

ANNEXURE - D

GUIDELINES FOR OBSERVERS

Introduction:

Observers for the conduct of election of Chairperson of Block Development Councils are appointed by Election Authority, (Chief Electoral Officer) J&K in exercise of powers vested under Section 36 of the Jammu and Kashmir Panchayati Raj Act 1989 and perform their duties under the superintendence, control and discipline of the Election Authority for the period from their appointment till the completion of process of election.

By dint of their seniority and long experience in the administrative service, they are expected to be in a position to assist the Election Authority in the conduct of free and fair polls. For all purposes they will act as the eyes and ears of the Election Authority (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.

In this election the Observers are expected to perform the duties as "General Observers" as well as "Expenditure Observers" in the Blocks assigned to them.

These elections are being conducted under the provisions of Jammu and Kashmir Panchayati Raj Act and Rules and accordingly all statutory references should be made to these and other instructions issued by the department of Rural development and Election Authority in this regard from time to time.

ROLE OF OBSERVERS:

Observers are expected to observe and report to the Election Authority with regard to all the steps involved in election conduct and management. A brief of the functions to be performed is as under:

1. Monitoring the process of Nominations, Withdrawal, Scrutiny and Symbol allotment.

The Observer shall watch the process of filing of nominations to get an overview of compliance of Election Authority instructions and report major violations, if any. 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, including the latest symbol order. The Observer should observe the scrutiny process and report any glaring error to the Election Authority if any reported. Observer should, however, abstain from directing or advising the Returning Officer. 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.

2. Electoral Rolls:

Electoral Rolls to be used in the election of Chairpersons of Block Development Councils are photo electoral rolls and it should be ensured that the copies given to the candidates and the ones used on the poll day by the polling party are legible, authentic and updated.

3. Campaign Period- Model Code of Conduct:

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

4. Watch on Election expenditure:

For fair and free elections every candidate is supposed to maintain true account of his/her expenditure related to the elections in the formats prescribed by the Elections Authority. Observers should fix dates for reviewing the register maintained by each candidate for accounting of election expenditure and review the register on those dates along with supporting documents. Monitor that the abstract of election expenditure is also maintained along with the detailed accounts in the register. The format and related instructions are stated in the Returning Officer handbook issued by the Election Authority.

5. Training:

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 Election Authority and related to Ballot Boxes.

6. Polling Stations:

Observers must verify that the polling stations have been setup as per the list of polling stations approved by the Election Authority. They should visit polling stations and monitor that all arrangements.

7. Distribution/Dispatch of Polling Material and staff:

Ensure that proper arrangements for dispatch of material and polling staff have been made. The dispatch should normally be the day before the poll. Also review the arrangement of staff for the counting purpose.

8. Poll Day Management:

Monitor deployment of all poll personnel at the polling stations. Monitor the start of poll, availability of ballot boxes, etc. on the day of poll. Review the percentage of polling at regular intervals. Keep track and record of occurrence of any special incidents during the poll day. Keep track and record of any delays or temporary suspension of poll. Report anything exceptional to the DPEO (Dy. Commissioner) and the Election Authority.

9. Post Poll:

Report to the Election Authority about conduct of poll and requirement of re-poll, if any. Ensure that proper arrangements for receipt of polling staff and polling material are made at the collection center. 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).

10. Counting:

Review the arrangements for counting made by the DPEO (Dy. Commissioner). The randomization of counting staff is done in the presence of Observer. The Observer has to ensure that the results as tabulated by the counting staff and the counting supervisor are checked and found tallied.

11. INTERFACE WITH Election Authority:

The Observers may get in touch with the Officers in the office of Election Authority in case of any necessity. For any serious matter warranting intervention at the highest level, Observers may contact the Election Authority directly.

12. VISITS BY GENERAL OBSERVERS/ELECTION EXPENDITURE OBSERVERS:

Most of the observers are assigned two blocks and thus they must ensure that they frequently visit all the blocks assigned to them. However, they can establish their office in one of the blocks for ease of functioning but at the same time ensure that they visit the other block(s) frequently enough to observe all critical events in the process of election.

13. REPORTS BY OBSERVERS :

The Election Authority has prescribed three mandatory reports to be submitted by the Observers, which are annexed herewith. However, in case of any serious deviations, the observer should bring it to the notice of Election Authority through interim report(s). These three reports are as under:

- a. The first report is to be submitted on the last day of filing nominations.
- b. The second report is to be submitted three days before the poll day.
- c. The third report is to be submitted after completion of the polls and declaration of results.

Observers should send these reports by email to **ceo-jk@nic.in** and by fax **(01942473609)** where internet facility is not available followed by sending physical copy by speed post. All reports of the Observers shall be sent to the Election Authority. Observers shall not under any circumstances, share the contents of their reports or any information therein with anyone, repeat anyone, except the Election Authority.

14. ARRIVAL OF OBSERVERS IN THE BLOCK HEADQUATER:

All Observer are required to monitor the process of nomination filing and specially the scrutiny part and thus it is mandatory for all to report to the concerned District Panchayat Election Officers at least by the last date of filing

nominations, i.e. 09-10-2019. The DPEO (Dy. Commissioner) shall appoint an officer as the liaison officer for the observer and the liaison officer shall receive the observer on his arrival.

15. INTERFACE OF ROs/AROs AND ELECTION OFFICIALS WITH THE OBSERVERS:

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 special attention.

16. WATCH ON EXPENDITURE INCURRED ON ELECTION CAMPAIGN BY THE CANDIDATES:

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 keep in mind the ceiling of election expenditure which has been fixed as Rs 2,00,000 for this election. 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. It shall be the duty of the observers to ensure that all the instructions of the Election Authority are followed meticulously and there are no aberrations in their application. 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), an 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 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 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.

17. REPOLL AND ADJOURNED POLL CASES:

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

18. END OF POLL REPORT:

Observers must 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(s).

19. COUNTING OF VOTES:

The observer should monitor counting process and bring to the notice of the Election Authority any discrepancies in this regard. The Observers should ensure 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 (ii) Certificate of Election.

OBSERVER REPORT - I

Poll preparedness Report (please indicate done or not done)

1	Name of the Observer		
	Name of the Block(s)		
2	Arrangement for	Done	Not done
	(a) Ballot paper printing		
	(a) Ballot Box preparation		
3	Poll personnel list preparation		
	Date of Randomization	Day	

Training Date of poll personnel	Day	Date	Remarks

1.	Adequate preventive steps taken for maintenance of law and order	Yes	No	Remarks (if any)
2	Mapping of critical polling stations	Yes	No	
3	Arrangements for dispatch, receiving and counting centre	Done	Not done	
4	Arrangement for Model Code of Conduct implementation	Yes	No	
5	System of receiving complaints and monitoring	Done	Not done	
6	Communication plan	Yes	No	
7	Establishment of Control Rooms	Yes	No	
8	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 candidate and the issue of election expenses discussed therein			
	e) Whether the schedule of inspection of the			

expenditure register/voucher fixed	
f) If yes, indicate the dates fixed for inspection	
g) Whether the Designated officers for Checking the accounts been briefed by the Observer regarding the Various aspects of expenditure	
h) 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)&RO	
i) Has the same been apprised to the contesting candidate and the designated Officers?	
j) Any other item of expenditure incurred by the candidates which engages the attention of the observer during the period of their Stay.	

Overall Observation (indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern at least three in order of priority.

Date :
Place :

Signature of the Observer
Name :

OBSERVER REPORT-II

(The General Observer has to second Report after the completion of poll)

General Observer name	
Name of Block(s)	

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(indicated the specific number of polling stations in the case of Ballot boxes use)			
8	All Presiding Officers diaries and other documents received	Yes		No
9	Voting Details	Number of Electors	Votes polled	%age
	Male			
	Female			
	Total			

Events relating to law and order, unauthorized entry (have to be listed clearly with name and event): _____

Any need for re-poll: _____

If yes, then the details with reasons(Fixing the responsibility for the reason leading to re-poll) : _____

Date:
Place:

Signature of the Observer

OBSERVER REPORT-III
(To be sent after Counting)

Observer Name	
Name of Block(s)	

Candidate wise break up of votes polled:

S.NO	Name of the Candidate	Number of votes polled	Remark if any

Details of proceedings in case of Tie: _____

Election Result declared

(Yes/No)

Date:

Name & Signature of the Observer