

TELANGANA STATE ELECTION COMMISSION
1st Floor, DTCP Building, A.C. Guards, Hyderabad.

No.309/TSEC-ULBs/2021

Dated:22.04.2021

ORDER

Sub:- TSEC – Elections – Ordinary Elections to 7 ULBs and Casual Elections to 9 Casual vacancies - Broad guidelines for conduct of elections to local bodies in the state during covid-19 - Orders – Issued.

Ref:- 1. TSEC Notification no. 257/TSEC-ULBs/2021, dated 15.4.2021.
2. TSEC Notification no. 263/TSEC-ULBs/2021-1&2, dated 15.4.2021.
3. TSEC Circular No. 243/TSEC-ULBs/2021, dated 7.4.2021.

Whereas, the Commission notified Ordinary Elections to the following 7 ULBs and also elections to 9 casual vacancies vide reference 1st and 2nd cited.

Ordinary Elections

1. Greater Warangal Municipal Corporation
2. Khammam Municipal Corporation
3. Atchampet Municipality in Nagarkurnool District
4. Siddipet Municipality
5. Nakrekal Municipality in Nalgonda District
6. Jadcherla Municipality in Mahabubnagar District
7. Kothur Municipality in Ranga Reddy District.

Elections to Casual Vacancies

1. 12th Ward in Gajwel Municipality in Siddipet District
2. 26th Ward in Nalgonda Municipality
3. 28th Ward in Jalpally Municipality in Ranga Reddy District
4. 5th Ward in Alampur Municipality in Jogulamba Gadwal District
5. 18th Ward in Bodhan Municipality in Nizambad District
6. 9th Ward in Parkal Municipality in Warangal District
7. 8th Ward in Metpally Municipality in Jagtial District
8. 30th Ward in Bellampally Municipality in Mancherial District
9. Ward No.18, Lingojjiguda, Circle-4, LB Nagar, GHMC, Hyderabad

Whereas, the Commission, cognizant of the ongoing COVID-19 pandemic, has issued detailed guidelines in the reference 3rd cited prescribing arrangements at polling stations for voters, polling officials, as well as for political campaign to be followed during conduct of elections to above 7 ULBs and 9 Casual vacancies.

And Whereas, the Commission observed violation of the COVID guidelines in the ongoing election process. For conduct of safe elections, the Commission also gave a strict warning in the reference 3rd cited that, in case of non-compliance of instructions legal action will be taken under Section 188 of IPC and other legal provisions as applicable, as specified in Order No. 40-3/2020-DM-I(A) dated 29th July, 2020 of Ministry of Home Affairs.

And whereas, it is pertinent to mention the following judgements of the Hon'ble Supreme Court of India with regard to powers of ECI in vacuous areas where enacted laws are silent in conduct of elections by the ECI. The Hon'ble Supreme Court in Kisan Singh Tomar vs. Municipal Corporation of City of Ahmadabad in Appeal (Civil) 5756 of 2005 of 19.10.2006, clarified that, "the powers of the SEC under Article 243-K and 243-ZA in respect of conduct of elections to Rural and Urban Local bodies are no less than that of the powers of ECI under Article 324 in their respective domains". Therefore, the following judgments are also applicable to State Election Commission.

1. The Hon'ble Supreme Court has held in **Mohinder Singh Gill & Anr vs. The Chief Election Commission & Ors. (1978 AIR 851)** that free and fair elections are the bedrock of all democratic institutions in the country.
2. **Mohinder Singh Gill (supra)** it has been stated that Article 324 is a reservoir of power for the Commission to act in such vacuous areas where the enacted laws make no provisions or make insufficient provisions to deal with the contingencies confronting the Commission in the conduct of elections.

3. It has been stated by the Hon'ble Supreme Court in **Mohinder Singh Gill (supra)** that;

"..... Since the conduct of all elections to the various legislative bodies and to the offices of the President and the Vice-President is vested under Article 324(1) in the Election Commission, the framers of the Constitution took care to leaving scope for exercise of residuary power by the Commission, in its own right, as a creature of the Constitution, in the infinite variety of situations that may emerge from time to time in such a large democracy as our. Every contingency could not be foreseen, or anticipated with precision. That is why there is no hedging in Article 324. The Commission may be required to cope up with some situation which may not be provided for in the enacted laws and the rules. That seems to be *raison d'être* for the opening clause in Article 327 and 328 **which leaves the exercise of powers under Article 324 operative and effective when it is reasonably called for in a vacuous area.**

4. **In Union of India vs. Association for Democratic Reforms (2002) 5 SCC 294**) the Hon'ble Supreme Court observed that the commission has been vested with wide powers for smooth conduct of elections and that the Commission has plenary powers to issue orders in unforeseen or unanticipated situations which are not covered by legislation. It was stated that;

"..... Article 324 operates in areas left unoccupied by legislation and the words "superintendence, direction and control" as well as "conduct of all elections" are the broadest terms. The silence of statute has no exclusionary effect except where it flows from necessary implication. Therefore, in our view, it would be difficult to accept the contention raised by Mr. Salva, learned Solicitor-General and Mr. Ashwani Kumar, learned Senior counsel appearing on behalf of the intervenor that if there is no provision in the Act or the Rules, the High Court ought not to have issue such directions to the Election Commission. ____ It is settled that **the power of the commission is plenary character in exercise thereof. In statutory provisions or rules, it is known that every contingency could not be foreseen or anticipated with**

precision, therefore, the commission can cope with a situation where the filed is unoccupied by issuing necessary orders.

..... The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word "Elections" is used in a wise sense to include the entire process of election which consists of several stages and embrace many steps...."

5. All India Anna Dravida Munnetra Kazhagaam & Others v. The Chief Election Commissioner others (WP 3346 of 2001), the Hon'ble Madras High Court has made the following observations;

"Incidentally, as already noticed Art. 324 is supreme and is not subject to any provision in the Constitution and in fact, Arts. 326 and 327 are subject to Art., 324. The framers of the Constitution **took care to leave scope for exercise of residuary power by the commission in its own right** and it is within the domain and Election Commission to conduct election and it is for the Government to articulate its policy and the decision is to be carried out by EC, **the details of which cannot be provided in the enacted law and future, it is bound to take some time to cope with the situation.**

And Whereas, the aforesaid COVID -19 guidelines issued by the Commission in the reference 3rd cited are supplementary to the directions prescribed from time to time by the Ministry of Home affairs, Government of India and orders issued by the Central and State Governments under the Disaster Management Act, 2005 to contain the spread of COVID-19.

And whereas, the State Election Commission is vested with the responsibility of conducting free and fair elections to Rural and Urban Local bodies.

And whereas, it is a well settled law that, Article 243 -K and 243- ZA of the Constitution of India confers upon the State Election Commission the widest possible power in the matter of "Superintendence, Direction and control of... and the conduct of elections to Rural and urban local bodies.

And whereas, the Commission has noted several instances of election meetings and campaigns wherein, norms of social distancing, wearing of masks etc., have been flouted in blatant disregard to the commission's aforesaid COVID-19 guidelines.

And whereas, the Commission has also taken a serious view against repeated violations by star campaigners/political leaders/ candidates who are supposed to be torch bearers for the campaign against COVID-19, grossly violating COVID-19 protocols, there by exposing themselves as well as the public to the danger of infection.

And whereas, in view of unprecedented public health concerns, the Commission is of considered view that the period of campaign for the Ordinary Elections to the 7 left over ULBs and also elections to 9 Casual vacancies notified in the reference 1st & 2nd cited, needs to be curtailed in larger public interest and also to issue guidelines to be followed during ensuing elections to above said ULBs and casual vacancies.

Now, therefore, the State Election Commission, in view of aforesaid, invoking its plenary powers under Article 243-K and 243-ZA, hereby, orders the following.

1. **No rallies, public meetings, street plays,, Local meetings shall be allowed on any day during the days of campaign between 7 PM and 8 AM w.e.f 7 PM of 22.4.2021.**
2. **Silence period for rallies, public meetings, street plays, local meetings, bike rallies or any gathering for campaign purposes etc., shall be extended to 72 hours before the end of the poll. Thereby, the campaign for the elections notified in the references 1st and 2nd cited, shall end at 5.00 PM on 27.4.2021.**
3. **GENERAL GUIDELINES TO BE FOLLOWED DURING ENTIRE ELECTION PROCESSES FOR ALL PERSONS**
 - 1) Every person shall wear facemask during every election related activity.
(“NO MASK NO ENTRY”)

- 2) At the entry of Polling Station / premises used for election purpose sanitizer shall be made available.
- 3) Social distancing shall be maintained as per the COVID-19 guidelines of the State government and Ministry of Home Affairs in the queue lines outside the polling stations duly marking on ground.
- 4) As far as practicable, large halls should be identified and utilized for election purposes to ensure social distancing norms.
- 5) Adequate number of vehicles shall be mobilized for movement of polling personnel and security personnel to ensure compliance of COVID-19 guidelines.
- 6) Aarogya Setu App should be made compulsory by all election related personnel.

4. NODAL HEALTH OFFICER

Nodal Health Officers shall be designated at the District /Municipality/ Municipal Corporation, Mandal, GP or ward level where the elections are to be held to oversee COVID-19 related arrangements and preventive measures during entire electoral process.

5. TRAINING AND CAPACITY BUILDING

- 1) As far as practicable, training of election officials will be organized in decentralized manner in large halls. Virtual training also to be encouraged for conduct of theory training classes.
- 2) All PPTs, training materials, relevant documents, topic wise video clips, question papers for self-assessment may be uploaded in concerned official Portal so that any election official can access it as per requirement.
- 3) Sufficient number of Polling/Counting/Poll related staffs shall also be kept in reserve by Commissioner & EA / Collectors and DEAs, or ROs to replace the staff noticed with COVID-19 symptoms.

6. ELECTION MATERIAL

Election Material Kit shall be prepared in a spacious and sufficiently large hall following all safety, sanitation and social distancing measures.

7. DISTRIBUTION AND COLLECTION OF ELECTION MATERIAL

- 1) Sanitizer shall be made available at each counter of the distribution, reception and counting centres. At these centres, all shall wear mask.
- 2) Large and spacious halls should be identified for distribution/collection of election material.
- 3) As far as practicable, it should be organized in decentralized manner.
- 4) Prior staggered time should be allocated to the polling teams for distribution/ collection of election material.

8. POLLING STATION ARRANGEMENTS

Commission has issued detailed instructions for assured minimum facilities at each polling station. Now, in view of COVID-19 situation, following additional steps should be taken:

- 1) Mandatory sanitization of Polling Station, preferably, a day before the poll before arrival of poll party.
- 2) Markings to demonstrate social distancing for queue lines near polling stations.
- 3) Earmarking a circle for about (15) persons of with two yards (6 feet) distance for voters standing in the queue depending on the availability of space. There shall be three queues each, for male, female, and PWD/ Senior citizen voters as far as possible. Otherwise Senior citizens, PWD voters, Lactating Mothers/ pregnant women should be allowed to enter the polling station directly without having to stand in queues.
- 4) The services of BLOs, field staff, volunteers etc may be engaged to monitor and regulate social distancing norms strictly.
- 5) One shaded waiting area with chairs, dari etc. will be provided, for male and female separately, within the polling station premises so that voters can participate in voting without safety concerns.

- 6) Sanitizer should be provided at the entry/exit point of every polling station.
- 7) Posters for awareness on COVID-19 should be displayed at visible locations.
- 8) Seating arrangement in polling station for the polling personnel and polling agents shall be made as per the norms of social distancing.
- 9) If polling agent or counting agent is displaying any COVID-19 symptom, then reliever shall be allowed by Presiding / Returning Officer, who will keep a record accordingly.
- 10) Voters shall not be allowed into polling station without mask.
- 11) During the process of identification of voter, the voters are required to lower the facemask for identification, when required.
- 12) At any given time, only one voter shall be allowed to stand in front of each polling official maintaining social distance.

9. KIT FOR POLLING OFFICER

The following items shall be provided to every polling official and security personnel (Other than those where PPEs are needed) in addition to other prescribed items:

- i. Mask
- ii. Sanitizer
- iii. Face-Shield
- iv. Hand Gloves

10. POSTAL BALLOT

- 1) Option of Postal Ballot facility has been extended to the electors of following categories:
 - a. Electors, who are marked as Persons with Disabilities (PwD)
 - b. Electors the age of 80 years and above
 - c. Electors found COVID positive
- 2) Guidelines for each of these categories are already issued separately in Cir. No. 243/TSEC-ULBs/2021-1, dated 9.4.20212.

11. **CAMPAIGN BY THE POLITICAL PARTIES/CONTESTING CANDIDATES**

- 1) Door to Door Campaign is subject to any other restriction(s) including extant COVID-19 guidelines, a group of five (5) persons, including candidates, excluding security personnel, if any, is allowed to do door to door campaigning.
- 2) Road Shows – The convoy of vehicles should be broken after every two (2) vehicles (excluding the security vehicles, if any). The interval between two sets of convey of vehicles should be at a gap of 10 meters. There shall be atleast half an hour gap between Road shows of two different political parties / candidates in the same route.
- 3) Election Meetings - Public gatherings/ rallies may be conducted subject to adherence to extant COVID-19 guidelines. Commissioner & Director Municipal Administration & Election Authority & Collectors and District Election Authorities should take following steps for this purpose:
 - a) The Collector and District Election Authority should, in advance, identify dedicated grounds for public gathering with clearly marked Entry/Exit points.
 - b) In all such identified grounds, the District Election Authority should, in advance, put markers to ensure social distancing norms by the attendees.
 - c) Nodal District Health Officer should be involved in the process to ensure that all COVID-19 related guidelines are adhered to by all concerned in the district.
 - d) District Election Authority and Commissioner of Police / District Superintendent of Police should ensure that the number of attendees does not exceed the limit prescribed by State Disaster Management Authority for public gatherings.

- e) District Election Authority should depute Sector Health Regulators to oversee that COVID-19 instructions/guidelines are being followed during these meetings.
- f) The political parties and candidates concerned shall ensure that all COVID-19 related requirements and precautions like face masks, sanitizers, social distancing etc. are fulfilled during each of these activities.
- g) Non-compliance of Instructions – Anybody violating instructions on COVID-19 measures will be liable to proceed against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable, as specified in Order No. 40-3/2020-DM-I(A) dated 29th July, 2020 of Ministry of Home Affairs. Commissioner & Election Authority should bring this to the notice of all concerned.

12. **Candidates and Political Parties shall ensure absolute, repeat absolute, adherence** to Covid guidelines in letter and spirit. Violations, **if any, shall be sternly dealt with and action, including criminal action**, taken as per extant legal framework.
13. **It shall be the responsibility of the organisers of public meetings, rallies, etc. to provide masks and sanitisers to every person attending these meetings, rallies, etc at their cost** which shall be added and counted within limits of prescribed expenditure. Organisers shall also ensure proper usage of masks, sanitisers and also be responsible for maintaining minimum social distance by everyone.
14. **Star campaigners/political leaders/candidates/aspiring policy makers** shall demonstrate by their personal example and nudge all supporters in the beginning of the rally, meeting and any other event during campaign to wear mask, use sanitisers and maintain social distance and put in place such crowd control measures as are necessary for observance of extant guidelines.

15. **District Election Authorities, Additional District Election Authorities, Assistant Election Authorities and Returning Officers shall take strict measures to enforce Covid guidelines during campaign. They shall cancel public meetings, rallies, etc.** if any violations are observed, in addition to invoking penal Sections.
16. **General and Expenditure Observers, SST Teams, Police etc.,** shall strictly monitor and ensure strict enforcement of these guidelines during elections.
17. **STRONG-ROOM ARRANGEMENT**
 - 1) Strong Room should be sanitized in advance
 - 2) Social Distancing and other safety norms shall be followed for each activity.
18. **COUNTING OF VOTES**
 - 1) Not more than (5) counting tables should be allowed in a counting hall (Excluding ROs tables).
 - 2) Sanitizer shall be made available on each counting table.
 - 3) Ballot Boxes should be sanitized before placing them over the counting tables.
 - 4) The counting centres shall be disinfected before, during and after the counting.
 - 5) If required, Postal Ballots may be counted in a separate hall under the supervision of the Assistant Returning officer.
 - 6) All the persons i.e., ROs, AROs, counting supervisors, counting Assistants, counting agents etc., shall wear masks / sanitize their hands before entering counting hall and no regular intervals.
 - 7) PPE kits and hand gloves may be made available to those staff who carry Ballot boxes and for those individuals who are involved in mixing of Ballot papers.

These instructions shall be brought to the notice of all the concerned for their information and strict compliance. Any violation of these will be viewed very seriously.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

**Sd/- M.Ashok Kumar
SECRETARY**

To

The Commissioner and Election Authority, GHMC.

The Collectors and District Election Authorities of Warangal (U), Khammam, Nagarkurnool, Siddipet, Nalgoda, Mahabubnagar, Ranga Reddy, Jogulamba Gadwal, Nizambad, Warangal ®, Jagitial and Mancherla Districts.

The superintendent of Police/ Commissioner of Police concerned.

The Commissioners of Greater Warangal Municipal Corporation, Khammam Municipal Corporation, Atchampet Municipality, Siddipet Municipality, Nakrekal; Municipality, Jadcherla Municipality, Kothur Municipality, Jadwel Municipality, Nalgonda Municipality, Jalpally Municipality, Alampur Municipality, Bodhan Municipality, Parkal Municipality, Metpally Municipality, Bellampally Municipality.

All the Returning Offices of Municipal Corporations and Municipalities concerned through Commissioners of concerned Municipal Corporation and Municipalities.

The Observers

All the Political parties registered with the SEC.

Copy to

The Commissioner & Director Municipal Administration & Election Authority, Hyderabad

The Principal Secretary to Government, MA & UD, Department, Telangana, Hyderabad.

The Print & Electronic Media for wide publicity.

// Attested //

N. Jayachandrababu
OSD