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## **ELECTIONS TO MUNICIPALITIES**

**2022-2023**

# **HAND BOOK FOR ELECTION OBSERVERS**

(At Elections where electronic voting machines are used)

**STATE ELECTION COMMISSION, JHARKHAND**

**“NIRVACHAN BHAWAN”, NEW MARKET CHOWK**

**RATU ROAD, RANCHI**



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# GUIDELINES FOR OBSERVERS

## 1. BACKGROUND:

The concept of election observation by the observers has been evolved over a period of time, as the complaints during the election process were far and few in the initial years. There was no concept of deputing election observers. Initially, as and when complaints were received, some officials from the Election Commission's headquarters were deputed. As number of complaints over a period of time increased, the deputation of Election Commission's officials had a serious limitation.

As a next step, the Commission started deputing some senior officials from the State to observe election process in a constituency or a group of constituencies.

## 2. STATUTORY BASIS OF APPOINTMENT:

Observers of the State Election Commission are appointed under the powers conferred on it by Section 556 of Jharkhand Municipal Act, 2011 and the plenary powers available to the Commission under the Constitution of India. They are the appointees of the Commission working under the superintendence, direction, control and discipline of the Commission for the period from their appointment until the process of elections is completed.

2.1 Section 590 (3) (A) of Jharkhand Municipal Act, 2011 provides that,

*“In case any doubt arises or inadequacy is felt in giving effect to any Provisions of this Act in respect of preparation of electoral rolls for or conduct of elections, the provisions of the Representation of the People Act, 1950 or the Representation of the People Act, 1951 and the rules made thereunder, as the case may, be shall mutatis mutandis apply”.*

3. The Representation of People Act, 1951 was amended in August, 1996 to add a new Section 20B. This provides statutory powers to the Observers to watch the conduct of elections and especially in respect of counting of votes.

**Section 20B reads as follows:**

**(1)** *“The Election Commission may nominate an Observer who shall be an officer of*

*Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as maybe entrusted to him by the Election Commission”.*

- (2) *“The Observer 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 result 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 or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll 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 results of the poll at that polling station or place cannot be ascertained”.*
- (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 Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or Section 64A or Section 66.”*

#### **4. OVERVIEW OF OBSERVER’S DUTY:**

- 4.1 By dint of their seniority and long experience in the administrative service, they are expected to be in a position to assist the Commission in the conduct of free and fair polls.
- 4.2 They will also be able to oversee the efficient and effective management of the electoral process at the field level.
- 4.3 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, political 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.

- 4.4 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.
- 4.5 Their inputs/observations are confidential and solely for the use of the Commission and not for any other agency including media.
- 4.6 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 had a tendency to give interview to the media even during the course of the polling process ventilating their opinion on various electoral issues.
- 4.7 Some observers have given interview to media after a long gap i.e. after the completion of the election in a particular constituency. In all these cases, the Commission has taken a very serious view. The observers who expressed their views through media were withdrawn from the election duty. 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 RO/DEO about their observation on various aspects of election management in order to facilitate mid-course corrections.
- 4.8 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 RO/DEO.

## **5. ROLE OF OBSERVERS:**

- 5.1 Section 20B of the R.P. Act, 1951 read with Section 556 of Jharkhand Municipal Act, 2011 has vested the Observers with some statutory powers. They are empowered to stop counting or the declaration of result in the event of happening something which could have made it difficult to ascertain the result correctly. Besides this, they have got certain direct executive roles to play which include:
  - (i) Observing the process of scrutiny, withdrawal and symbol allotment as directed 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 of candidates / 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 and such other things.
- (iv) Checking randomization software, reviewing the process of randomization of the polling personnel, obtaining report from the DEO (Municipality) regarding first level randomization.
- (v) Though checking the account of expenditure of the candidates is entrusted to Expenditure Observers, however, General Observers are also required to do so, in case of exigencies, if directed by the Commission.
- (vi) Observing and regulating the counting process: Observer has to sign the round wise counting sheets as proof of his/her satisfaction. He/she can direct the Returning Officer to stop counting of votes or declaration of result, if he/she notices any irregularities and bring the matter to the notice of the Commission for further directions.

5.2. 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:

**(a) Nominations, Withdrawal, Scrutiny and Symbol allotment:**

5.2.1 The General Observer arrives on the last day of nominations and thus does not observe the process of nomination. However, he should get the video recording of nomination process from Returning Officer and see the recording to get an overview of compliance of SEC instructions and report major violations, if any, with specific reference to Commission's instructions regarding number of people allowed to be present during

Nominations.

5.2.2 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. The Observer should send tabular information of all rejected cases with reasons thereof. **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.

5.2.3 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 allotment of symbols. He should have the latest symbol allotment order. After allotment of symbols, the list of finally contesting candidates should be prepared in Form- 9.

**(b) Electoral Roll Related:**

5.2.4 The electoral roll for Municipal election is prepared by disintegrating the then enforced roll for the election of State Legislative Assembly. So no addition or deletion of names can be made or is permissible. Only clerical mistakes which are not of substantial nature can be rectified.

5.2.5 It should be ensured that the copies sold to the candidates are exactly the same as that which would be used on the poll day by the Polling Party.

**(c) Campaign Period**

5.2.6 Monitoring, 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 DEO (M), and the Commission, if required but abstain from any executive action on their part.

- 5.2.7 Meeting with candidates to explain the provisions of Model Code of Conduct and the instructions of Commission on expenditure monitoring.
- 5.2.8 Observe various events like political meets, visits of star campaigners etc.
- 5.2.9 Monitor that teams are constituted for enforcement of MCC and Expenditure Monitoring.
- 5.2.10 Monitor dummy candidates, surrogate advertisements and paid news.
- 5.2.11 Review video recordings of activities of those candidates, if any for whom video trailing has been resorted to.

**(d) Pre-Poll Election Management**

- 5.2.12 The first level randomization of the election staff is done before the arrival of Observers. The second and third level of randomization is, however, done in the presence of Observers.
- 5.2.13 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 SEC and related to operation of EVMs.
- 5.2.14 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 State Election Commission.
- 5.2.15 Go through the exercise of vulnerability mapping and identification of critical booths and critical clusters done by the DEO/SP and finalize the list of critical polling stations and critical clusters.
- 5.2.16 Discuss and approve the Security Plan with the DEO and the Superintendent of Police, and review the law and order issue in general. Review the availability of security forces.
- 5.2.17 Review the preventive measures taken by law and order implementation machinery.
- 5.2.18 Review the communication plan and confirm dry runs.
- 5.2.19 Review control room arrangements and complaints monitoring system.

- 5.2.20 Ensure that proper arrangements for dispatch of polling parties have been made. The dispatch should normally be the day before the poll and any exception should have prior approval of the Commission.
- 5.2.21 Review counting arrangements.
- 5.2.22 Review the effective monitoring of violation of Defacement of Property Act, and action taken from concerned authorities thereon.
- 5.2.23 Review the effective monitoring enforcement of special instructions of the Commission regarding election campaign for the period of 48 hours prior to the ending of poll or even up to the next day of poll till 7:00 AM. These may specially include instructions on campaigning, vehicular movement, transportation of voters, sale and distribution of liquor etc. Copies of each circular should be collected from Secretary of the Commission.

**(e) Poll Day Management**

- 5.2.24 Monitor placement of Sector Officers and Zonal Officers.
- 5.2.25 Monitor conduct of mock polls and receipt of mock poll certificate in prescribed format signed by PO. Review the polling stations with no or only one polling agent.
- 5.2.26 Review the pace of poll and percentage of polling at regular intervals.
- 5.2.27 Keep track of occurrence of any special events during the poll day.
- 5.2.28 Keep track of any delays or temporary suspension of poll.
- 5.2.29 Report anything exceptional to the Commission.
- 5.2.30 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.
- 5.2.31 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, along with the statement/report of the presiding officer, if required, is done.

**(f) Post Poll:**

5.2.32 Scrutiny of Registers of voters is an important analytical tool to analyse proper conduct of elections and taking re-poll decision. Scrutiny is done for those polling stations that fall within the criteria as per Commission's instructions in the presence of Observer.

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

**(g) Counting**

5.2.34 Review the arrangements for counting made by the DEO (M).

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

5.2.36 The Observer has to ensure that the results as tabulated by the counting staff and the additional counting staff, drawn from the State Government establishment, tally.

5.2.37 Conduct random test for two EVMs in every round and take corrective action as per the directions of SEC, in case any mistakes are found.

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

5.2.39 Certify proper completion of counting process and allow R.O to declare results, if satisfied with the counting process.

5.2.40 Ensure that election certificate immediately be issued after declaration of result.

**6. BRIEFING MEETINGS OF OBSERVERS:**

6.1 It is compulsory for all Observers to attend a briefing session of the Commission. The Briefing Meeting must be attended without exception whether the Officer is allocated Constituency or put on Reserve List.

6.2 Before the Observers are sent to the constituencies allocated to them, Commission holds the Briefing Meeting. A letter of Appointment as Observer is handed over to the Observer at the time of Registration for the Briefing Session. If any Observer is kept on Reserve List, that fact also will be intimated to him

on the date of briefing. The Observers are expected to immediately notify any change in office and residential addresses and phone / fax / Telex numbers to the Secretary of the Commission.

**7. KIT OF THE OBSERVERS:**

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

- (1) Hand Book for Returning Officers.
- (2) Hand Book for Presiding Officers.
- (3) Hand Book for Candidate.
- (4) Hand Book for Election Observers.
- (5) Hand Book for Election Expenditure Monitoring.
- (6) A copy of Model Code of Conduct.

**8. TOURS AND ABSENCE FROM HEADQUARTERS:**

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

**9. REQUESTS FOR LEAVE:**

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

**10. REPORTS BY OBSERVERS:**

(1) The Commission expects six mandatory reports from the Observers. However, in case of any serious deviations the observer should bring it to the notice of SEC through interim report(s) as and when necessary.

- (i) OBSERVER REPORT – 1 : Immediately after the end of scrutiny of

nomination papers.

- (ii) OBSERVER REPORT – 2 : Immediately after meeting with candidates and their representatives on or before the withdrawal of candidatures.
  - (iii) OBSERVER REPORT – 3 : Immediately after the end of campaign period.
  - (iv) OBSERVER REPORT – 4 : Immediately after the end of poll.
  - (v) OBSERVER REPORT – 5 : Immediately after the scrutiny of register of voters and other documents on the day after poll.
  - (vi) OBSERVER REPORT – 6 : Immediately after counting of votes.
- (2) The Observers should send these reports by e-mail to the Commission, where internet facility is not available followed by sending physical copy by post. The email address of the Commission is
- (i) **jsec-jhr@nic.in**
- (3) All reports of the Observers shall be sent to the Secretary, 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 or mailing the reports to ensure that no unauthorized person can have access to such reports.
- (4) 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 of the Commission and must be followed by a written message in confirmation.

## **11. ARRIVAL OF OBSERVERS IN THE CONSTITUENCIES:**

- (1) The Observer is mandated to visit the constituency on the last day of filling of nominations before noon.
- (2) The DEO(M) 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 in the District

and escort him to the place of stay. The DEO (M) has to make arrangements for accommodation, vehicle and communication modes like internet, fax etc. The DEO (M) and RO shall compile information/particulars as enumerated in the check list **(Annexure-1)** and furnish the same to the Observers on his arrival along with the Election Plan and a map.

## **12. INTERFACE OF ROs/AROs AND DEO (M) WITH THE OBSERVERS:**

- (1) The DEO(M) should organize a structured meeting with the observers as early as possible. All the RO, AROs, SP, 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 is also expected to be present in the office of the RO/ARO at the time of scrutiny of nominations papers at his office.
- (2) The Observer should monitor that :
  - (a) The posting of requisite officers as 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 and approved.
  - (d) The machinery to monitor and implement model code of conduct, election expenditure monitoring is in place.
  - (e) The primary list of polling personnel has been prepared.
  - (f) The arrangements for receiving information from public and political parties, control room arrangements and inter coordination of police and DEO, RO control rooms has been made.
- (3) After reviewing the check list **(Annexure-I)**, the Observer shall take up the matter with the SEC, if any deficiency is found in the election preparedness.

## **13. SCRUTINY OF NOMINATION PAPERS:**

- (1) The Observer arrives in the Constituency on the last date of filling the

nomination process. However, he is expected to review the video recordings of the entire nomination process of all constituencies assigned to him and observe the Commission instructions regarding conduct of nomination process have been complied. In this regard compliance to the specific instruction of the Commission regarding number of persons allowed to be present during the nomination process should be specially observed for compliance.

- (2) 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 Returning Officer.
- (3) 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 function of scrutinizing the nominations.
- (4) The following items are important
  - (a) The latest list of Election Symbols” published by the Commission.
  - (b) Commission’s instructions on the latest Form of Affidavit, which will accompany every nomination form.
  - (c) The latest copy of the List of Disqualified Candidates.
  - (d) An authentic copy of the electoral roll for the constituency.
- (5) 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.

#### **14. ALLOTMENT OF SYMBOLS:**

- (1) After the process of withdrawal of nominations is completed, on the next day 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 latest list of Election Symbols.

- (2) As soon as the allotment of symbols is completed, a list of Contesting Candidates and Symbols allotted to them is prepared and published in Form- 9. 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 DEO(M) at the earliest. The Returning Officers will make arrangements to send the original copy to the DEO (M) through special messenger.

#### **15. ELECTORAL ROLLS:**

Several complaints have been received in the Commission that during past elections the electoral rolls provided at the polling booths were different from the electoral rolls that were sold to the candidates. The Commission has viewed such complaints with concern and decided as follows:

- (1) The electoral roll supplied to the polling booths shall be certified to be true copy of the one that has been sold to the candidates and the marked copy to be kept by the Returning Officer and one subordinate staff to be specifically responsible for the purpose.
- (2) The electoral roll supplied at polling booths shall be signed on all pages by the concerned officers.
- (3) A copy of the electoral roll, which will be used on the day of election at polling booths (copy of the one sold 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 sold 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 during discussion.

#### **16. MEETING WITH THE CANDIDATES:**

The Returning Officer should conduct a meeting in the presence of Observer with all the contesting candidates on or after withdrawal of the candidature-

- (i) Important aspects of the model code of conduct,

- (ii) Expenditure reporting formats, rate list etc and frequency of reporting required, time and place of reporting of expenditure,
- (iii) Issuance of permissions for vehicles, processions and public meetings,
- (iv) Date and time of EVM preparation and candidate's role in it,
- (v) Proposed actions against violations of Model Code of Conduct,
- (vi) Interaction of observers with the candidates electors (with specific details of time, contact numbers and place for meeting the observers),
- (vii) Electoral rolls, and
- (viii) Important aspect of conduct of elections (like appointment of polling agent, counting agent, election agent – their right and duties),
- (ix) 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,
- (x) Latest instructions of the Commission or important changes from past practices should be brought to the knowledge and notice of candidates.

**17. VISIT OF AREAS IN THE CONSTITUENCY AND POLLING STATIONS:**

After finalization of contesting candidates by the Returning Officer, the observer should visit as many polling stations (areas thereof) to understand the constituency in social, economical and political context. During their visits, the observer shall definitely visit all new polling stations, sensitive polling stations and distant polling stations.

**18. REVIEW OF OVERALL PREPAREDNESS OF LAW AND ORDER MACHINERY:**

- (1) The Observer should have a detailed discussion at a mutually convenient time not later than 4 days of his/her arrival about the following.
  - (a) Adequacy of scrutiny personnel
  - (b) Requirement of Special Forces
  - (c) Preventive actions taken (preventive detentions, bonds & arms deposition)
  - (d) Identification of critical 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 and State boundaries.
- (2) The vulnerability index mapping of the district 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.
- (3) The distilleries 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.

**19. OBSERVATION OF IMPLEMENTATION OF MODEL CODE OF CONDUCT:**

- (1) It has been the most important and crucial task of observers to ensure non-partisan and effective implementation of model code of conduct.
- (2) The main areas for strict vigil are:
- (a) Use of vehicles for campaigning without required permission
  - (b) Use of muscle power to mobilize or restrain people from voting
  - (c) Flow of liquor and money and 'gifts' to ensure voting in favor of a particular candidate
  - (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.
- (3) 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.

**20. APPROACH OF THE OBSERVER IN IMPLEMENTATION OF CODE OF CONDUCT:**

- (1) The approach of observer should be to get the complaint inquired by DEO(M)/ 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 RO/DEO(M) 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. Observer should use videography as an effective tool to implement Model Code of Conduct.

- (2) 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 are eyes and ears of the SEC and not the executives in the field. Some instances are given as case studies to sensitize you to this aspect-

### **Situation A**

An observer found a vehicle (with a lot of workers or lot of supporters) with a microphone campaigning for a candidate without a permit.

- (a) He detains the vehicle with the help of his Personal Security Officer (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 and subsequently write a letter and warrants an Action Taken Report (ATR) from the SP and RO. In case of non action, the lapse is reported to SEC.
- (c) He gives an instruction to immediately arrest the people in the vehicle to the police in writing.

The SEC 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 candidate 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 to send a police party.
- (b) The observer takes the complaint and location confidentially, asks the SP 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 SEC 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**

Some contesting candidates have star campaigners funded by them for their travel and campaigning. 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 and local levels.

- (a) This episode and the contents of speech is recorded and reported to SEC 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 SEC and action has been initiated at the local level which is covered by local media.
- (c) It was not acted against at all.

The SEC would recommend option 'a' as the lapse is being covered by national media and the damage is no more localized and therefore the non-reporting of this event to SEC 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.

- (3) SEC encourages effective observation rather than self implementation of the Model Code of Conduct.
- (4) 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 like local, district and state national level to have a deterrence effect.
- (5) 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.

**21. WATCH ON EXPENDITURE INCURRED ON ELECTION CAMPAIGN BY THE CANDIDATES:**

- (1) Use of money power, needless to reiterate, vitiates the election process. The Observers especially the Expenditure 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 constituency.
- (2) The Commission appoints separate Expenditure Observers to monitor election expenses. For the purpose a separate manual has been prepared by the Commission. The observers should familiarize themselves with the expenditure monitoring guidelines.
- (3) The Expenditure Observers shall mainly focus on expenditure aspects and the system of expenditure monitoring as per expenditure manuals issued by the Commission has to be followed by all concerned.
- (4) The General Observers has to focus on all other issues of election. However, both Observers may see or look the areas of each other and pass on the informations to the Commission on time.
- (5) Past experiences indicate that use of money power starts right from the nomination process. Subsequently, it takes various forms, which are enlisted

herein below. However, it must be kept in mind that the enlisted ways of spending money are only indicative. There can be many other ways of spending money which should engage the attention of Observers.

- (a) Booth-wise agents are appointed to purchase floating votes;
  - (b) Large donations to clubs and organizations to influence its members;
  - (c) Largesse to petty workers / Supporters to dole out the same to Electors;
  - (d) Rented crowds for meetings;
  - (e) Rallies and campaigns with purchasable crowd;
  - (f) Presence of candidates at social occasions like mass weddings, feasts, poojas, jagrans, inaugurals, football matches, khassi tournaments etc., where Gifts are given on behalf of candidates;
  - (g) Acceptance of felicitations by the contesting candidates at any educational or charitable organizations;
  - (h) Distribution of free liquor/liquor passes to the electors;
  - (i) Use of dummy candidates at election to utilize his quota of Electioneering vehicles, etc.,
  - (j) Surrogate advertisements in print and electronic media where by 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;
  - (k) Bringing cinema celebrities and sports persons to campaign;
  - (l) Providing voters with caps, vets, umbrellas, bi-cycles, etc.
- (6) It shall be the duty of the observers to ensure that all the instructions of the Commission are followed meticulously and there are no aberrations in their

application. It is therefore, imperative that the observers should familiarize themselves with the extant instructions issued by the Commission, a compendium of which is given in the Observer's kit.

- (7) The gist and highlights of various instructions on the issue of election expenditure is given hereunder for the benefit of the Observers:
- (a) **Section 577 of Jharkhand Municipal Act, 2011** - Notification no. 282 dated 27.02.2018 issued by State Election Commission stipulates that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct accounts 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.
  - (b) Section 578 of the said Act further stipulates that every contesting candidate at an election shall, within thirty days from the date of the elections of the returned candidate, lodge with the District Election Officer (M) an account of the election expenses which shall be a true copy of all the account kept by him or by his election agent.
  - (c) In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusive for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination paper. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any sources including candidate own fund.
  - (d) Even if a contesting candidate does not seriously contest the election for any reason whatsoever and incurs only a nominal expenditure on his filling nomination etc., he is required by law to lodge his account of election expenses.
  - (e) 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 State Election Commission u/s 578 of the Jharkhand Municipal Act, 2001, Rule 9 of Jharkhand Nagarpalika Nirvachan (Vyay Lekha ka Sandharan evam prastuti) Niyamavali, 2015 for a period of three years.

- (f) Failure to maintain the account of election expenditure is an electoral offence under Section 171-I of the Indian Penal Code. Further, the incurring or authorizing of expenditure in excess of the limit prescribed by the Commission is a corrupt practice and complaints may be lodged in both the cases in the local police station against erring candidates.
- (g) The State Election Commission, Jharkhand 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.
- (h) Along with the Register, the State Election Commission of Jharkhand has prescribed a format of "Abstract of Election Expenses" which has also to be filled up by the contesting candidates.
- (i) The contesting candidates are further required to furnish an affidavit along with the "Register of day to day expenses" and "Abstract of Expenses".
- (j) 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 in Hindi.
- (k) The supporting vouchers of the day to day expenses should necessarily bear the signature in full of the contesting candidate or his election agent.
- (l) The register along with the Abstract of expenses and the prescribed Affidavit 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 date of withdrawal of nominations.

- (m) If a candidate is contesting election for more than one constituency, he is required to maintain and lodge a separate account of his election expenditure in respect of each such constituency.
- (n) 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 record with the Returning Officer and furnish to the DEO(M) on conclusion of the whole electoral process.
- (o) Where a candidate does not produce the register containing his daily account of election before the designated officers/observer, despite notice, the DEO(M) shall cause a complaint to be lodged u/s 171-I of the IPC against the errant candidates.
- (p) 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.
- (q) 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.
- (r) All vehicles (including two-wheelers, motor-bikes, scooters and mopeds, e-rickshaw etc) being used by the candidates for the election campaign are required to be lodged with the DEO.
- (s) The expenditure incurred by a political party or NGOs or any 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 political party or NGOs for the benefit of a group of candidates, the expenditure is to be apportioned equally amongst the candidates.

- (8) The Observers are advised to familiarize themselves completely with the aforesaid instructions of the Commission 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.

**22. DISTRICT MEDIA CELL:**

The DEO(M) shall create a cell for dealing with media headed by Public Relations Officer 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. This exercise depending on the location of the observer may be done by liaison officer and an allowance shall be provided for this to the liaison officer.
- (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.

**23. MEDIA CERTIFICATION AND MONITORING COMMITTEE (MCMC):**

- (1) There shall be a Media Certification and Monitoring Committee in each district. This committee will have the members.

- (a) DEO (M) / Deputy DEO (M).
  - (b) District Public Relation Officer-Member Secretary.
  - (c) State Government, I & B Department Official, and
  - (d) Independent citizen / journalist as may be recommended by the PCI, Besides carrying out the already assigned work of certification of advertisements, this committee will also monitor print and other electronic media including cable network and record either in Pen Drive or Hard Disk, keep a photocopy of all advertisement / paid news / election related news of the contesting candidates.
- (2) The DEO will ensure that this Committee is provided with all the national and local newspapers, having wide circulation in the constituency, three to four TV sets with connections of all the local and national News channels and one recording device and separate rooms so that they can watch and record all the advertisements/discussions related to the election. The Committee will also look into MCC violations in the Media sphere and send a report to the DEO(M) with a copy to the General Observer. The MCMC shall see all the newspapers, print media, electronic media, cable network, mobile network and other modes of mass communication like bulk SMSs etc., and keep record of the advertisements, advertorials, messages, discussions and interviews relating to the candidates (and parties). This committee will submit a Daily Report with respect to each candidate to the accounting team with copy to RO and Expenditure Observer with respect to expenditure incurred by the candidate on election advertising including the assessed cases of Paid News, along with supportive paper cuttings/clippings, recordings of relevant TV and Radio advertisements, which will also be included in the Shadow Observation Register. **The RO will issue notice to the candidate with regard to the incidents of Paid News in consultation with the Expenditure Observer for not showing the expenditure on such publication.**

#### **24. EXPENDITURE MONITORING CONTROL ROOM AND CALL CENTRE:**

A 24x7 Call Centre will be established in the Control Room at the district level to operate from the date of notification of election. The call center will be given toll free telephone number with 3 or 4 hunting lines which will be widely publicized for the public to

inform corrupt practices related to election. A senior officer will be put in-charge of the control room and call center who will be responsible for receiving and recording the complaints and passing them on to the respective officer for action without any delay. The call center will be provided with sufficient staff to man the telephone lines round the clock.

## **25. PREPARATION OF POLLING PARTIES AND TRAINING:**

- (1) To ensure transparency, the Commission has formulated a comprehensive three stage 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.
- (2) The second stage of randomization is for polling teams and assignment of the Municipal Constituency to which they shall be deployed. It will be done in the presence of General Observer. The polling station to which these teams will be going would be known only after the third stage of randomization which is usually done on the day just before dispatch. At this Stage Observer's presence is necessary.
- (3) 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 Sector 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 EVM and non-EVM aspects, forms and certificates to be filled by the staff. Special focus should be given to the latest instructions issued by the Commission since most of the polling staff would be unaware of them.

**26. ELECTRONIC VOTING MACHINE:**

- (1) The Observers will check on the stock of EVMs available in the district and whether they have been serviced by the engineers of the manufacturing firms. It has to be seen whether these training programme 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 third & fourth polling officer who controls the “Ballot” button on the use of EVMs is critical.
- (2) The Commission has also mandated randomization of EVMs to avoid apprehensions of any attempt of manipulation of EVM. This randomization is done in two stages. In the first stage, which is done before the arrival of the Observer, EVMs are allotted to a particular Constituency and in the second stage, which is done the presence of the Observer, an EVM is allotted to a particular polling stations.
- (3) Observers should familiarize themselves with the latest instructions on EVM.

**27. PREPARATIONS FOR DATE OF POLL:**

- (1) 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.
- (2) The methods adopted by unscrupulous elements vary from State to State 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.
- (3) 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 including the District Election Officers, ROs, Escort and Liaison Officers and PSOs.

**28. VISIT OF DISTRIBUTION CENTRES:**

The Observers will visit the dispersal centers 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.

## **29. POLL DAY ACTIVITIES:**

- (1) One of the most important responsibilities of the Observers is to oversee the actual poll. On the date of poll, Observers available in the constituency should 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 District Administration constantly through telephone, wireless, VHF Radio sets etc.
- (2) 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.
- (3) 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, 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.
- (4) 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.

- (5) 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 there are to be stored.
- (6) An important point to be noted is that Form 17 (Ka) Part-1 has been completely and correctly filled by the Presiding Officer and these are deposited along with the Presiding Officer's diary at the collection centres and strong rooms.

### **30. RECEPTION OF POLLING PARTIES:**

- (1) 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 DEO and observer by 6 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.

### **31. SCRUTINY OF REGISTER OF VOTERS AND OTHER DOCUMENTS:**

- (1) In order to deter electoral malpractices, the Commission has directed that scrutiny of various documents like Presiding Officers' diaries, Register of Voters, Visitor Sheets, report of Sector Officer / Zonal Magistrates etc shall be taken up after completion of poll for polling station selected on the basis of detailed criteria laid down by the Commission. This scrutiny shall be taken up at 11:00

AM on the day next to the day of poll.

- (2) The scrutiny of Register of voters and other documents shall be taken up as laid down by the Commission and the Observer should ensure that his/her travel plan is to laid out that his/her departure from the constituency is not before 36 hours after completion of poll.

### **32. RE-POLL AND ADJOURNED POLL CASES:**

- (1) The report of the Observer is the most important input for the Commission 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 Commission on this matter. Sometimes, information received from other sources are referred back to the Observers on telephone by the Secretary, State Election Commission 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, re-poll is ordered in such of the polling stations as is considered necessary and appropriate by the Commission.
- (2) It is of utmost importance that the re-poll itself is not vitiated in any manner. The Observers will give specific and comprehensive report on the actual conduct of re-poll. The re-poll, if any, is normally held on the second day following the date of poll unless specified otherwise.

### **33. END OF POLL REPORT:**

The Observers will send a report in the form prescribed in 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.

### **34. COUNTING OF VOTES:**

- (1) The Commission has prescribed a format for approval of counting centres and the DEOs(M) 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.
- (2) During this very stage of the visit itself, the Observers between them 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 they should also read thoroughly and, on this basis, they will interact with the Returning Officers.
- (3) One of the most important features relates to provision of specific facilities for the Observers and media in the counting centers. It is now mandatory for the DEO (M) to provide a separate room or a cubicle for the Observer or Observers in each counting centre with one STD telephone and one fax attached to this.
- (4) 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 20B of Representation of the People Act, 1951. The status 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.
- (5) 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.

- (6) For ensuring accuracy of the result of counting, a round wise statement shall be prepared by the Returning Officer. Both the Returning Officer and Observer shall personally verify that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Form 17 (Ka) Part-2 (result of counting) pertaining to that table. They shall append their initial total of each counting table. A copy of the detailed table-wise, polling station-wise, round-wise breakup of the votes will be kept by the Observer in his/her folder.
- (7) The tallying process at the end of each round of counting should be completed in a systematic manner and the round-wise progress announced within the halls by the concerned ARO-in-charge. Immediately thereafter, this should be announced over the public address system. These public announcements could be centralized in a counting centre with multiple halls.
- (8) 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 Returning Officer, the final detailed result is transmitted to DEO (M) & SEC.
- (9) The Observers should ensure after the declaration of result that the Returning Officer sends to DEO & SEC the duly filled and corrected copies of
  - (i) Final Result Sheet in Form 20(Ka) / 21 (Ka),
  - (ii) Return of Election in Form 22 (Ka & Kha),
  - (iii) Publication of Result in Form 23 (Ka & Kha).
- (10) 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 9 should reflect this name exactly and correctly with same spellings as given in the Nomination Form, Conduct of Election Rules, 1961. The Observers will impress upon the Returning Officers about this aspect and ensure that full compliance is made.

**35. CHECK LIST:**

**INFORMATION/PARTICULARS TO BE PREPARED BY DEO (M) AND RO TO BE PROVIDED TO THE OBSERVER ON ARRIVAL**

**(a) Name of constituency**

- (i) No. and Name of the constituency
- (ii) No. of vulnerable villages/hamlets
- (iii) Map of the district and map of the constituency highlighting vulnerable Muhallas/hamlets/streets/locations.

**(b) DEO (M)**

- (i) Name
- (ii) Batch of service
- (iii) Date of posting

**(c) SP for a city**

(Please indicate the names as per jurisdiction. If the constituency involves more than two municipalities – both the officers should be mentioned)

- (i) Name
- (ii) Batch of service
- (iii) Date of posting

**(d) RO and ARO**

- (i) Name
- (ii) Designation
- (iii) Date of joining the designated cadre
- (iv) Experience in conduct of elections
- (v) Date of posting

**(e) Population**

- (i) Male
- (ii) Female
- (iii) Total

**(f) Electorate details**

Number of Electors

Male	Female	Others	Total electors	EPIC holders	Photos in Rolls

**(g) Electoral roll details**

(i) Date of publication of revised electoral roll (revised w.r.t 01-01----

Date		Month		Year			

(ii) Whether copies of electoral roll have been sold to the candidates.

Yes	No	If Yes, date thereof	If No, reason therefore

(iii) List of polling station wise changes made (a separate sheet to be attached)

**(h) Polling Stations**

(i) No of polling stations

(ii) Whether the list has been approved by the SEC

Yes	No
-----	----

(iii) Whether all the polling stations have been visited by the RO and ARO

Yes	No
-----	----

(iv) Polling Station Details

Total No. of Polling Stations	Single Polling Station Locations	Two PS location	Three PS location	Four PS location	Five PS location	Six PS location	More than six PS location

(iv) Electors details of Polling Stations in the ward

Total No. of Polling Station	Number of electors attached to the Polling Station					
	Less than 300	300-800	801-1000	1001-1200	1201-1500	More than 1500

**(i) Identification of critical urban clusters and polling stations**

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

**(j) EVMs**

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

- (k) Have EVMs been allocated MC-wise by the DEO (M) after 1st randomization?

Yes	No
-----	----

Date and location planned for sealing and randomization of EVMs by RO

- (i) Date:
- (ii) Location:

- (l) Identification of centres for dispatch, receiving and counting and any special arrangements.

Name of Location	Activity	Facilities		Space		Lighting		Water / & toilets		Layout Plan	
		Adeq	Inad	Adeq	Inad	Adeq	Inad	Adeq	Inad	Done	Not done

**(m) Availability of staff Polling Personnel**

Total no. of polling personnel required for the Constituency	No. of State Govt. Officials available	No. of State PSUs officials available	No. of Central Govt. Officials available	No. of Central PSUs officials available

**(n) Police personnel**

- (i) Total number of Police personnel by designation:

SP	Dy. SP	PIs	SIIs	ASIs	Constables

- (ii) Requirement of Special Forces.
- (iii) Operation of police control (police and RO, DEO) and the contact

numbers.

**(o) Preventive actions taken**

- (i) Arms deposited:
- (ii) Security bonds:
- (iv) Preventive detentions:
- (v) NSA:
- (v) Externment:
- (vi) Prohibition cases, if applicable:
- (vii) List of persons provided with security cover:
- (viii) Copy of law & order report 1 and 2 sent to HQ should be endorsed to Observer daily:

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

- (i) Arrangements for prevention and removal of defacement of Property 

Yes	No
-----	----

  - (a) Territorial jurisdiction wise enforcement squads 

Yes	No
-----	----

 formed.
  - (b) District media cell constituted or not 

Done	Not Done
------	----------
- (ii) Instructions to all the officers, candidates highlighting actions envisaged for the lapses. 

Done	Not Done
------	----------
- (iii) Nodal officer for communicating about the venues and candidate's meetings.
  - (a) Name and contact details:
- (iv) Arrangements for expenditure observation at the constituency level. 

Yes	No
-----	----

  - (a) Designated officers at constituency level appointed 

Yes	No
-----	----

- (v) Preparation of list of prevailing market rates  
for regular campaign material required done

**(q) Arrangements for procurement of election material and printing of forms etc.**

No. of indelible ink phials obtained	No. of blue paper seal obtained	No. of paper strips seals obtained	Whether secret seals of the Commission received	Whether sufficient no. of handbook for the Presiding Officers etc. available	Whether Statutory/ Non Statutory forms etc. available	
					Yes	No

**(r) Randomization of polling personnel**

- (i) Whether data base of polling personnel prepared?  
(ii) Date for formation of polling parties

Date	Month	Year					

- (iii) Date for allocation of polling stations to polling parties

Date	Month	Year					
						Yes	No

**(s) Training of Polling Personnel**

- (i) Whether training schedule for the polling personnel prepared?  
(ii) Whether schedule for EVM training for the polling personnel prepared?  
(iii) Whether schedule for training for the Magistrate /officers prepared?

Yes	No
-----	----

Yes	No
-----	----

**(t) Dispatch arrangements**

- (i) Whether from HQ or any other location:  
(ii) Name of the location:

(iii) Any need for early dispatch to specific polling stations:

(iv) If yes, reasons:

**(u) Receiving arrangements**

(i) Location:

(ii) No. of tables for receiving:

(iii) Plan for special counters:

**(v) Strong room location and security arrangement**

(i) Location:

(ii) Security arrangement:

Yes	No
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**(w) Counting arrangements**

Yes	No
-----	----

(i) Appointment of additional AROs, if any,

(ii) Location of Counting Centre whether approved

Done	Not done
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by the SEC

(iii) Testing of Genesis and operational feasibility

36. **First Report of Observer-after 5 days of arrival (not later than 7 days) to be sent by email or by fax:**

**The First Report**

(Immediately after the end of Scrutiny of Nomination Papers).

**OBSERVER REPORT -1**

Observer's Name with Code:	
Constituency:	
District:	
Municipality	

Sl. No.	Subject	Observer's Report
1	Whether Scrutiny has been done by the R.O. himself, if not whether ARO has been authorized by the R.O. in writing.	
2	Whether the Commission's instruction regarding number of persons allowed to be present during nomination process was observed/complied (this may be confirmed by viewing the video coverage of nomination process).	
3	Whether Scrutiny of nomination papers have been done properly in accordance with Sections 18 and 26 of the Jharkhand Municipal Act 2011 read with rule 4 of the Jharkhand Nagarpalika (Nirvachan & Chunarv Yachika Niyamavali), 2012.	
4	Names of Candidate whose nomination has been rejected with brief but clear reasons (Attach copy of summary orders passed by the R.O. in each case).	
5	Local Address with telephone / mobile number of the Observer, after arrival in the constituency.	
6	Whether Observer's name, contact number and the meeting hours with venue have been advertised? (Attach a copy of Advertisement).	

Signature of Observer

**The Second Report (Immediately after meeting with the candidates and their representatives on or after the day of the Withdrawal of candidatures).**

**OBSERVER REPORT – 2**

Observer's Name with Code:	
Constituency:	
District:	
Municipality	

Sl. No.	Subject	Observer's Report
1	What was the time, date & venue of the meeting with the contesting candidates? The names of the candidates or their representatives who attended.	
2	Whether prior intimation regarding date and time of 2nd randomization of EVMs followed by EVMs preparation and second level check of EVMs has been given to candidates with proper acknowledgement receipt.	
3	Whether all the candidates were furnished with the prescribed and authenticated register for maintaining day-to-day account of election expenditure by contesting candidates. Whether written communication by the Returning Officer detailing the provisions of maintenance of accounts of election expenses and submission of the formats in which Statement of Election Expenses as well as an Affidavit is to be submitted by candidate within the stipulated time (30 days after result) has been issued to all candidates?	
4	Whether standard rate list of the items were given to the candidates. Whether 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 have been provided by the DEO(M) to the candidates.	

Sl. No.	Subject	Observer's Report
5	Whether the Designated Officers for checking the accounts of election expenses have been briefed by the Observer regarding the various aspects of election expenditure.	
6	Whether the schedule for production of registers of election expenses has been finalized with the candidates? What is the schedule so fixed? (Please intimate the Commission)	
7	Whether important aspects of Model Code of Conduct was briefed to the candidates (Describe the main issues).	
8	Whether the concepts of worry list was explained to the Candidates, and they advised to submit their worry list.	
9	Whether candidates were advised to properly train their polling and counting agents (Describe the main aspects)	

**Signature of Observer**

**The Third Report (Immediately after the end of Campaign period).**

**OBSERVER REPORT – 3**

Observer's Name with Code:	
Constituency:	
District:	
Municipality	

<b>Sl. No.</b>	<b>Subject</b>	<b>Observer's Report</b>
1	Whether copy of the electoral roll sold to Candidates? Whether a copy of written receipts obtained from each of them? Report the exceptions.	
2	Whether list of EVMs to be used in the constituency including the training EVMs and reserved EVMs for replacement has been given to the candidates?	
3	Whether Random verification of 5% or more of CU/BU was done by the R.O. in presence of the candidates. Whether candidates verified the EVMs (2nd level check) to their satisfaction. Please describe?	
4	Whether candidates were allowed to take help from the engineers/master trainers in order to eliminate doubt about the malfunctioning of EVM?	
5	Whether all stages of Randomization of EVM mentioned in the ECI letter 51/8/7/2008-EMS (inst-1) dated 11-08-2008 have been fully covered with videography and record kept properly?	
6	How and when 2nd randomization of polling personnel accomplished? Describe/ Any drawbacks?	
7	How is the preparedness of polling personnel? Describe the training schedule and contents. Any drawback?	

Sl. No.	Subject	Observer's Report
8	Whether vulnerability mapping have been done and critical polling stations and clusters have been identified?	
9	Whether adequate preventive steps have been taken for maintenance of Law and Order?	
10	What is the security arrangement for polling stations and poll personnel (briefly the force deployment parameter).	
11	How many polling stations with static outside force, how many with video coverage? What is the arrangement to escort the polled EVMs back? What is the transportation and receipt arrangement for polled EVMs? What is strong room guarding plan? Is the general atmosphere conducive for holding of free and fair poll? If no, state detailed reasons.	

**Signature of Observer**

**The Fourth Report (Immediately after the end of poll)**

**OBSERVER REPORT – 4**

Observer's Name with Code:	
Constituency:	
District:	
Municipality	

Sl. No.	Subject	Observer's Report
1	Total number of Polling Stations.	
2	Whether mock poll done and certificate issued in all Polling Stations? If no, indicate the specific number of Polling Stations.	
3	Number of Polling Stations where there was only one election agent/polling agent was present (indicate the specific Polling Stations).	
4	No. of polling stations with video cameras	
5	Number of EVMs replaced after the start of poll (indicate the specific polling Stations.) and describe the defect in the EVM (EVM No. and make to be clearly mentioned).	
6	No. and name of polling stations where complaints of violation of polls were received during the course of poll. Describe the nature of complaints and action taken.	
7	Number of Polling Stations where poll was interrupted for more than two hours or start of poll delayed by two hours or more in starting (indicate the specific Polling Stations).	
8	Number of Polling Stations, where the interrupted poll could not continue (indicate the specific polling stations)	
9	No. of polling station where there is, in the opinion of observer, a need for re-poll(based on point no. 6,7&8 above).	
10	Remark if any	

**Signature of Observer**

**The Fifth Report (Immediately after the Scrutiny of Register of  
Voter and other documents on the day after poll)**

**OBSERVER REPORT – 5**

Observer's Name with Code:	
Constituency:	
District:	
Municipality	

Sl. No.	Subject	Observer's Report
1	Whether proper intimation was given in advance, in writing, to the contesting candidates/their agents. (under proper acknowledgment).	
2	Whether Scrutiny of Register of Voters and other documents such as Form 17 Ka (Part-I), Presiding Officer's diary, Sector Officer's visit Sheets (in the presence of candidates/election agents or their authorized representatives) done. Who were present? For how many polling stations?	
3	Whether proper logbooks has been maintained for recording the time and purpose of opening and closing storage room where election records are kept.	
4	Whether the room was opened in the presence of observer and candidates/their election agents/ representatives?	
5	Whether after the scrutiny of Register of voters, Form 17 Ka (Part-I), marked copies of electoral rolls etc., have been resealed by the Retuning Officer.	
6	Whether the election agents/ representatives present have put their seal or signature thereon – who/which of the candidates? – who/which of the candidates?	
7	Whether after scrutiny of Register of voters, Form 17 Ka (Part-I) and other documents and materials the R.O. and Observer makes any recommendations to the Commission for repoll. If yes described the reasons for each recommended polling station separately.	

**Signature of Observer**

**The Sixth Report (Immediately after Counting of Votes)**

**OBSERVER REPORT – 6**

Observer's Name with Code:	
Constituency:	
District:	
Municipality	

<b>Sl. No.</b>	<b>Subject</b>	<b>Observer's Report</b>
1	Whether arrangements for counting has been done as per the instruction of the Commission. If No, what are the discrepancies?	
2	Whether randomization of counting staff was done as per the instruction of the Commission in the morning?	
3	Whether candidates were advised to properly train their polling and counting agents?	
4	Whether pairing of counting supervisor and counting assistant was done as per the instructions of the Commission?	
5	How many tables were arranged?	
6	How many rounds were planned?	
7	Whether after each round of counting, random checking of 2 (two) EVMs was done by the observer?	
8	Whether the counting agents of the candidates were present at the time of counting?	
9	Whether the signature of the counting agents taken in Part – II of Form 17 ka?	
10	Whether the total votes shown in Part-II of Form 17 ka tally with the votes counted in EVM?	
11	Whether the seating arrangements of the counting agents were done as per the Commission's instructions?	

Sl. No.	Subject	Observer's Report
12	Whether continuous videography of counting was done?	
13	Whether the EVM no. was tallied with the EVM list supplied to the polling stations	
14	Whether Blue paper seal no. for each counted EVM checked and verified?	
15	Whether the round wise result was immediately put on the blackboard in counting hall at the close of each round and before the beginning of next round?	
16	Whether there was any demand for re-totalling with what result? Describe.	
17	Whether any significant incident occurred during counting of votes? If yes, give details	
18	Whether candidates/ counting agents were present at the time of declaration of result?	
19	Time when counting started and ended. When was the result announced? If there was any time lag please describe the reasons.	
20	Is the observer satisfied about the counting & declaration of results? (Observer should enclose round wise tabulation sheets with post-copy)	

**Signature of Observer**

**DOs & DON'Ts FOR OBSERVERS**

**DOs**

- (1) Attend the briefing and debriefing sessions fixed by the Commission.
- (2) 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 of the State Election Commission.
- (3) Draw up your tour programmes sufficiently in advance and intimate to the Secretary, SEC, District Election Officer and the Returning Officer of the constituency concerned.
- (4) Note carefully the number of visits, duration of visits and the period of visits given by the Commission and strictly act according to this.
- (5) Ensure that your tour programme is duly publicized within the constituencies allotted to you.
- (6) Identify areas/polling stations which might require closer attention.
- (7) Monitor that adequate stock of all election materials are actually available in adequate quantities.
- (8) Make an independent assessment of the Law and Order situation in general.
- (9) Make a random check of as many polling stations as possible and verify them.
- (10) Monitor instances of violation of Model Code, ban on transfer etc.
- (11) Familiarize yourself with the use of Electronic Voting Machines (EVMs), and attend some training rehearsals.
- (12) Ensure that sufficient publicity regarding EVM has been given so that media and general public has no misgivings about EVMs.
- (13) Monitor the deployment of security forces to have maximum impact.
- (14) 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.
- (15) Bring any development that merits immediate remedial action or attention of the Commission to Returning Officer's /Commission's notice without any loss of time. Such

information should not be deferred till the regular reports are submitted.

- (16) Send your report in a closed envelops addressed to the Secretary, State Election Commission.
- (17) Attend meetings of the candidates called by the District Election Officers(M) / Returning Officers.
- (18) Make independent assessment of the expenditure incurred by a candidate, or any other person.
- (19) Speak to the local people and check posters, pamphlets etc. to arrive at an independent assessment.
- (20) Inspect the register of Election Expenditure prescribed by the Commission.
- (21) Obtain prior permission of the Commission before leaving the headquarters.
- (22) Maintain proper conduct in the constituency as SEC Observers are keenly observed.

#### **DON'TS**

- (1) Do not ask for any exemption from the briefing session.
- (2) Do not travel to the Constituency with your families.
- (3) Do not go to the State capital / District to meet the Departmental head if the route to the constituency from your headquarters does not pass through the State capital or District.
- (4) Do not talk to the Press.
- (5) Do not call meetings of the candidates on your own.
- (6) Do not make any unreasonable demands to the District Election Officer (M) / Returning Officer regarding accommodation, vehicle, security etc.
- (7) Do not leave your headquarters once you have been allotted specific constituencies without the prior written Permission of the Commission.
- (8) Do not plan for arrival to the Constituency on the day of scrutiny.
- (9) 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.