 No fax machine need be provided exclusively to the Observer. He must be allowed to use the fax machine available in any office under the control of district administration on a priority basis. His requirement for confidentiality while transmitting faxes should be respected by the concerned office from where he sends fax messages.

7.11 Where more than one Observer is being housed in the same premises, only one telephone line need be available with STD facility.

7.12 There should be one fax machine in working condition at all counting centers, which would be used both by the RO and the Observer.

**(E) REIMBURSEMENT OF TA/DA**

8. In the appointment order of the observers, it is clearly stated that "TA/DA will be drawn from their Ministry/Department/Office. The expenditure will be debitable to the Budget grant of their Ministry or Department/Office." It is once again reiterated that the TA/DA bills in respect of observers are to be settled by their respective Ministry/Department/Office/Organisation where they are working at the time of their appointment as observers.

Yours faithfully,

Sd/-  
**(A.K. MAJUMDAR)**  
**SECRETARY**