

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.318/LC/OBS/2009/OPS/

Dated: 29th December, 2009

To,

1. The Chief Secretary to the
Government of Andhra Pradesh,
Bihar, Karnataka, Jammu & Kashmir,
Maharashtra and Uttar Pradesh.
2. The Chief Electoral Officers
of Andhra Pradesh,
Bihar, Karnataka, Jammu & Kashmir,
Maharashtra and Uttar Pradesh.

Subject: -Biennial /Bye-Elections to the Legislative Council-Deployment & Duties of
Observers-Regarding.

Sir,

I am directed to say that the Election Commission of India, under Article 324 of the Constitution of India read with Section 20B of the Representation of the People Act, 1951, has hitherto been deputed Observers for elections to Legislative Assemblies and Lok Sabha that are conducted by the Commission. The Commission has, in the past, issued various instructions from time to time in connection with the appointment of Observers to watch the election process from the time of making of nominations and till the declaration of results so as to ensure peaceful, free and fair elections. The role of Observer in supervision of election has undergone a major shift and become quite crucial due to recent changes by the Commission in the approaches and methodologies in election management.

2. The Commission has now decided that Observers, will also be deployed to observe the election process of Biennial /Bye-Elections to the Legislative Councils of the States having such a Council. The role of Observers, their duties and responsibilities in respect of the biennial/bye-elections, along with their formal reports, are indicated in enclosed Annexure-I.

3. The Commission has also decided that as and when biennial/bye- elections to the Legislative Council are declared by the Commission, the Chief Electoral Officer of State shall be directed by the Commission to send a panel of IAS officers belonging to the State Cadre and working in the State, in consultation with State Government. The number of IAS officers desired in the panel shall be indicated by the Commission.

4. The IAS officers from the panel, so received, shall thereafter be appointed by Election Commission as Observers in the same State for performing their duties as Observer for the designated area, to be indicated in the appointment order.

Kindly acknowledge the receipt.

Yours faithfully,

(K.N. BHAR)
UNDER SECRETARY

Copy to CC&BE Section

ANNEXURE – I

DUTIES & RESPONSIBILITIES OF OBSERVERS FOR BIENNIAL/BYE-ELECTIONS TO LEGISLATIVE COUNCILS

- I. (i) To observe the process of nominations, scrutiny and withdrawal of candidatures.
- (ii) To examine the video clippings of the nomination process, if the Commission directs so, as well as to make proper investigations into the complaints received in connection with the process of nominations. Also to examine the unresolved grievances by the candidate/Political Parties.
- (iii) To submit four reports as per the Proformae enclosed.
- (iv) To check of the final list of contesting candidates.
- (v) To monitor training to ensure that proper training is arranged for the election staff, including the counting officials.
- (vi) To visit polling stations to monitor that all polling stations have been visited by election officials for verification from fitness angle. Also to verify that the list of polling stations is approved by the Commission.
- (vii) To discuss the poll, counting and security arrangements with District Election Authorities and to review the law and order issues in general.
- (viii) To monitor the Electoral Roll/Electoral College list prepared by the Electoral Registration Officer/Returning Officer as per the Conduct of Elections Rules, 1961.

II Apart from the above, the 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 Deputy Election Commissioner concerned in Secretariat of the Election Commission. Observers shall not be allowed to go on foreign trip during the period of the election process. No request in this regard should be made to the Commission. Only in case of receipt of late intimation about selection of the officer to attend a foreign training, which is duly sponsored by the DOPT as per prescribed procedure, the State Government may recommend release of such officer by substituting/sponsoring an officer of equivalent or of higher rank

III. The Observer shall also perform any other task, as assigned by Election Commission.

IV Visit Schedule of the Observer shall be as follows:-

- | | |
|--|--|
| (a) First Visit - | From the last date of nominations to the last date for the withdrawal of candidatures. |
| (bi) Second Visit - (In the case of election from council constituencies.) | For 3 days after one week of the last date for the withdrawal of candidatures. |
| (bii)Second Visit (In the case of elections by MLAs) | For one day after three days of the last date for withdrawal of candidatures |
| (c) Third Visit - | From the date prior to the day of actual poll and till the counting of votes and declaration of result |

OBSERVER REPORT-1

(To be submitted after the last date for the withdrawal of candidature(s))

| | | | | |
|----------------------|--|------|----------|----------------------|
| Name of Constituency | | | | |
| State | | | | |
| 1 | Is there any critical event | Yes | No | If yes, give details |
| 2 | Electoral Roll (for Graduates' & Teachers' Constituencies)/Electoral College for Local Authorities by MLAs etc. already finalised/available for use. | Yes | No | If no, give details |
| 3 | Affidavits uploaded on CEO web site, put on notice boards and published | Yes | No | -do- |
| 4 | Arrangements for ballot paper printing | Done | Not done | -do- |
| 5 | Preparation of list of polling personnel | Done | Not done | -do- |
| 6 | Schedule for training of polling personnel finalised or not | Done | Not done | -do- |
| 7 | Adequate preventive steps taken for maintenance of Law & Order | Done | Not done | -do- |
| 8 | Whether the election machinery is aware of Conduct of Elections Rules, 1961 | Yes | No | -do- |

Overall observation - (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern.

Date:

Place:

Signature of the Observer

OBSERVER REPORT-2

(To be submitted 3 days before the poll)

POLL PREPAREDNESS REPORT

| | |
|----------------------|--|
| Name of Constituency | |
| State | |

| | | | | |
|---|---|-----|----|----------------------------------|
| 1 | Whether all the materials for actual poll ready ? | Yes | No | If no, indicate present position |
| 2 | Whether polling parties formed? | Yes | No | -do- |
| 3 | Whether approval of list of polling stations obtained from the Commission ? | Yes | No | -do- |
| 4 | Whether approval for counting centre obtained from the Commission ? | Yes | No | -do- |
| 5 | Whether appointment and training of officials done ? | Yes | No | -do- |

Any special input: -

Date:

Place:

Signature of the Observer

OBSERVER REPORT-3

(To be submitted after counting of votes is over and the result is declared)

| | |
|----------------------|--|
| Name of Constituency | |
| State | |

| | | |
|--------|--|--|
| 1 | Whether poll was conducted as per procedure laid down under the law ? | |
| 2. (a) | Whether poll vitiated in any polling stations | |
| (b) | If so, details | |
| (c) | Whether the repoll was ordered by the Commission ? | |
| 3. | Whether the counting of votes was done as per procedure laid down under law ? | |
| 4. (a) | Whether any request for recount of votes received ? | |
| (b) | If yes, whether it was accepted by RO ? | |
| (c) | Whether R.O. recorded reasons for accepting/ rejecting request for recount. | |
| 5 | Whether the Commission's permission was obtained before commencement of counting of votes and declaration of result. | |

Any other irregularity noticed -

Date:

Place:

Signature of Observer

OBSERVER REPORT-4

(Departure Report)

Date of reporting by the Observer in the Constituency for election duty

Date of departure of Observer

Was there any break by the Observer from the duty ?

If Yes, give details

Was there any late reporting to duty ?

If yes, by how many days ?

Date:

Place:

Signature of Observer