



# STATE ELECTION COMMISSION, KERALA

THIRUVANANTHAPURAM – 695 033

No. 6330/B/2015/SEC

Dated, Thiruvananthapuram 17.10.15

## **GUIDELINES FOR OBSERVERS**

General Election to Local Self Government Institutions in the State is scheduled to be conducted on 2<sup>nd</sup> & 5<sup>th</sup> of November, 2015. In Thiruvananthapuram, Kollam, Idukki, Kozhikode, Wayanad, Kannur and Kasargod districts, polling will be conducted on 2<sup>nd</sup> November, 2015 and in Pathanamthitta, Alappuzha, Kottayam, Ernakulam, Thrissur, Palakkad and Malappuram districts, polling will be on 5<sup>th</sup> November, 2015. In all districts counting will be on 7<sup>th</sup> November, 2015. A total of 941 Grama Panchayats, 152 Block Panchayats, 14 District Panchayats, 86 Municipalities and 6 Municipal Corporations will be going to election on the above dates.

Section 40 A of Kerala Panchayat Raj Act, 1994 and Section 96 A of Kerala Municipality Act, 1994 provides for the State election Commission to nominate adequate number of higher officials of the Government, in consultation with Government, as Observers for ensuring fair and free election and also to discharge other duties as may be entrusted by the Commission. As per Section 48 A of Kerala Panchayat Raj Act, 1994 and Section 104 A of Kerala Municipality Act, 1994, the Returning Officer, the Assistant Returning Officer, the Presiding Officer, the Polling Officer, any other Officer and any Police Officer designated for the time being to conduct a general election or by-election under the provisions of this Act shall be deemed to be on deputation to the State Election Commission for the period from the date of the notification for such election to the date of declaration of the result of such election and accordingly, such officer shall be subject to the control, supervision and command of the State Election Commission during that period. The Commission has nominated the Observers by exercising the powers conferred as per the above sections.

### **I. Objects of nomination of Observers**

The State Election Commission conducts the election through the officers and employees of Government and Local Self Government Institutions. It is inevitable that the above officers and employees are aware of the law and rules relating to conduct of election. Therefore, the Commission imparts training to get them well versed with the law and rules. Conduct of free and fair elections is the constitutional obligation of State Election Commission. Observers are nominated as representatives of the Commission, to guide the aforementioned officers and

employees to strictly adhere to the law and rules while carrying out their responsibilities and thereby to ensure that the Commission fulfils the above obligations. The Commission has nominated one Observer each for every district and, in addition, Expenditure Observers, Block/Municipality wise. Following handbooks will be issued to the Observers by the District Election Officers.

1. Handbook for District Election Officers
2. Handbook for Returning Officers
3. Handbook for Presiding Officers
4. Model Code of Conduct.
5. Schedule of Election issued by the Commission.
6. Telephone Number of the Officers in the Commission and Fax number.

## **II. Facilities for the Observers**

The District Election Officer will provide vehicle and a guide to the Observers for his visits within his jurisdiction.

## **III. Responsibilities of the Observers.**

1. Collect details of the wards from the Returning Officers. The matters requiring special attention may be prioritised after making discussions with the Returning Officers.
2. Convene a district level meeting of the political party for the smooth, free and fair election.
3. Give direction to the Returning Officers to convene meeting of political parties and candidates for the smooth conduct of election, to limit expenditure within the allowed limit, keep the accounts of the expenditure and to avoid violation of Model Code of Conduct. The observers, as far as possible, shall participate in such meetings. Discussions shall be made with the District Election Officer and the District Police Chief and give necessary directions to them to ensure law and order. Ascertain whether the Returning Officers have visited the polling stations and made necessary arrangements.
4. Enquire about the arrangements made for the issuance and receipt of postal ballots.
5. See whether adequate arrangements have been made for the training of polling officers.
6. See whether sufficient quantity of forms, required for the election, is stocked in the district.
7. Get the details of the sensitive wards and booths and give necessary instructions to the concerned to maintain law and order for the voter to exercise his franchise without fear.
8. In case of violation of Model Code of Conduct coming to notice take further action and report the matter immediately to the District Election Officer and include the same in the report to the Commission.

9. Make discussions with the District Election Officer and the District Police Chief and give necessary instructions for taking appropriate precautions to maintain the law and order from the previous day of poll till results are announced.
10. Ensure that all the materials including Electronic Voting Machine have been received at the office of District Election Officer and to evaluate the measures taken for the distribution of the same.
11. Necessary steps are to be taken to prevent creation of adverse law and order situations at the polling booths, capturing of booths, intimidation of voters and obstructing the voters from casting their votes, on the poll day.
12. Keep in touch with the District Election Officer and Returning Officer.
13. Visit maximum number of polling stations on the poll day.
14. If any untoward incident at the polling booth is noticed, a detailed inquiry shall be made on it and give necessary report to the concerned.
15. Enquire about the arrangements made for the retransmission of Electronic Voting Machine and other documents safely to the collection centres, after the poll.
16. Make visit to the counting centres and evaluate security measures taken there for safe custody the voting machines and other documents.
17. In the event of noticing stoppage of polling, incident of making bogus votes make an evaluation of the situation and give clear report to the Commission as on whether polling has to be countermanded.
18. Give special attention to the counting centres which were reported to have law and order problem on the counting day.
19. Make sure that sufficient arrangements are made for the counting of votes in a smooth and transparent manner.
20. Evaluate the progress of counting of votes in every hour and issue necessary instructions, if required.

#### **IV. Powers of the Observers.**

1. The Observers are having the authority to take appropriate corrective measures in the case of the Returning Officers, Presiding Officers and Polling Officers, within his jurisdiction; if it is found that they are acting in violation of the Acts, Rules and instructions of the Commission.
2. They can direct the concerned authorities to replace any officer on election duty or any Police Officer, responsible to maintain the law and order, if it is found that they failed in their duty to ensure fair and free election.
3. They can take corrective measures, if it is found that election process on the poll day and counting day are disrupted.

**V. Reports.**

1. Tour programme has to be prepared, in advance, and submitted to the Commission and District Election Officer.
2. As soon as a visit is completed, a report has to be submitted to the Commission through e-mail or fax. Detailed report has to be submitted subsequently.

Above guidelines are not exhaustive. Necessary instructions will be issued by the Commission, if required.

Sd/-

**K. Sasidharan Nair**  
**State Election Commissioner**