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**ELECTION
TO
SINLUNG HILLS
COUNCIL**

2019

Guidelines for Observers



**State Election Commission
Mizoram**

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**State Election Commission, Mizoram.
Guidelines for Observers.**

INTRODUCTION

1. The State Election Commission, Mizoram is a constitutional authority created by the State Government of Mizoram under Article 243 K & Article 234 ZA of the Constitution of India, read with section 345 of the Mizoram Municipalities Act, 2007. The superintendence, direction and control of the preparation of the electoral rolls for, and conduct of all elections to the Sinlung Hills Council are vested in the Mizoram State Election Commission under sub-rule (1) of Rule 3 of the Mizoram (Election to Sinlung Hills Council) Rules, 2019.

The crux of the duties of the Mizoram State Election Commission is to ensure conduct of free, fair, smooth and peaceful election in the State. ***In order to carry out the above duties effectively, it is necessary to appoint 'Observers' who will monitor, supervise and oversee the General Elections to Sinlung Hills Council on behalf of the State Election Commission with a view to ensuring the establishment of strong and democratic Council which will provide strong and sound 'Democratic Base of Administration'.***

STATUTORY BASIS OF APPOINTMENT

2. Observers of the State Election Commission, Mizoram are appointed under the powers conferred on it by Article 243 K & Article 234 ZA of the Constitution of India read with Section 20B of the Representation of People Act, 1951 & sub-rule (2) of Rule 4 ibid and the plenary powers available to the Commission under the Constitution of India. They are the appointees of the Commission working under the superintendence, control and discipline of the Commission for the period from their appointment until the process of elections is complete.

3. The Representation of the 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 may be 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."*

OVERVIEW OF OBSERVER'S DUTY

4. By dint of their seniority and long experience in the Civil Service, they are expected to be in a position to assist the Commission in the conduct of free and fair polls. They will also be able to oversee the efficient and effective management of the electoral process at the field level. 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, 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. 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. Their inputs/observations are confidential and solely for the use of the Commission and not for any other agency including media. They must not, therefore, interact with or respond to the queries of the Press even after the elections are over. 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 District Election Officer/Returning Officer (DEO/RO) about their observation on various aspects of election management in order to facilitate mid-course corrections. 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 DEO/RO.

ROLE OF OBSERVERS

5. The Observers are empowered to stop counting or the declaration of result in the event of incidents which could have made it difficult to ascertain the result correctly. Besides this, they have got certain direct executive roles to play which include:-

- 1) monitoring the processes of nomination, scrutiny and withdrawal, if directed so by the Commission, and report back to the Commission promptly in case of any irregularity;
- 2) examination of the video clipping of the nomination process if any as well as making proper investigation on the complaints received in connection with the process of nomination and to examine the unresolved grievances, if any, by the candidate/political parties about the allotment of symbols.
- 3) effective monitoring of the cases of violation of the Model Code of Conduct by watching the video clippings of various meetings and, if needed, even by visiting important rallies to get first hand input, enforcement of the defacement of property act, checking the account of expenditure of the candidates, and such other things.
- 4) ensuring the setting up of the Ballot Papers facilitation counters for polling officials, police and security personnel etc. in accordance with the guidelines of the Commission and sending specific report in this regard to the Commission.
- 5) checking and reviewing the process of randomization of the polling personnel, obtaining report from the DEO regarding first level randomization.

6. Apart from the direct executive role of the observer, as enlisted above, Observers are expected to observe and report on all the steps involved in election management. An illustrative list is as below:

Nominations, Withdrawal, Scrutiny and Symbol allotment

- 1) The Observer shall commence his work from the last day of nomination and thus does not observe the whole process of nomination. He should see the proceedings to get an overview of compliance of Instructions and report major violations, if any, with specific reference to the Commission's instructions regarding number of people allowed to be present during Nominations.

- 2) Scrutiny is a quasi judicial process and should be conducted by the RO without any outside influence. However, Observer will ensure that the RO is aware of the latest instructions or orders. The Observer should observe the scrutiny process and report any glaring error to the Commission. Observer should, however, abstain from directing or advising the RO. Observer may remind the 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.
- 3) Allotment of symbol is a process that is very technical and requires due care. It should be ensured that RO is aware of the provision of issue of reserve symbols and free symbols. After allotment of symbols, the list of finally contesting/validly nominated candidates should be prepared in Form 12 of the Mizoram (Election to Sinlung Hills Council) Rules, 2019.

Roll Related

- 4) The Observer shall examine the overall quality and availability of the roll. Although the scope for any further change in the roll is not there, if glaring mistakes, especially of technical nature, are found, the same should be reported to the Commission.
- 5) It should be ensured that the copies given to the candidates are exactly the same as that which would be used on the poll day by the polling party. If the last supplement is separately being given to them, it should be given with a clear instruction that the deletions and modifications may be marked by the candidates themselves.

Campaign Period

- 6) Monitoring implementation of Model Code of Conduct and measures to prevent occurrence of electoral offences. In this regard, the Observers should bring any lapse to the notice of DEO, and report to the Commission, if necessary but abstain from any executive action on their part.
- 7) Meeting with candidates to explain the provisions of Model Code of Conduct and the instructions of the Commission thereunder.

- 8) Observe various events like political meets, visits of star campaigners etc.
- 9) Monitor that teams are constituted for enforcement of Model Code of Conduct.
- 10) Monitor dummy candidates and surrogate advertisements.
- 11) Review video recordings of activities of those candidates for whom video trailing has been resorted to.

Watch on election expenditure

- 12) Obtain the rate list from the DEO.
- 13) Fix dates for reviewing the register maintained by each candidate for accounting of election expenditure and review the register on those dates.
- 14) Review supporting documents.
- 15) Monitor that the Abstract of Election Expenditure is also maintained in the detailed accounts register.

Pre-Poll Election Management

- 16) Training is an activity on which special emphasis should be laid. Observers should monitor that proper training is arranged for the election staff, especially with regards to instructions of State Election Commission and related guidelines/ instruction.
- 17) Go through the identification of critical/vulnerable booths done by the DEO/SP and finalize the list of critical/vulnerable polling stations.
- 18) Discuss the Security Plan with the DEO and the SP and review the law and order issue in general. Review the availability of Security Forces and District Police in adequate numbers. Review the preventive measures taken by the law and order implementation machinery.
- 19) Review the Communication Plan.
- 20) Ensure that proper arrangements for dispatch have been made. The dispatch should normally be the day before the

poll and any exception should have prior approval of the Commission.

- 21) Review counting arrangements.

Poll Day Management

- 22) Monitor placement of Sector Magistrates.
- 23) Monitor conduct of mock polls and receipt of mock poll, certificate in prescribed format signed by Presiding Officer. Review the polling stations with no polling agent or only one polling agent.
- 24) Review the pace of poll and percentage of polling at regular intervals.
- 25) Keep track of occurrence of any special events on the day of poll.
- 26) Keep track of any delays or temporary suspension of poll.
- 27) Report anything exceptional to the DC & DEO and the Commission.
- 28) Ensure that proper arrangements for receipt of polling staff and polling materials 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 in the strong room.

Post Poll

- 29) Scrutiny is an important analytical tool to analyse proper conduct of elections and taking re-poll decision.
- 30) Report to the Commission about the conduct of poll and requirement of re-poll, if any.

Counting

- 31) Review the arrangements for counting made by the DEO.

- 32) Monitor that the counting of ballot papers is taken up as soon as Ballot Boxes of all Constituent Villages of a Constituency reach the Constituency Headquarters.
- 33) The Observer has to ensure that the results as tabulated by the counting staff are accurate.
- 34) Ensure that during the counting, round-wise results are announced as and when they are finalized.
- 35) Certify proper completion of counting process and allow RO to declare results if satisfied with the counting process.
- 36) Report to the Commission for recount to be held, if recount is required.

TOURS AND ABSENCE FROM HEADQUARTERS

7. 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, State Election Commission. No Observer is allowed to go on a trip outside the State during the period intervening between the briefing session and the completion of election process. No requests in this regard should be made to the Commission.

REQUESTS FOR LEAVE

8. No officer appointed as Observer shall proceed on any kind of leave without prior approval of the Commission till the completion of the election in the Constituency in which he/she has been appointed as Observer. All correspondence in this regard shall be addressed to Secretary, State Election Commission.

REPORTS BY OBSERVERS

9. The Commission expects four mandatory reports from the Observers. However, in case of any serious deviations the observer should bring it to the notice of State Election Commission through interim report(s).

- (i) The first, between 3rd and 5th day of last day of nomination.
- (ii) The second, three days before the poll day

- (iii) The third after the polling is over.
- (iv) The fourth, after the declaration of results.

10. The Observers should send these reports by the quickest possible means and email/fax to the Commission. The email address of the Commission is *secmizoram1@gmail.com*.

11. All reports of the Observers shall be sent to the Secretary, State Election Commission. Observers shall not, under any circumstances, share the contents of their reports or any information therein with anyone, repeat anyone, except the State 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.

12. 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 and must be followed by a written message in confirmation.

INTERFACE OF DEO AND RO/AROs WITH THE OBSERVERS

13. The DEO should organize a structured meeting with the Observers as early as possible. The RO, AROs, SP, other election officials including the Nodal Officer for Model Code of Conduct and the designated officers for expenditure monitoring should be present in the meeting to apprise the Observers of the specific issues needing their special attention.

- 14.** The Observer should monitor that:
- a. The identification of status of all the venues which will be used for dispatching, receiving and counting, has been done and reviewed.
 - b. The list of polling stations has been finalized.
 - c. The machinery to monitor and implement Model Code of Conduct is in place.
 - d. The Primary list of polling personnel has been prepared.
 - e. The arrangements for receiving information from public and political parties, control room arrangements and inter coordination of police and DEO/ RO Control rooms.

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

16. The observer is expected to closely observe the scrutiny process and finalization of the validly nominated/contesting candidates after withdrawal. 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 RO.

17. 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 functions for scrutinizing the nominations.

18. The following items are important :

- a) The latest list of "Political Parties and Election Symbols" published by the Commission or incorporated in The Mizoram (Election to Sinlung Hills Council) Rules, 2019.
- b) Instructions and copies of latest versions of Formats which are to be utilized by the political parties to indicate the names of their official candidates who are eligible for being allotted the symbol reserved for the party.
- c) An authenticated copy of the Electoral Rolls for the Constituency.

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

ALLOTMENT OF SYMBOLS

20. Immediately after the process of withdrawal of nominations is completed, the process of Allotment of Symbols is taken up by the Returning Officer. The Observers will be available for overseeing this important activity. The RO/ARO should have access to the latest list of Political Parties and Election Symbols.

21. 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 12**. Special care should be taken regarding order in which the name of candidates appear in the list and Rule 45 of the Mizoram (Election to Sinlung Hills Council) Rules, 2019 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 Commission at the earliest. The Returning Officer/Assistant Returning Officer will make arrangements to send the original copy to the Commission through special messenger.

ELECTORAL ROLLS

- 1) The electoral rolls supplied to the polling booths shall be certified to be true copy of the one that has been provided to the candidates / political parties and the marked copy kept by the Returning Officer/Assistant Returning Officer, by one officer and one subordinate designated to be specifically responsible for the purpose.
- 2) The electoral rolls supplied at polling booths shall be signed on all pages by these officers.
- 3) A copy of the electoral rolls, which will be used on the day of election at polling booths (copy of the one given to the candidates / political parties) shall also be given to the Observer. The Observer shall check the authenticity of the roll provided at polling booths *vis-a-vis* the rolls given to the candidates on the day of poll at the polling stations visited by him. The Observers will discuss this subject thoroughly with the RO/ARO and ensure that there is no room for any complaint on the matter. This aspect should also be explained to the candidates and political parties during discussion.

MEETING WITH THE CANDIDATES

22. The RO/ARO should conduct a meeting in the presence of Observer with all the contesting candidates and party representatives on the last day of withdrawal or on the next day and brief them about -

- i. Important aspects of the Model Code of Conduct,
- ii. Expenditure reporting formats and frequency of reporting required, time and place of reporting of day to day expenditure,

- iii. Issuance of permissions for vehicles, processions and public meetings,
- iv. Proposed actions against violations,
- v. Interaction of Observers with the candidates/political parties/electors (with specific details of time, contact numbers and place for meeting the Observers),
- vi. Electoral rolls, and
- vii. The Observers should explain the **concept of worry list**. Wherever a candidate has apprehension about any unfair practice, procedural lapse, he will bring them to the notice of the Observer through the worry list indicating details of polling stations and reasons for such apprehension.

VISIT OF AREAS IN THE CONSTITUENCY AND POLLING STATIONS

23. After finalization of contesting candidates by the RO/ARO, the Observer will visit as many polling stations to understand the Constituencies assigned to him. During their visits, the observers shall definitely visit all new polling stations and sensitive polling stations, if any.

REVIEW OF OVERALL PREPAREDNESS OF LAW & ORDER MACHINERY

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

- a. Adequacy of police personnel,
- b. Preventive actions taken,
- c. Identification of vulnerable/critical polling stations,
- d. Sector plans for policing on the day of poll,
- e. Response strategy on the day of poll and transportation of Polling Parties and Election Materials.

OBSERVATION OF IMPLEMENTATION OF MODEL CODE OF CONDUCT

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

- 26.** The main areas for strict vigil are:-
- a. Use of vehicles for campaigning without obtaining required permission,
 - b. Use of muscle power to mobilize or restrain people from voting,
 - c. Flow of liquor and money and 'gifts' to ensure voting in favour of a particular candidate,
 - d. Divisive tactics through inflammatory and condemnable speeches/ acts, and,
 - e. Dealing with defacement of property as per the provisions under the Mizoram Prevention of Defacement of Property Act, 1995.
- 27.** To ensure effective enforcement, the observer should check whether the enforcement squads are formed with clear sectoral jurisdiction to have accountability. The teams of enforcement should consist of civil and police personnel.

APPROACH OF THE OBSERVER IN IMPLEMENTATION OF CODE OF CONDUCT

- 28.** The approach of Observer should be to get the complaint inquired by DEO/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 about the violations and appropriate action to be taken. However, in case of lapses on part of the authorities even after advice of the Observer, the Observers should immediately communicate lapses to the State Election Commission. Observer should use videography / photography as an effective tool to implement Model Code of Conduct.
- 29.** State Election Commission, Mizoram encourages effective observation rather than self implementation of the Model Code of Conduct. Observers are eyes and ears of the Commission and not the executive in the field.
- 30.** State Election Commission, Mizoram envisages appropriate and timely action against lapses and at the same time proportionate flow of this information of action taken to the appropriate levels to have a deterrence effect.

31. Every move of campaigning has an implication of election expenditure. The Observers are expected to correlate all the permissions taken and the expenditure statements submitted. In case of some expenditure not being reported, the standard rates prevailing in the district should be adopted.

WATCH ON EXPENDITURE INCURRED ON ELECTION CAMPAIGN BY THE CANDIDATES/POLITICAL PARTIES

32. 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 suspicious ways of spending money to influence voters. The Observers should know the ceiling of election expenditure which can be incurred by a candidate.

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

- Sub-rule (1) of Rule 102 of The Mizoram (Election to Sinlung Hills Council) Rules, 2019 read with Section 77 of the Representation of People Act 1951 stipulates that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of the declaration of the result thereof, both the dates inclusive.
- Sub-rule (1) of Rule 104 further stipulates that every contesting candidate at an election shall, within thirty days from publication of the result of an election, lodge with the DEO, an account of the election expenses which shall be a true copy of all the account kept by him or by his election agent in Form 33.
- Even if a contesting candidate does not seriously contest the election for any reason whatsoever and incurs only a nominal expenditure on his security deposit, etc., he is required by law to lodge his account of election expenses.
- The contesting candidates are further required to furnish an affidavit along with the "Register of day-to-day expenses" and "Abstract of Expenses".
- 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.

- The supporting vouchers of the day-to-day expenses should necessarily bear the signature in full of the contesting candidate or his election agent.
- The register 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 three days in between each inspection and the first inspection may be on or after the 3rd day from the last date of withdrawal of nominations.
- 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 of record with the Returning Officer and furnish to the DEO on conclusion of the whole electoral process.
- Where a candidate does not produce the register containing his daily account of election expenses before the designated officers/observer, despite notice, the DEO shall cause a complaint to be lodged u/s 171-I of the IPC against the errant candidates.
- Any person desiring a copy of these day-to-day accounts should be provided the same by the Returning Officer subject to the payment of usual copying charges.
- The candidate, while maintaining their register of accounts of election expenditure, should also account for all expenditure including those incurred prior to the date of nomination for preparation of campaign materials, etc. which are actually used during the post nomination period in connection with the election.
- All vehicles (including two-wheelers, motor-bikes, scooters, etc.) being used by the candidates for the election campaign are required to be lodged with the DEO.
- The expenditure incurred by a political party 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 for the benefit of a group of candidates, the expenditure is to be apportioned equally amongst the candidates.

- The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all, and the District Election Officer shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their private share of expenditure. This information will also be intimated to the Returning Officer.
- Where the aforesaid expenditure are incurred from the organizer's own funds, the same will be reflected in the accounts of the concerned candidates or a group of candidates present in the meeting of the leader.

34. 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 Officer to the erring candidates and make a note of the same in the register whenever they are produced for inspection.

35. 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.
- (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, forms and certificates to be filled by the staff.

PREPARATIONS FOR DATE OF POLL

36. 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.

37. The Observers should carefully plan out 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 Officer, RO, AROs and PSOs.

VISIT TO DISPATCH CENTRES

38. The Observers will visit the dispersal centres for dispatching the polling parties to different Polling Stations and make a brief report on the manner in which the operations are being conducted. They will particularly see that the random formation of polling parties is being truly and correctly implemented.

POLL DAY ACTIVITIES

39. One of the most important responsibilities of the Observers is to oversee the actual poll. On the date of poll, Observers should visit 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. The presence of the Observers in the field on the day of poll and their visits to polling stations should be an effective deterrent against electoral malpractice and vitiation of the poll process.

40. 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 RO, ARO and Sector Magistrates 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.

41. 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 and observer must sign the visit sheet and record the time of his visit and his observations.

42. An important point to be noted is that Accounts of votes recorded has been completely and correctly filled in by the Presiding Officer and these are deposited along with the Presiding Officer's diary at the Collection Centre and Strong room.

RECEPTION OF POLLING PARTIES

43. There is need to focus on polling stations wherein (i) polling was disrupted temporarily due to any reason and (ii) serious complaints were 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 4 pm 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.

REPOLL AND ADJOURNED POLL CASES

44. 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. After taking into consideration the report of Observers and 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.

45. 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 required, shall be held on the second day following the date of poll unless decided otherwise.

END OF POLL REPORT

46. The Observers will send a report in the form prescribed in **Observer Report 3** at the end of poll showing the role of polling agents and the number and nature of complaints received in regard to each polling station. In addition to this, the Observer has to send a comprehensive report highlighting all important factors, in case any re-poll is recommended by him for a particular polling station or a group of polling stations.

COUNTING OF VOTES

47. The Commission has prescribed a format for approval of counting centres and the DEO/ADEO has been directed to personally inspect the Counting centre and send their proposals to the Commission for its approval.

48. During this very stage of the visit, the Observers between them will also inspect the 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. The Observers will interact with DEO and RO to effect any further improvement as may be necessary for making the arrangements in the counting centre, up to the standard prescribed by the Commission.

49. One of the most important features relates to provision of specific facilities for the Observers and media in the counting centre. It is mandatory for the Returning Officer to provide a separate room or seat for the Observer or Observers in each counting hall with one telephone and one fax attached to this.

50. 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. The statute 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.

51. 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, to let the counting agents of the candidates get a clear view of the counting process as it goes on in each counting table. There should be no room for any doubt.

52. 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 27 (result of counting) of Handbook for Presiding Officers pertaining to that table. They shall append their initial below the total of each counting table. A copy of the detailed table-wise, polling station-wise, round-wise break up of the votes will be kept by the observer in his folder.

53. 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 may be centralised in the counting centre.

54. The Observers will also ensure that as soon as the final results and the winning candidates are announced, and all the relevant papers are signed by the RO, the final detailed result is sent to State Election Commission by the fastest means of Communication.

55. The Observers should ensure after the declaration of result that the RO sends to State Election Commission the duly filled and corrected copies of-

- (i) Final Result Sheet,
- (ii) Declaration of Result,
- (iii) Return of Election, etc.

56. 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 should reflect this name exactly and correctly with same spellings as given in the Nomination Form.

CHECK LIST

INFORMATION/PARTICULARS TO BE PREPARED BY DEO AND RO TO BE PROVIDED TO THE OBSERVER.

a. Particulars of the Constituency

- i. Name of the Constituency.
- ii. Name of the localities in the Constituency.
- iii. Map of the Constituency area.

b. DEO/DC

- i. Name
- ii. Service
- iii. Date of posting

c. SP

- i. Name
- ii. 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 in the Constituency

- i. Male
- ii. Female
- iii. Total

f. Electorate details (Constituency & Polling Station wise)

Number of Electors

Male	Female	Total electors

g. Electoral roll details

i. Date of publication of revised electoral roll (revised w.r.t 01-01-2017)

Date		Month		Year			

ii. Whether copies of electoral roll have been supplied to the recognized political parties

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

iii. Preparation of authenticated copies to be completed on and supplied to political parties on

Date		Month		Year			

h. Polling Stations

i. No of polling stations

ii. Whether the list has been approved by the SEC

Yes	No
Yes	No

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

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

v. Electors details of Polling Stations in the Constituency

Total No of Polling stations	No 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/ vulnerable polling stations
 - i. Vulnerability mapping done or not
 - ii. Critical polling stations identified or not (please provide the list with reasons)

- j. 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

k. Availability of staff

Polling Personnel

Total No of polling personnel required for the Constituency	No of State Govt. Officials available

Police personnel

- i. The total number of police personnel by designation

SP	Dy SP	PIs	PSIs	Constables

- ii. Requirement of SAP
- iii. No. of Control Rooms (Police and DEO/RO) and the contact numbers.

l. Preventive actions taken

- i. Prohibitory orders issued
- ii. Security bonds
- iii. Preventive detentions
- iv. List of persons provided with security cover
- v. Copy of law & order report sent to the District Magistrate should be endorsed to Observer daily.

m. Arrangements for implementation of Model Code of Conduct

- i. Arrangements for prevention and removal of defacement of property.
- ii. Instructions to all the officers, candidates, political parties highlighting actions envisaged for the lapses,
- iii. Arrangements for expenditure observation.

- iv. Preparation of list of prevailing market rates for regular campaign material required done

Yes	No

n. Arrangements for procurement of election material and printing of forms etc.

No of indelible ink marker obtained	No of blue paper seal obtained	No of paper strips seals obtained	Whether sufficient No of handbook for the Presiding Officers etc .available	Whether Statutory/ Non-Statutory forms etc. available

o. Randomization of polling personnel

- i. Whether data base of polling personnel prepared?

Yes	No

- ii. Date of formation of Polling Parties

Date		Month		Year			

- iii. Date for allocation of polling stations to polling parties

Date		Month		Year			

p. Training of Polling Personnel

- i. Whether training schedule for the polling personnel prepared?
- ii. Whether schedule for training of the polling personnel prepared?
- iii. Whether schedule for training of the Sector Magistrate prepared?

Yes	No
Yes	No
Yes	No

q. Dispatch arrangement

- i. Name of the location,
- ii. Schedule of Dispatch.

r. Receiving arrangements

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

s. Strong room location and security arrangement

t. Counting arrangements

- i. Location of counting –
- ii. Arrangement for counting of Ballot Papers.

First report of Observer- between 3rd and 5th day of last day of nomination.

OBSERVER REPORT-1

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

Yes	No

Name of Observer :	
Constituency :	

1	Is there any critical vacancy?	Yes	No	
2	Electoral roll published and handed over to the political parties ?	Yes	No	
3	Affidavits put on notice boards and published	Yes	No	
4	Arrangements for	Done	Not done	
	(a) Ballot Paper printing			
	(b) Setting up of facilitation center for providing ballot papers to polling personnel			
	(c) Providing ballot papers to police/security personnel/drivers			
5	Polling personnel list preparation			
	Dates of second randomization			
	Dates of third randomization			

6. Training

	Day	Month	Year
First Training Date			
Second Training Date			
7	Adequate preventive steps taken for maintenance of Law & Order		Yes No
8	Vulnerable and critical polling stations identified		Yes No

9	Arrangements for dispatch, receiving and counting centre and strong room	Done	Not done
	Facilities adequate	Yes	No
10	Arrangements for Model Code of Conduct implementation	Yes	No
	Enforcement Squad formed	Yes	No
	System for receiving complains and monitoring of disposal of complaints done	Yes	No
11	Communication plan done	Yes	No
12	Establishment of control rooms done	Yes	No
13	Monitoring of election expenditure		
	(a) Whether the election machinery is aware of Rule 103 of the Mizoram (Election to Sinlung Hills Council) Rules, 2019 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, along with the format of "Abstract Statement of Election Expenses", form of "Affidavit" and a written communication by 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 the DEO at the time of issue.		
	(d) Whether a meeting has been convened by the DEO of all the political parties and contesting candidates and the issue of election expenses discussed therein.		
	(e) Whether the DEO has designated an officer (Designated Officer) to check the accounts of daily expenditure to be maintained by the candidates		
	(f) Whether the schedule of inspection of the expenditure register/vouchers fixed.		
	(g) If yes, indicate the dates fixed for inspection.		
	(h) Whether the Designated Officers for checking the accounts been briefed by the Observer regarding the various aspects of expenditure.		
	(i) Has the prevailing rates in the district for printing of posters, hiring of vehicles, loud speakers, cost of erecting pandals and hiring of furniture and fixtures has been provided by the DEO		
	(j) Has the same been apprised to the contesting candidates and the Designated Officers		
	(m) Whether a plan has been formalized for flow of communication between – (i) The Designated Officer to keep track of expenditure on print and electronic media (ii) authority granting permission for deploying vehicles for electioneering and the Designated Officer for keeping track of expenditure on vehicles		

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

Overall observation - (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern atleast three in order of priority

Signature of the Observer

Date:

Place:

The **second report of the Observer**, 3 days before the poll

OBSERVER REPORT - 2

Name of Observer :	
Constituency :	

1	Number of complaints received for violation of MCC		
2	Number of notices issued		
3	Number inquired and action taken		
4	Any pending for inquiry and corrective action		
5	Reasons for pendency		
6	Vulnerable / Critical Polling Stations identified	Yes	No
7	Police plan done	Yes	No
8	Authenticated copy of electoral roll has been prepared and supplied to candidate	Yes	No
9	Whether the communication plan has been made	Yes	No

Any special input:-

Signature of the Observer

Date :

Place :

The third report of the Observer, after the polling is over.

OBSERVER REPORT-3

Name of Observer :	
Constituency:	

1	Total number of polling stations			
2	Number of polling stations where there were no polling agents (indicate the specific number of polling stations)			
3	Number of polling stations where poll was interrupted for more than two hours or delayed in starting (indicate the specific number of polling stations)			
4	Number of polling stations where the interrupted poll could not continue (indicate the specific number of polling stations)			
5	Number of polling stations where poll continued beyond appointed hours (indicate the specific number of polling stations)			
6	Polling Party despatch time from Polling Station	Time	Date	
7	All Presiding officers diaries and other documents received	Yes	No	
8	Total voting	Total number of electors	Number voted	Percentage
9	Male			
	Female			
	Total			

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

Any need for re-poll

If yes, then the details of reasons

Fixing the responsibility for the reason leading to re-poll

Signature of the Observer

Date :

Place :

The fourth and last report of the Observer, after the counting is over

OBSERVER REPORT- 4

Name of Observer :	
Constituency :	

1	Total number of ballot papers issued	
2	Total number of ballot papers cast	

Candidate wise break up of votes polled :

S.No.	Name of the candidate	Number of votes polled	Party Affiliation

Election result declared Yes / No.

Signature of the Observer

Date :

Place :

DOs AND DON'Ts FOR OBSERVERS

DOs

1. *Attend the briefing and debriefing sessions fixed by the Commission.*
2. *Draw up your visit programmes sufficiently in advance and intimate to the Commission, DEO and the Returning Officer of the Constituency concerned.*
3. *Ensure that your visit programme is duly publicised within the Constituency allotted to you.*
4. *Identify areas / polling stations which might require closer attention.*
5. *Monitor that adequate stock of all election materials are actually available in adequate quantities.*
6. *Make an independent assessment of the Law and Order situation in general.*
7. *Make a random check of as many polling stations as possible and verify them.*
8. *Monitor instances of violation of Model Code, ban on transfer etc.*
9. *Bring any development that merits immediate remedial action or attention of the Commission, to Commission/ District Election Officer/Returning Officer's notice without any loss of time. Such information should not be deferred till the regular reports are submitted.*
10. *Send your report in a closed envelope addressed to the Secretary, State Election Commission.*
11. *Attend meetings of the political parties called by the District Election Officer/ Returning Officer/ Asst. Returning Officers.*
12. *Make independent assessment of the expenditure incurred by a candidate, political party or any other person.*
13. *Speak to the local people and check posters, pamphlets etc. to arrive at an independent assessment.*
14. *Inspect the register of Election Expenditure prescribed by the Rules or the Commission.*
15. *Obtain prior permission of the Commission before leaving the headquarters.*
16. *Maintain proper conduct in the Constituency as State Election Commission Observers are keenly observed.*

DON'Ts

1. *Do not ask for any exemption from the briefing session.*
2. *Do not visit the Constituencies with your families.*
3. *Do not talk to the Press.*
4. *Do not call meetings of the political parties on your own.*
5. *Do not make any unreasonable demands to the District Election Officer / Returning Officer/Assistant Returning Officers regarding facilities, vehicles, security etc.*
6. *Do not leave your headquarters without the prior written permission of the Commission.*
7. *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.*
