

## **GUIDELINES FOR OBSERVERS**

### **Statutory Basis of Appointment**

1. Observers in the Panchayat Elections -2011 are appointed under the powers conferred upon Election authority under section 36 of J&K Panchayati Raj Act, 1989 and the plenary powers available to the Authority under the Constitution of India/J&K. They are the appointees of the Election Authority ( EA ) working under the superintendence, control and discipline of the EA for the period from their appointment until they are released after the process of election is completed.

### **OVERVIEW OF OBSERVER'S DUTIES**

2. By dint of their seniority and long experience in the administrative service, they are expected to be in a position to assist the EA in the conduct of free and fair polls. For all purposes they will act as the **eyes and ears of the EA** during the period of the election and provide direct inputs to the EA from the field as an interface with the election machinery, the candidates, and electors to ensure that the acts, rules, procedures, instructions and guidelines related to elections are strictly and impartially complied with by all concerned.
3. The candidates and the voting public have high expectations from the Observers as they are direct representatives of the EA.

### **GENERAL & EXPENDITURE OBSERVERS**

4. The nomenclature used to identify the Observers as "**General Observers**" and "**Expenditure Observers**" is only for easy identification of major functions of the two groups of Observers being appointed. There is no distinction between

them so far as the law is concerned and both are “Observers”. Both types of the Observers perform duties as assigned by the EA and may be required to focus on certain aspects of the election related events and activities.

## **ROLE OF OBSERVERS**

5. The Observers have got certain direct executive roles to play which include:

(I) Monitoring the processes of nomination, scrutiny and withdrawal, and report back to the EA 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 candidates 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 District Panchayat Election Officer (Deputy Commissioner) regarding first level randomization.

6. 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 follows:-

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

1. The Observer shall watch the process of filing of nominations to get an overview of compliance of EA instructions and report major violations, if any.

2. Scrutiny is a quasi judicial process and should be conducted by the Returning Officer without any outside influence. However, Observer can ensure that the Returning Officer is aware of the latest instructions, he has the latest list of disqualified candidates, if any and the latest symbol order. The Observer should observe the scrutiny process and report any glaring error to the EA.

Observer should, however, abstain from directing or advising the Returning Officer.

3. Allotment of symbol is a process that is very technical and requires due care. It should be ensured that Returning Officer is aware of the provision of issue of allotment order. After allotment of symbols, the list of finally contesting candidates should be prepared in Form PEL 10.

### **Roll Related:**

4. It should be ensured that the copies given to the candidates are exactly the same as that which would be used on the poll day by the polling party.

### **Campaign Period.**

5. Monitoring of implementation of Model Code of Conduct and measures to prevent occurrence of electoral offenses. In this regard, the Observers should bring any lapse to the notice of the District Panchayat Election Officer (Dy. Commissioner) and the EA, if required but abstain from any direct executive action on their part.

6. Meeting with candidates to explain the provisions of Model Code of Conduct and the instructions of EA there under.

7. Monitor that teams are constituted for enforcement of Model Code of Conduct.
8. Review video recordings of activities of those candidates for whom video trailing has been resorted to.

### **Watch on Election expenditure**

9. Fix dates for reviewing the register maintained by each candidate for accounting of election expenditure and review the register on those dates.
10. Review supporting documents.
11. Monitor that the abstract of election expenditure is also maintained along with the detailed accounts in the register.

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

12. The first level randomization of the election staff is done before the arrival of Observers. The second and third levels of randomization are, however, done in the presence of Observer.
13. Training is an activity on which special emphasis should be provided. Observers should monitor that proper training is arranged for the election staff, especially with regards to recent instructions of EA and related to Ballot Boxes.
14. 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 is approved by the EA.
15. Go through the exercise of **vulnerability mapping** and identification of critical polling stations done by the DPEO (Dy. Commissioner) and the Superintendent of Police, and finalize the list of critical polling stations and critical clusters.
16. Discuss the security Plan with the DPEO (Dy. Commissioner) and the Superintendent of Police, and review the law and order issue in general. Review the availability of special force with arms. Review the preventive measures taken by the law and order implementation machinery.
17. Review the communication plan and confirm dry runs.

18. Ensure that proper arrangements for dispatch have been made. The dispatch should normally be the day before the poll.

19. Review counting arrangements.

### **Poll Day Management**

20. Monitor placement of ARO and RO.

21. Review the pace of poll and percentage of polling at regular intervals.

22. Keep track of occurrence of any special events during the poll day.

23. Keep track of any delays or temporary suspension of poll.

24. Report anything exceptional to the DPEO (Dy. Commissioner) and the EA.

25. 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 Ballot Boxes in the strong room (Trunks).

### **Post Poll:-**

26. Report to the EA about the conduct of poll and requirement of re-poll, if any.

### **Counting**

27. Review the arrangements for counting made by the DPEO (Dy. Commissioner).

28. The randomization of counting staff is done in the presence of Observer.

29. The Observer has to ensure that the results as tabulated by the counting staff and the counting supervisor are checked and found them tallied.

30. Ensure that during the counting, round-wise results are announced as and when they are finalized.

## **BRIEFING MEETINGS OF OBSERVERS**

**31.** Before the Observers are sent to the blocks allocated to them, a letter of Appointment as Observer is handed over to the Observer. If any Observer is kept on Reserve List, that fact also will be intimated to him. The Observers are expected to immediately notify any change in office and residential addresses and phone / fax numbers to the EA.

## **KIT OF THE OBSERVERS**

**32.** The Observers are supplied with a brief case containing the following booklets:

- (1) Hand Book of Returning Officers.
- (2) Hand Book of Presiding Officers.
- (3) Panchayati Raj Act & Rules made there under.
- (4) Booklet containing Guidelines for Observers.
- (5) A copy of Model Code of Conduct.

**33.** This kit is common to all Observers. This will be supplied at the time of handing over appointment letter.

## **INTERFACE WITH EA**

**34.** The Observers may get in touch with the Officers of the EA in case of any necessity.

**35.** For any serious matter warranting intervention at the highest level, Observers may contact the EA.

**36.** A sheet containing the Office, Residential Telephone No and Cell Phone No of the Officers of the EA is given at ***Annexure-I.***

## **CONTROL ROOM**

**37.** A control room operates **08.00 AM** to **09.00 PM** in the EA during the period of elections, starting on the first day of notification. Messages from Observers are also recorded by the Officer-on duty in Control room.

## **VISITS BY GENERAL OBSERVERS/ELECTION EXPENDITURE OBSERVERS.**

**38.** Since the observer's headquarters is in the Sub Divisions, they (General Observers and Expenditure Observers) may plan their visits to the blocks/sub-blocks allotted to them, in consultation with each other, in such a way that either of them shall visit the wards covering all days of campaigning to observe the implementation of Model Code of Conduct.

## **CO-ORDINATION BETWEEN GENERAL AND ELECTION EXPENDITURE OBSERVERS**

**39.** It is better that both General and Expenditure Observer reach the place allotted to them at the same time during their first visit. They will discuss among themselves, settle common issues and establish appropriate coordination to cover different events of the election process. They will cover maximum area of wards on the poll day. The Observers together should distribute the wards among them and cover the wards through intensive and extensive visits to ensure that poll is free and fair.

## **REPORTS BY OBSERVERS**

**40.** The EA expects three mandatory reports from the Observers. However, in case of any serious deviations, the observer should bring it to the notice of EA through interim report(s).

(I) The first on the last day of nominations.

(ii) The second, three days before the poll day.

(iii) The third after completion of the polls and declaration of results.

**41.** The Observers should send these reports by email to the ceo-jk@nic.in, and by fax where internet facility is not available followed by sending physical copy by speed post.

**42.** All reports of the Observers shall be sent to the EA. Observers shall not under any circumstances, share the

contents of their reports or any information therein with anyone, repeat anyone, except the EA. Utmost care should be taken while faxing or sending the reports to ensure that no unauthorized person can have access to such reports.

**43.** Oral communication with the EA, 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 JT CEO/ Dy CEO and must be followed by a written message in confirmation.

### **ARRIVAL OF OBSERVERS IN THE BLOCKS/SUB-Blocks**

**44.** The Observer is mandated to visit the blocks from the time of filling of nominations.

**45.** The DPEO (Dy.Commissioner) shall appoint an officer as the liaison officer for the observer and the liaison officer shall receive the observer at the point of his arrival. Returning Officers shall compile information/particulars as enumerated in the check list ward-wise (Annexure II) and furnish the same to the Observers on his arrival along with the Election Plan and a map.

### **INTERFACE OF ROs/AROs AND DEPUTY ELECTION AUTHORITIES WITH THE OBSERVERS**

**46.** The DPEO( Deputy Commissioner) should organize a structured meeting with the observers as early as possible. All the Returning Officers, Assistant Returning Officers, other election officials including the nodal officers for media cell, model code of conduct and the designated officers for expenditure monitoring should be present in the meeting to apprise the Observers about the specific issues needing his special attention.

### **The Observer should monitor that:**

(a) The posting of requisite officers as Returning Officer and

Assistant Returning Officer 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 and approved.

(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 Deputy Election Authorities, Returning Officer's control rooms.

**47.** After reviewing the check list (Annexure-I), the Observer shall take up the matter with the DEO (P) /EA, if any deficiency is found in the election preparedness.

### **SCRUTINY OF NOMINATION PAPERS**

**48.** 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 EA but under no circumstances shall give instructions to the Returning Officer.

**49.** The Observers are expected to be present during the scrutiny of nominations. However, before the scrutiny, it is important that the Observers must verify from the Returning Officers the availability of latest instructions and orders of the EA, which are specifically relevant for the Returning Officers in discharging their statutory function of scrutinizing the nominations.

### **The following items are important**

- (a) The latest list of “Election Symbols” published by the EA.
- (b) EA’s instructions on the Form of Affidavit, which will accompany every nomination form
- (c) An authentic copy of the electoral roll for the ward.

**50.** It is important for the Observers to go through these instructions carefully in advance before they interact with the Returning Officers. They will confirm that the Returning Officers have not only received the latest instructions but have understood the implications clearly.

### **ALLOTMENT OF SYMBOLS**

**51.** 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 Returning Officer should have access to the list of election symbols.

**52.** 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 PEL. Special care should be taken regarding order in which the name of candidates appear in the list and EA’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 DEO (P) at the earliest. The Returning Officers will make arrangements to send the original copy to the DEO (P) through special messenger.

### **ELECTORAL ROLLS**

1 The electoral roll supplied to the polling booths shall be certified to be true copy of the one that has been provided to the candidates.

2. 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), 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 Returning Officer 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**

**53.** The Returning Officer is requested to conduct a meeting in the presence of Observer with all the contesting candidates and their 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/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 centre and reasons for such apprehension.

### **VISIT OF AREAS IN THE WARDS AND POLLING STATIONS**

**54.** After finalization of contesting candidates by the Returning Officer, the observer should visit as many polling stations as possible to understand the ward in social, economical and political context. During their visits, the

observer shall definitely visit all new polling stations, critical polling stations and distant polling stations.

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

**55.** The Observer should have a detailed discussion at a mutually convenient time about the following:-

- a. Adequacy of police personnel,
- b. Requirement of Special Forces with arms,
- c. Preventive actions taken (preventive detentions, bonds & arms deposition)
- d. Identification of critical polling stations through vulnerability mapping.
- e. Zonal plans for policing on the day of poll,
- f. Response strategy on the day of poll and transportation of Ballot Boxes,

**56.** The vulnerability index mapping of the Block should have been completed. The observer should ensure whether this has been done and polling stations are identified. The Zonal plan for police patrolling and the requirement for additional force should be reviewed in this context.

**57.** The distilleries warehouses in the Block 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**

**58.** It has been the most important and crucial task of observers to ensure non-partisan and effective implementation of Model Code of Conduct.

**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) Divisive tactics through inflammatory and condemnable speeches/ acts, and
- (e) Dealing with defacement of property as per prevailing law

**59.** 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 MODEL CODE OF CONDUCT**

**60.** The approach of observer should be to get the complaint inquired by DPEO (Dy. Commissioner)/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 DPEO (Dy. Commissioner)/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 DPEO(Dy. Commissioner) and EA. Observer should use videography as an effective tool to implement Model Code of Conduct.

**61.** There are several instances where implementation of Model Code of Conduct has been handled for the same issue in different manner in different wards. Observers are eyes and ears of the EA and not the executives in the field.

**62.** Some instances are given as case studies to sensitize you to this aspect-

#### **Situation A**

An observer found a vehicle with a flag and lot of workers with a microphone campaigning for a candidate without a permit.

- a. He detains the vehicle with the help of his PSO and calls for the police and orders them to take a particular action, issues a specific instruction in writing.

b. He reports the matter on phone to the concerned SP/Dy.SP/RO and subsequently writes a letter and warrants an ATR from the SP/DSP and RO. In case of non action, the lapse is reported to EA.

c. He gives an instruction to immediately arrest the people in the vehicle to the police in writing.

The EA would appreciate the option 'b' in this case. However, to ensure ripple effect, the incident and the action taken should be publicized in the media to create further deterrence through the Returning Officer. In any case the observer is not expected to interact and brief the media personally.

### **Situation B**

There is a complaint from a particular Candidate that there is possession of illegal arms in a particular location by another contesting Candidate. The complaining party does not disclose the location and requests for a police party to raid in a location to be specified later.

a. The observer agrees to the demand and order the SP/Dy.SP to send a police party.

b. The observer takes the complaint and location confidentially, asks the SP/DSP to act on it and report back. He also sends a videography team with the police party.

c. The observer takes the police party and goes to the specified location and raids it.

The EA would recommend the option 'b' in this case as observers have to think and act independently after receiving a complaint and not physically move with one party or other as that is also seen as partisan.

### **Situation C**

Every Candidate wants star campaigners. One of the star campaigners deliver inflammatory speeches hurting the sentiments of a particular section of society and this is widely covered by media at national/state and local levels.

- a. This episode and the contents of speech is recorded and reported to EA and at the same time appropriate action by the election machinery has been initiated. The action taken is proportionate to the gravity of the lapse.
- b. This episode is not reported to EA and action has been initiated at the local level which is covered by local media.
- c. It was not acted against at all. The EA would recommend option 'a' as the lapse is being covered by national / state media and the damage is no more localized and therefore the non- reporting of this event to EA shall have negative effect on the general scenario of elections.

### **Situation D**

An observer witnesses that a public property has been defaced by posters, which is serious violation of model code of conduct. He had to deal with this.

- a. The observer gets out of the vehicle and tears the posters himself.
- b. He informs the Returning Officer and asks the Returning Officer to send the enforcement squad responsible for territorial jurisdiction. He documents the violation through videography. After a day or two checks whether that violation has been dealt with and also ensures booking of that expenditure in the accounts.

The option 'b' is the desired response.

**62.** EA encourages effective observation rather than self implementation of the Model Code of Conduct.

**63.** EA envisages appropriate and timely action against lapses and at the same time proportionate flow of this information of action taken to the appropriate levels like local, district and state to have a deterrence effect.

**64.** 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**

**65.** 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. The observers should know the ceiling of election expenditure for his ward.

**66.** It must be kept in mind that the enlisted ways of spending money is only indicative. There can be many other ways of spending money which should engage the attention of Observers.

- Booth-wise agents are appointed to purchase floating votes;
- Large donations to clubs and organizations to influence its Members:
- Largesse to petty workers to dole out the same to Electors;
- Rented crowds for meetings;
- Rallies and campaigns with purchasable crowd;
- Presence of candidates at social occasions like mass Weddings, feasts, Poojas, Jagrans, inaugurals, etc., where Gifts are given on behalf of candidates;
- Acceptance of felicitations by the contesting candidates from any educational or charitable organizations;
- Distribution of free liquor/liquor passes to the electors;
- Use of dummy candidates at election to utilize his quota of Electioneering vehicles, etc.,
- 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;

- Bringing cinema celebrities and sports persons to campaign;
- Providing voters with caps, vests, umbrellas, bi-cycles, etc.

**67.** It shall be the duty of the observers to ensure that all the instructions of the EA are followed meticulously and there are no aberrations in their application.

**68.** The gist and highlights of various instructions on the issue of election expenditure is given hereunder for the benefit of the Observers:

- Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connections with the elections between the dates on which he has been nominated and the date of the declaration of the result thereof, both the dates inclusive.
- Every contesting candidate at an election shall, within (30) days from the date of the elections of the returned candidate, lodge with the concerned District Panchayat Election Officer (DPEO), on account of the election expenses which shall be a true copy of all the account kept by him or by his election agent
- 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 by the EA.
- The EA has prescribed a format of the register which is required to be maintained by the contesting candidates along with supporting vouchers, bills, etc., arranged in a proper chronological order.
- The prescribed register/forms/extracts 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 Abstract of Election Expenditure Account has to be made available by the contesting candidates for inspection by the Returning Officer/Designated Officer on the prescribed dates.
- If a candidate is contesting election for more than one ward, he is required to maintain and lodge a separate account of his election expenditure in respect of each such ward.
- 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 ward as proof record with the Returning Officer and furnish to the DPEO (Dy. Commissioner) on conclusion of the whole electoral process.
- Where a candidate does not produce the register containing his daily account of election before the designated officers/observer, despite notice, the DPEO (Dy. Commissioner) shall cause a complaint to be lodged u/s 171-I of the RPC against the errant candidates.
- Any person desiring a copy of these day to day accounts should be provided the same by the Returning Officer subject to the payment of usual copying charges.
- 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.

- All vehicles (including two-wheelers, motor-bikes, scooters and mopeds, etc.) being used by the candidates for the election campaign are required to be lodged with the DPEO (Dy.Commissioner).
- The expenditure incurred by an interested person on advertisements in connection with the election of a particular candidate or a group of candidates shall be treated as expenditure authorized by the candidates concerned and shall be accounted for in the election expenses of the candidates concerned. In cases where the expenditure is incurred by the interested person or for the benefit of a group of candidates, the expenditure is to be apportioned equally among the candidates.

**69.** The Observers are advised to familiarize themselves completely with the aforesaid instructions of the EA and prevail upon the Designated Officer to abide by the same. Wherever aberrations are noticed, the Designated Officers should be encouraged to issue notices through the Returning Officers to the erring candidates and make a note of the same in the register whenever they are produced for inspection.

### **MEDIA CELL**

**70.** The DEO(P) shall arrange to create a cell at each subdivision for dealing with media headed by an Assistant well versed with public relations and the main functions shall be –

a. The cell shall collect various clippings about the elections and also the advertisements from all the newspapers including the vernacular languages and provide this with translation if required to the Observer through the liaison officer. This should be done on a day to day basis by the media cell.

b. Prepare and circulate the note on various steps initiated during the day against violations of MCC to the media. These notes shall not include any direct quotes to the media by the observer, and

c. They should also ensure that videography of all the public meetings are done and passed on to the observers. They should aid the observers in viewing and bringing forth any violations of MCC to the notice of the observers.

### **PREPARATION OF POLLING PARTIES AND TRAINING**

**71.** To ensure transparency, the EA has advised the DPEO (Dy. Commissioner) randomization plan for selection and deployment of polling staff. In the first stage of randomization, polling staff is randomly selected from a complete database of all Government employees working in the district. This process would have been completed before arrival of the Observer; however, the Observer should examine the outcome of the process and ensure that the selection has been random. The second stage of randomization is for polling teams and assignment of the wards to which they shall be deployed. The polling station to which these teams will be going would be known only after the randomization which is done on the day just before dispatch.

**72.** Success of the poll process depends a lot on the quality of training imparted to the polling staff. Observer should monitor the training process and take care that:

- (i) All the staff appointed for poll duty is trained.
- (ii) The trainers are well versed with the election process. It is a good practice to use the Block Officer as trainers.
- (iii) Training is imparted in small groups and not very large groups to ensure that proper focus is maintained.
- (iv) Training covers all aspects of poll management, including Ballot Box aspects, forms and certificates to be filled by the staff. Special focus should be given to the latest instructions issued by the EA since most of the polling staff would be unaware of them.

## **PREPARATIONS FOR DATE OF POLL**

**73.** 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.

**74.** The methods adopted by unscrupulous elements vary from ward to ward. 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.

**75.** The Observers between or amongst them 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.

## **VISIT OF DISTRIBUTION CENTRES**

**76.** The Observers will visit the distribution centre for dispatching the polling parties to different locations and make a brief report on the manner in which the operations are being conducted. They will particularly see that the random formation of polling parties is being truly and correctly implemented.

## **POLL DAY ACTIVITIES**

**77.** One of the most important responsibilities of the Observers is to oversee the actual poll. On the date of poll, Observers available in the ward would tour the maximum number of booths as is physically possible during the hours of polling. For this purpose, they will mutually decide as to which polling stations they will visit on the poll day. Also to save time they may consider carrying some packed food and start field visits well before the poll begins. 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 Election related Officers constantly through telephone, wireless, VHF Radio sets etc.

**78.** EA has instructed conduct of mock poll before the actual poll begins to demonstrate proper functioning of the EVM to the polling agents.

**79.** 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 Returning Officer, Assistant Returning Officer 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.

**80.** 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 Ballot Boxes

**81.** The Observers will also take stock of the collection of the Ballot Boxes and the transport of polling parties and polling materials under, appropriate security arrangements. The convoys once started should only stop at the destination.

**82.** An important point to be noted is that Ballot Paper account and Paper Seal Account has been completely and correctly filled in by the Presiding Officer and these are deposited along with the Presiding Officer's diary at the collection centre and counting halls.

## **REPOLL AND ADJOURNED POLL CASES**

**83.** The report of the Observer is the most important input for the EA for taking a decision on ordering re-polls. 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 EA on this matter. Sometimes, information received from other sources is referred back to the Observers on telephone by the EA 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 EA, re-poll is ordered in such of the polling stations as is considered necessary and appropriate by the EA.

### **END OF POLL REPORT**

**84.** The Observers will send a report in the form prescribed in **Observers Report 3** 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 re-poll is recommended by him for a particular polling station or a group of polling stations.

## **COUNTING OF VOTES**

**85.** The observer should monitor counting process of atleast 3 to 4 counting locations and bring to the notice of the EA any discrepancies in this regard

**86.** The Observers should ensure that after the declaration of result that the Returning Officer sends to DPEO (Dy. Commissioner) the duly filled and corrected copies of

- (i) Final Result Sheet in Form PEL 15,
- (ii) Certificate of Election in Form PEL 16,
- (iii) Statement of counting of votes for Sarpanch in Form PEL 17.

**Annexure - I**  
**Contact number of Officers of the EA**

<b>S.No</b>	<b>Name of the Officer S/Shri</b>	<b>Designation</b>	<b>Phone official / Mobile</b>
<b>1</b>	<b>B.R.Sharma IAS</b>	<b>Chief Electoral officer, J&amp;K</b>	<b>9419180655 /01912477519</b>
<b>2</b>	<b>Harcharan Singh</b>	<b>Jt CEO, J&amp;K</b>	<b>9419145445</b>
<b>3</b>	<b>Puneet Sharma</b>	<b>Dy CEO, Jammu</b>	<b>9419150756</b>
<b>4</b>	<b>Jai Kumar</b>	<b>ACEO, Jammu.</b>	<b>9419239515</b>
<b>5</b>	<b>Mohd Sadiq</b>	<b>ACEO, Srinagar.</b>	<b>9419269114</b>
<b>6</b>	<b>Nazir Ahmad Parry</b>	<b>OSD, Elections.</b>	<b>94190006461</b>

**Annexure-II**

**CHECK LIST (Block /Sub-block WISE)**  
**INFORMATION/PARTICULARS TO BE PREPARED BY DPEO AND RO TO BE PROVIDED TO THE OBSERVER ON ARRIVAL**

a. Name of critical polling stations

I. No. of critical polling stations

ii. Map of the Blocks and map of the ward(s) highlighting critical polling stations.

b. Returning Officer and Assistant Returning Officer

I. Name

ii. Designation

iii. Date of joining the designated cadre

IV. Experience in conduct of Elections

V. Date of posting

VI. Contact No. RO .....  
 ARO.....

c. Population

- I. Male
- ii. Female
- iii. Total

d. Electorate details

	Number of Electors	
Male	Female	Total Electors

e. Polling Stations

i. No. of polling stations			
Men	Women	General	Total

- ii. Whether the list has been approved by EA (Yes / No)
- iii. Whether all the polling stations have been (Yes / No) visited by the Returning Officer.

iv. Polling Station details

Total No of Polling stations	Single Polling station Locations	Two PS Location	Three PS location	Four PS location	Five PS Station	Six PS location	More than six PS location

v. Electors details of Polling Stations in the ward

Total No. of Polling Station	Number of electors attached to the Polling Station		
	Less than 300	than 300-500	More than 500

f. Critical polling stations identified or not  
(Please provide the list with reasons)

g. Identification of centers for dispatch, receiving and counting and any special arrangements.

Name of location	Acitivity	Facilities		Space		Lighting		Water/ toilets &		Layout plan	
		Adeq	Inad.	Adeq.	Inad.	Adeq.	Inad.	Adeq.	Inad.	Done	Non done.

h. Electors details of Polling Stations in the ward.

Total No. of Polling Stations	Number of electors attached to the Polling Station.		
	Less than 300	300-500	More than 500

### Police personnel

i. The total number of Police personnel by designation

SP	DSP	Inspectors	Sub Inspectors	Constables

ii. Requirement of Special Force with arms.

iii. Operation of **police control room and** the contact numbers.

j. Preventive actions taken

(I) Arms deposited

(ii) Security bonds

(iii) Preventive detentions

(iv) NSA

(v) Externment

- (vi) Prohibition cases if applicable
- (vii) List of persons provided with Security cover
- (viii) Copy of law & order report sent to EA should be endorsed to Observer daily.

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

- (i) Arrangements for prevention and removal of defacement of Property
  - a. Territorial jurisdiction wise enforcement squads formed
  - b. Media cell constituted or not
- (ii) Instructions to all the officers, candidates, political parties Highlighting actions envisaged for the lapses.
- (iii) Name & Designation of officer for communicating about the Venues, and rallies of political party/candidates' meetings.
  - a. Name and contact number

**(IV) Arrangements for expenditure observation at the ward level.**

- a. Designated officers at ward level appointed (Yes / No)
- (v) Preparation of list of prevailing market rates (Yes / No) for regular campaign material required done

**l. Arrangements for procurement of election material and printing of forms etc.**

**m. Randomization of polling personnel**

- (i) Whether data base of polling personnel prepared? (Yes No)
- (ii) Date for formation of polling parties
- (iii) Date for allocation of polling stations to polling parties.

**n. Training of Polling Personnel**

- (i) Whether training schedule for the polling

personnel prepared? (Yes/No)  
 ii. Whether schedule for training for the Ballot Box(s) prepared? (Yes/No)

o. Dispatch arrangements

- i. Name of the location.
- ii. Any need for early dispatch to specific polling stations.
- iii. If yes, reasons.

p. Receiving arrangements

- i. Location
- ii. No. of tables for receiving,
- iii. Plan for special counters.

q. Strong room location and Security arrangement.

r. Counting arrangements

- i. Appointment of additional AROs, if any,
- ii. Location of counting.

First report of General Observer- after 5 days of arrival  
 (Not later than 7 days)

**GENERAL OBSERVER REPORT -1**

POLL PREPAREDNESS REPORT (please indicate done or not done\*)

Yes	No

Name of the General Observer	Sub-division
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1	Arrangements for	Done	Not done
	(a) Ballot paper printing		
	(b) Ballot Box preparation		
2	Polling personnel list preparation		
	Dates of second randomization		
	Dates of third randomization		

## 2. Training

First Training date	Day	Month	Year
Second Training date			

4	Adequate preventive steps taken for maintenance of Law and Order.	Yes	No
5	Mapping of Block wise critical polling stations	Yes	No
6	Arrangements for dispatch, receiving and counting centre and strong room	Done	Non done

7	Arrangements for model code of conduct implementation	Yes	No
8	Enforcement squads formed	Yes	No
9	System for receiving complaints and monitoring	Done	Not done
10	Communication Plan done	Yes	No
11	Establishment of control rooms done	Yes	No

Date:  
Place:

Signature of the General Observer  
Name:

**Overall observation** — (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern at least three in order of priority

**The General Observer has to send the Second report,  
3 days before the poll**  
**GENERAL OBSERVER REPORT -2**

General Observer Name	
Sub-Division	

<u>1</u>	Number of complaints received for violation of Model Code		
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	of Conduct		
<u>2</u>	Number of notices issued		
<u>3</u>	Number inquired and action taken		
<u>4</u>	Any pending for inquiry and corrective action		
<u>5</u>	Reasons of pending		
<u>6</u>	Critical polling stations identified	Yes	No
<u>7</u>	Police plan done	Yes	No
<u>8</u>	Authenticated copy of electoral roll has been prepared	Yes	No

Any special remarks.

Date:

Signature of the General Observer

Place:

**The General Observer has to send the third report,  
After the completion of poll  
GENERAL OBSERVER REPORT – 3**

General Observer Name	
Sub-Division	

1	Total number of polling stations			
2	Number of polling stations where mock poll was not confirmed (indicate the specific number of polling stations in the case of Ballot boxes)			
3	Number of polling stations where there were no polling agents (indicate the specific number of polling stations)			
4	Number of polling stations where poll was interrupted for more than two hours or delayed in starting (indicate the specific number of polling stations)			
5	Number of polling stations where the interrupted poll could not continue (indicate the specific number of polling stations)			
6	Number of polling stations where poll continued beyond appointed hours (indicate the specific number of polling stations)			
7	Number of Ballot boxes replaced after the start of poll (indicate the specific number of polling stations in the case of Ballot boxes use)			
	Strong room sealing time and date Time Date	Time	Date	
	All Presiding Officers diaries and other documents received	Yes		No
	Total voting	Total	Number	Percent

		num ber of electo rs	voted	age
	Male			
	Female			
	Total			

Events relating to law and order, bogus voting, unauthorized entry have to be listed clearly with name and event.

Any need for re-poll

If yes, then the details of reasons

Fixing the responsibility for the reason leading to re-poll

Date:

Signature of the General Observer

Place:

**The General Observer fourth report has to be sent,  
After the counting**

**GENERAL OBSERVER REPORT -4**

General Observer Name	
Sub-Division	

Candidate wise break up of votes polled:

Sl. No.	Name of the candidate	Number of votes polled	Remark if any

Election result declared

(Yes/No)

Date:

Signature of the General Observer

Place:

First report of Election Expenditure Observer  
(After 5 days of arrival (not later than 7 days))

**ELECTION EXPENDITURE OBSERVER REPORT — 1**

POLL PREPAREDNESS REPORT (please indicate done or not done\*)

Yes	No

Name of the Election Expenditure Observer	
Sub-Division	

1	Arrangements for	Done	Not done
	(a) Ballot paper printing		
	(b) Preparation of Ballot Papers		
2	Polling personnel list preparation		
	Dates of Second randomization		
	Dates of third randomization		

**3. Training**

	Day	Month	Year
First Training date			

Second Training date							
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4	Adequate preventive steps taken for maintenance of Law & Order	Yes	No
	Mapping of block-wise critical polling stations	Yes	No
	Arrangements for dispatch, receiving and counting centre and strong room		
	Facilities adequate		
	Arrangements for model code of conduct implementation		
	Enforcement squads formed		
	System for receiving complaints and monitoring of disposal of complaints done		
	Communication plan done		
	Establishment of control rooms done		
	Monitoring of election expenditure		
	(a) Whether the election machinery is aware relating to ceiling on maximum expenses		
	(b) Whether all the candidates been furnished with the prescribed register for maintaining day to day account of election		

	expenditure by contesting candidates. The Returning Officer detailing the provisions of maintenance of Accounts of election expenses immediately after the nomination of the candidates.	
	(c) Whether such registers were duly page numbered and authenticated by R.O	
	(d) Whether a meeting has been convened by the DPEO(Deputy Commissioner) & RO of all the parties and contesting candidates and the issue of election expenses discussed therein	
	(e) Whether the DPEO (Dy. Commissioner) & RO have designated an officer (Designated Officer) to check the accounts of daily expenditure to be maintained by the candidates.	
	(f) Whether the schedule of inspection of the expenditure register/vouchers fixed.	
	(g) If yes, indicate the dates fixed for inspection	
	(h) Whether the Designated	

	<p>Officers for checking the accounts been briefed by the Observer regarding the various aspects of expenditure.</p>	
	<p>(i) Has the prevailing rates in the district for printing of posters, hiring of vehicles, loud speakers, cost of erecting pandals and hiring of furniture and fixtures has been provided by the DPEO(Dy. Commissioner) &amp; RO.</p>	
	<p>(j) Has the same been apprised to the contesting candidates and the Designated Officers?</p>	
	<p>(k) Whether a plan has been formalized for flow of communication between-</p> <ul style="list-style-type: none"> <li>(i) media cell and the Designated Officer to keep track of expenditure on print and Electronic media.</li> <li>(ii) Authority granting permission for deploying vehicles for electioneering and the Designated Officer for keeping track of Expenditure on vehicles.</li> <li>(iii) Authorities enforcing</li> </ul>	

	<p>model code of conduct and the Designated Officer to keep track of expenses on wall posters and holdings on public buildings, ideography of meetings, rallies, etc.</p> <p>(iv) Police authorities who confiscate unauthorized vehicles which are illegally used for electioneering and the Designated Officer</p>	
	<p>(n) Any other item of expenditure incurred by the candidates which engages the attention of the Observer during the period of their stay</p>	

Date:                      Signature of the Election Expenditure Observer

Pace:

**The Election Expenditure Observer has to send the  
Second report,  
3 days before the poll  
ELECTION EXPENDITURE OBSERVER REPORT —2**

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Election Expenditure Observer Name	
Sub-Division	

1	Number of complaints received for violation of MCC	
2	Number of notices issued	
	Number inquired and action taken	
	Any pending for inquiry and corrective action	
	Reasons for pending	
	Critical polling stations identified	
	Police plan done	
	Authenticated copy of electoral roll has been prepared	
	Have rate list been obtained from the Election Authority	
	Have dates been fixed for reviewing the Register maintained by each candidate for accounting of election expenditure and whether the authorized officers designated by the Election Authority reviewed the registers of contesting candidates on those dates duly reviewing the supporting documents.	

Remarks of random checks made by the Observer on the registers maintained by the contesting candidates.

Date:                      Signature of the Election Expenditure Observer

Place:

**The Election Expenditure Observer has to send the third report, after the completion of poll**

**ELECTION EXPENDITURE OBSERVER REPORT — 3**

Election Expenditure observer's Name	
Sub-Division	

<b>1</b>	Total number of polling stations			
<b>2</b>	Number of polling stations where mock poll was not confirmed indicate the specific number of polling stations in the case of Ballot boxes use)			
<b>3</b>	Number of polling stations where there were no polling agents (indicate the specific number of polling stations)			
<b>4</b>	Number of polling stations where poll was interrupted for more than two hours or delayed in starting (indicate the specific number of polling stations)			
<b>5</b>	Number of polling stations where the interrupted poll could			

	not continue (indicate the specific number of polling stations)			
<b>6</b>	Number of polling stations where poll continued beyond appointed hours (indicate the specific number of polling stations)			
<b>7</b>	Strong room sealing time and date	Time	Date	
<b>8</b>	All Presiding Officers diaries and other documents received	Yes	No	
<b>9</b>	Total voting	Total number of electors	Number voted	Percentage
	Male			
	Female			
	Total			

Events relating to law and order, bogus voting, unauthorized entry have to be listed with name and event.

Any need for re-poll

If yes, then the details of reasons

Fixing the responsibility for the reason leading to re-poll

Date:

Place: Signature of the Election Expenditure Observer

**The Election Expenditure Observer fourth report has to  
be sent after the counting  
ELECTION EXPENDITURE OBSERVER REPORT — 4**

Election Expenditure Observer Name	
Sub-Division	

Candidate wise break up of votes polled:

Sl. No.	Name of the candidate	Number of votes polled

Election result declared (Yes/No)

Date: Signature of the Election Expenditure Observer

Place:

**Do's & Don'ts FOR GENERAL AND  
EXPENDITURE OBSERVERS**

**Do's**

1. Attend the briefing sessions fixed by the EA.
2. Draw up your visit schedule to the Sub-Division/Block/Wards in consultation with the election expenditure observer, sufficiently in advance and

- intimate the same to the EA and the concerned Returning Officers.
3. Note carefully the number of visits, duration of visits and the period of visits given by the EA and strictly act according to this.
  4. Ensure that your visit schedule to Sub-Division is duly publicized allotted to you.
  5. Identify areas/polling stations which might require closer attention.
  6. Monitor that adequate stock of all election materials are actually available in adequate quantities.
  7. Make an independent assessment of the Law and Order situation in general.
  8. Make a random check of as many polling stations as possible and verify them.
  9. Monitor instances of violation of Model Code, ban on transfer etc.
  10. Familiarize yourself with the use of Ballot Boxes and attend some training rehearsals.
  11. Monitor the deployment of Special Forces with arms to have maximum impact.
  12. Send an arrival report to the EA within 24 hours of visiting sub-Division(s). In addition, also please send reports as prescribed by the EA and also spot report (s) from time to time as considered necessary.
  13. Bring any development that merits immediate remedial action or attention of the ARO, to Returning Officer's /EA's notice without any loss of time. Such information should not be deferred till the regular reports are submitted.
  14. Send your report in a closed envelopes addressed to the EA.
  15. Attend meetings of the candidates called by the DPEO (Dy. Commissioner) and Returning Officers.

16. Make independent assessment of the expenditure incurred by a candidate, any other person.
17. Speak to the local people and check poster, pamphlets etc. to arrive at an independent assessment.
19. Inspect the register of Election Expenditure prescribed by the EA.
20. Maintain proper conduct in the wards as EA Observers are keenly observed.

### **Don'ts**

1. Do not ask for any exemption from the briefing session.
2. Do not talk to the press.
3. Do not call meetings of the candidates on your own behalf.
4. Do not make any unreasonable demands to the DPEO (Dy. Commissioner) & Returning Officers regarding vehicles etc.
5. Do not leave your headquarters without the prior written permission of the EA.
6. 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 EA's notice by fastest means.