

# **ELECTIONS TO MPTCs/ZPTCs, 2019**



## **Guidelines for Observer**

**Issued by**  
**TELANGANA STATE ELECTION COMMISSION**  
**1<sup>ST</sup> Floor, DTCP Building, Opp: PTI Building,**  
**A.C. Guards, Hyderabad – 500 004.**

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# **Chapter – I**

## **PRELIMINARY**

### **1 STATUTORY BASIS OF APPOINTMENT:**

Observers of the State Election Commission are appointed under the powers conferred on it by **Section 241** of the Telangana Panchayat Raj Act, 2018 and the plenary powers vested with the Commission under the Constitution of India. They are the appointees of the Commission working under the superintendence, control and discipline of the Commission from the date of their appointment until they are relieved after the process of elections is completed.

#### **Section 241 of the Telangana Panchayat Raj Act, 2018 reads as follows-**

- (1) "The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections for such specified area or areas in the district and to perform such other functions as may be entrusted to him/her by the Commission in relation thereto.
- (2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for any of the wards or constituencies for which he/she 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 counting centers or any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or accidentally or intentionally destroyed or lost or damaged or tampered with, to such an extent that the result of the poll at that polling station 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 Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 231 or Section 239 in the matter of declaration of results.
- (4) It shall be competent for the State Election Commission also to appoint an Election Expenditure Observer for a group of wards or constituencies or for a Mandal or group of Mandals so as to ensure that the provisions of Section 237 and 238 are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time, to such Observers".

### **2. GENERAL & EXPENDITURE OBSERVERS:**

The nomenclature used to identify the Observers as "**General Observers**" and "**Expenditure Observers**" is only for easy identification of major functions of the two groups of Observers being appointed. There is no distinction between them so far as the law is concerned and both are

**“Observers”**. Both types of the Observers perform duties as assigned by the Commission for the conduct of Mandal Praja Parishad and Zilla Praja Parishad Territorial constituencies (MPTC/ZPTC) Elections.

**3. CO-ORDINATION BETWEEN GENERAL AND EXPENDITURE OBSERVERS:**

Both General and Expenditure Observer will reach the District allotted to them on the same day. They will discuss among themselves and settle common issues and establish appropriate co-ordination to cover different events of the elections. **They will cover maximum area of the district in the different phases.** On the date of poll, the Observers together should distribute between them Mandals/divisions in the District and cover them through intensive and extensive visits to ensure that the poll is free and fair.

**4. OVERVIEW OF OBSERVER’S DUTY:**

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

- v. 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 Returning Officers (RO)/Collector and District Election Authority(C&DEA) about their observation on various aspects of election management in order to facilitate mid-course corrections.
- vi. 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 Returning Officers (RO) /Collector and District Election Authority(C&DEA)

## **5. BRIEFING MEETINGS:**

- i. **It is compulsory for all Observers to attend a briefing session organized by State Election Commission without exception – whether the Officer is allocated any district or put on Reserve List.**
- ii. Before the Observers are sent to the districts allocated to them, Commission holds the Briefing Meeting. A letter of Appointment as Observer is handed over to the Observer at the time of **Registration for the Briefing Session**. If any Observer is kept on Reserve List, that fact also will be intimated to him/her on the day of briefing. The Observers are expected to immediately notify any change in office and residential addresses and phone /fax/ telex numbers to the Secretary of the Commission.

## **6. KIT OF THE OBSERVERS (PORTFOLIO BAGS):**

The Observers are supplied with portfolio bags which contain instruction booklets issued by the Commission, Model Code of Conduct and other instructions, Notifications and orders issued by the Commission. This bag is common to all observers. This will be supplied at the time of briefing meeting.

## **7. TOURS AND ABSENCE FROM HEADQUARTERS:**

- i. All Observers should seek prior permission from the Commission every time they leave the headquarters on personal work or on official work not connected with performance of their duties as Observers.
- ii. Any request in this regard for special permission shall be made to the Commission.
- iii. No Observer is allowed to go on a foreign trip during the period intervening between the date of appointment and the completion of election process.
- iv. In cases of receipt of late intimation about selection to attend a foreign training, which had been duly sponsored by the concerned Department as per prescribed procedure, General Administration Department may recommend for relief of such officer by substituting an officer of equivalent or higher rank.
- v. All such requests shall be addressed by the GAD to the Commission.

## **8. REQUESTS FOR LEAVE:**

No officer appointed as Observer or kept in Reserve List shall proceed on any kind of leave without prior approval of the Commission till the completion of the election process under his/her charge. All correspondence in this regard shall be addressed to "The Secretary, Telangana State Election Commission", by name.

## Chapter – II

### **ROLE OF OBSERVERS**

#### **1. ROLE OF OBSERVERS:**

- i. **Section 241 (2)** of the Telangana Panchayat Raj Act, 2018, has vested the Observers with some statutory powers.
- ii. The Observer shall have the power to direct the Returning Officer for the constituency or for constituencies for which he/she 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 counting centers or any ballot papers used at a polling station 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 result of the poll at that polling station cannot be ascertained.
- iii. 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 Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under **section 231 or section 239** in the matter of declaration of results.
- iv. Besides the above, they are also entrusted with certain direct executive roles such as:-
  - (a) monitoring the processes of nomination, scrutiny and withdrawal and report back to the Commission promptly in case of any irregularity;
  - (b) 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, training of micro Observers and such other things;
  - (c) overseeing the process of dispatch of postal ballot papers to the service voters and employees drafted for poll duties;
  - (d) monitoring the process of randomization of the polling personnel, obtaining report from the District Election Authority regarding randomization;
- v. 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.

## **2. ELECTORAL ROLL RELATED:**

- i. Ensure that, a separate list of ASD (Absentee, Shifted and dead/duplicate) voters is prepared Polling Station-wise that can be used on the day of Poll.
- ii. 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.

## **3. CAMPAIGN PERIOD:**

- i. During this period, the observers shall monitor the implementation of **Model Code of Conduct (MCoC)** and take measures to prevent occurrence of electoral offenses. In this regard, the Observers should bring any lapse to the notice of C&DEA and report to the State Election Commission, if required, but abstain from any executive action on their part.
- ii. Monitor the teams that are constituted for enforcement of MCoC.
- iii. Monitor dummy candidates and surrogate advertisements (paid news).
- iv. Review video recordings of activities of those candidates for whom video trailing has been resorted to.



#### **4. WATCH ON ELECTION EXPENDITURE:**

- i. Obtain the rate list of expenditure items from the C&DEA.
- ii. Ensure that Returning Officer maintain shadow expenditure registers for all the Contesting Candidates.
- iii. Make sure that Returning Officer record the details of big expenditure items collected by themselves or those obtained from other sources such as mobile and stationary squads, in the shadow registers.
- iv. Fix dates for reviewing the Expenditure Account registers maintained by the candidates for monitoring the truthfulness and also formats of election expenditure by comparing the entries with those in shadow expenditure registers etc.,
- v. Review supporting documents for the expenditure entries in the Accounts.
- vi. Monitor that the Abstract of Election Expenditure is also maintained along with the detailed accounts as prescribed by the State Election Commission.

#### **5. PRE-POLL ELECTION MANAGEMENT:**

- i. Monitor printing and dispatch of postal ballot papers to all eligible persons including service voters and voters under preventive detention immediately after the preparation of list of contesting candidates.
- ii. Monitor adherence to the instructions of the Commission regarding issue of postal ballot papers to the staff on election duty and the subsequent voting through them.
- iii. Monitor randomization of the polling staff; the first randomization of the election staff is done before the Observers arrival and the second randomization should be done in the presence of the Observer

- iv. When EVMs are used, the First Level randomization of EVMs will be done before the arrival of the Observer and the observer has to monitor the second level of randomization which is done after his/her arrival.
- v. Training is an activity on which special emphasis should be given. Observers should monitor that proper training is arranged for the polling staff, especially with regards to recent instructions of TSEC and on operation of ballot boxes/EVMs.
- vi. Visit polling stations and monitor that all polling stations are visited by election officials for verification from fitness angle.
- vii. Discuss the District Security Plan with the C&DEA and the SP and review the law and order situation in general. Review the availability of Police. Review the preventive measures taken by the law and order implementation machinery.
- viii. Review the list of critical polling stations and arrangements therein to ensure free, fair and peaceful polls;
- ix. Review the Communication Plan and confirm dry runs.
- x. Training and placement of Micro Observers.
- xi. Ensure that proper arrangements for dispatch of polling parties have been made. The dispatch should normally be on the day before the poll and any exception should have prior approval of the Commission.
- xii. Review counting arrangements

## **6. POLL DAY MANAGEMENT:**

- i. Monitor placement of zonal officers and Micro Observers.
- ii. Monitor conduct of Mock polls and receipt of mock poll certificate in prescribed format signed by the Presiding Officer, When EVMs are used.
- iii. Review the polling stations with no or only one polling agent.
- iv. Review the pace of poll and percentage of polling at regular intervals.

- v. Keep track of occurrence of any special events during the poll day.
- vi. Keep track of any delays or temporary suspension of poll.
- vii. Report anything exceptional to the State Election Commission.
- viii. Ensure that proper arrangements for receipt of polling staff and polling material are made. Every receiving team should be well equipped with a checklist of items to be received.
- ix. Ensure that the non statutory documents are not kept with the Ballot Boxes/EVMs in the strong room.
- x. Ensure that a "**special counter**" is setup for receipt of polling parties from those polling stations where any special event has been reported and on receipt, proper documentation, along with the statement / report of the presiding officer, if required, is done.

**7. POST POLL:**

- i. Scrutiny of documents relating to poll is an important analytical tool to analyze proper conduct of elections and taking re- poll decision.
- ii. Report to the Commission about the conduct of poll and requirement of re-poll, if any

**8. COUNTING:**

- i. Review the arrangements made by the Returning Officer / Asst. District Election Authority for undertaking counting process.
- ii. Ascertain that the counting of postal ballots is taken up **first**.
- iii. Ensure that the instructions of the Commission on counting of votes are strictly followed by counting staff;
- iv. Get reports on counting process from Micro Observers where ever they are appointed.
- v. Ensure that, the results are tabulated by the counting staff and the additional counting supervisor are checked and found them tallied.

- vi. Ensure that during the counting, round wise results are announced as and when they are finalized.
- vii. Stop counting and report the Commission if any irregularities noticed during counting.
- viii. Ensure proper completion of counting process and allow Returning Officer to declare results if satisfied with the counting process.

## Chapter – III

### REPORTS BY OBSERVERS

#### 1. REPORTS BY OBSERVERS:

- i. The Commission expects the following **five mandatory reports** from the Observers at the time specified below **for each phase of election separately**, apart from the arrival and departure reports. However, in case of any serious deviations, the observer should bring it to the notice of TSEC through interim report(s).

Sl.No.	Report No.	To be submitted on	Annexure No.
1	REPORT-1	the last day of the nominations	Annexure-III
2	REPORT-2	three days before the poll day	Annexure-IV
3	REPORT-3	at the end of poll	Annexure-V
4	REPORT-4	After counting & declaration of results	Annexure-VI
5	REPORT-5	After declaration of indirect election	Annexure-VII

- ii. The indirect elections are held to the office of President and Vice-president of Mandal Praja Parishad and Chairperson and Vice-Chairperson of Zilla Praja Parishad.
- iii. The Observers should send these reports by e-mail to the concerned officers in the Commission, and by fax where internet facility is not available followed by physical copy through post. The email address of the Commission is

**Mail ID: [sec.telangana@gmail.com](mailto:sec.telangana@gmail.com)  
[Sec.ts@nic.in](mailto:Sec.ts@nic.in)**

All reports of the Observers shall be sent to

The Secretary,  
Telangana State Election Commission  
1<sup>st</sup> Floor, DTCP Building, Opp: PTI Building,  
A.C. Guards, Hyderabad–500 004.

- iv. Observers shall not, under any circumstances, share the contents of their reports or any information therein with anyone, repeat anyone, except the Telangana 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.
- v. 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 communications should preferably be held with the Secretary/Joint Secretary, SEC, and must be followed by a written message in confirmation.

## **2. INTERFACE WITH COMMISSION:**

- i. The Observers may get in touch with any of the Senior Officers of the Commission in case of any necessity.
- ii. For any serious matter warranting intervention at the highest level, Observers may contact the State Election Commissioner.
- iii. A sheet containing the Office and Residential Telephone Numbers and Cell Phone Numbers, FAX Numbers of the Officers of the Commission will be supplied to the observers during briefing session.

## **3. ARRIVAL OF OBSERVERS IN THE DISTRICTS:**

The observer is mandated to report in the District **on the first day of filling of nominations** for each phase of elections.

## **4. ARRIVAL REPORT:**

- i. On arrival in the district, the observers are requested to furnish details of time of their arrival in the district, base camp, telephone/ fax numbers to the State Election Commission through **Arrival Report. (Annexure-I)**

- ii. The DEA shall appoint an officer of the district as the liaison officer for the observer and the liaison officer shall receive the observer at the point of his/her arrival in the District and escort him/her to the place of stay. The DEA has to make arrangements for accommodation, vehicle and communication modes like internet, fax, etc. The Collector & District Election Authority shall compile information/particulars as enumerated in the **check list (Annexure-II)** and furnish the same to the Observer on his/her arrival along with the District Election Plan and a map.

## **5. FACILITIES TO OBSERVERS:**

- i. The Telangana State Election Commission issued the following instructions to the District Election Authorities with regard to arrangement for boarding and lodging, transport and security of the Observers.
  - a. The Observer should be provided with vehicle and also fuel for his/her movement in the district.
  - b. The Observers should be provided with a minimum security of a PSO/Gun man.
  - c. In addition to the PSO/Gunman, the Observer should be provided with a local Liaison officer who is aware of the details of the district.
  - d. Food arrangements should be made by the district administration to the Observer, PSO/Gunman, driver and the local official in a manner that would allow the Observer full freedom of movement as he desires.
  - e. The Observers should be provided with telephone/mobile /laptop etc, while discharging their duties as Observers.
  - f. The Observers should be provided with necessary office support in terms of Fax, internet etc.
  - g. One videographer is to be provided by the District Election Authority/ Election Authority to the. Observer to video graph the events on the violation of Model Code of Conduct and electoral malpractices during the conduct of elections.

- ii. The Observers are expected to draw their visit schedule sufficiently in advance and intimate to the District Election Authority concerned so as to enable him/her to make necessary arrangements for their reception, security, transport, stay and publicity of their visit. A copy of the tour schedule in the district sent to the Commission.

**6. PUBLICITY ON TOUR PROGRAMME:**

Before commencing their visits, the Observers are expected to ensure that their tour programme has been duly publicized and that their place of stay, phone number etc., have been notified by the Collector and District Election Authority concerned.



## Chapter- IV

### INTERFACE OF RETURNING OFFICERS/ASST. RETURNING OFFICERS AND DEA WITH THE OBSERVERS

#### 1. INTERFACE OF RETURNING OFFICERS/ASST. RETURNING OFFICERS AND DEA WITH THE OBSERVERS:

- i. The C&DEA should organize a structured meeting with the observer as early as possible. The Chief Executive officer, Dist. Panchayat Officer, RDOs, SP/ CP/ DCP and DSPs and other senior officers involved in election process, the nodal officers for media cell, senior officers monitoring implementation of model code of conduct and designated officers for expenditure monitoring should be present in the meeting to apprise the Observers about the specific issues needing his/her special attention.
- ii. The Observer should monitor that:
  - a. The posting of requisite officers as Returning Officer and Asst. Returning Officer has been completed.
  - b. The list of polling stations has been finalized.
  - c. Availability of sufficient number of ballot boxes/EVms in working condition.
  - d. Reconcile the list of polling personnel to be deployed and arrangements for their randomization as per the instructions of TSEC.
  - e. The identification and status of all the venues which will be used for Dispatching, receiving and counting has been done and reviewed.
  - f. The machinery to monitor and implement model code of conduct and for election expenditure monitoring is in place.
  - g. The arrangements for receiving information from public and Political Parties. Control room arrangements and coordination between the Election Authorities and Police personnel at District, Division & Mandal levels.
- iii. After reviewing the check list (**Annexure-II**), the Observer shall take up the matter with the Telangana State Election Commission, if any deficiency is found in the election preparedness.

## Chapter – V

### **NOMINATIONS, SCRUTINY AND ALLOTMENT OF SYMBOLS**

#### **1. NOMINATIONS:**

The Observer **arrives on the first day of nomination period** and observes the process of nomination. He/she should observe the nomination process to see that it is in compliance with the State Election Commission Instructions he/she should report major violations, if any, with specific reference to Commission's instructions such as the number of persons allowed to be present during Nomination process etc.,

#### **2. SCRUTINY:**

i. **Scrutiny is a quasi judicial process and should be conducted by the Returning Officer without any outside influence:**

The Observer should observe the scrutiny process and report glaring error if any noticed to the Commission. However, before the scrutiny, it is important that the Observers verify whether latest instructions and orders of the Commission are available with Returning Officers. They should observe whether the Returning Officers are discharging their statutory functions in scrutinizing the nominations efficiently.

ii. The following items are important:

- a) An authentic copy of the Territorial constituency wise electoral roll of Mandal Praja Parishad/Zilla Praja Parishad for which he/she is appointed as Returning Officer.
- b) Hand Book for Returning Officers issued by Telangana State Election Commission;
- c) Latest list of candidates disqualified to contest elections.

iii. It is important for the observers to go through these instructions carefully in advance before they interact with the Returning Officers. They will confirm that the Returning Officers have not only received the latest instructions but have understood the implications clearly. But, Observers, in no case should indulge in directing or advising the Returning Officers/ Election Officers.

### **3 DECLARATION OF RESULTS OF UNCONTESTED ELECTIONS: (Unanimous)**

If there only one validly nominated candidate after the last hour for withdrawal of candidature in any Territorial Constituency, the Returning Officer shall forthwith declare such candidate as duly elected.

It is being reported by the election authorities and in the media that in some places the posts are auctioned in public.

The auctioning of posts subverts the democratic election process by denying freedom of choice to voters besides excluding many potential candidates from the contest on financial grounds. This practice if allowed could lead to imposition of tyranny of a few over majority of the people.

And whereas, the State Election Commission is vested with the responsibility of conducting the elections in a free and fair manner.

Hence, the State Election Commission hereby issued the following directions to foil the evil designs of vested interests the electing process by indulging in auctioning of posts:

- i. A Special Cell shall be opened in the district by the District Collector and District Election Authority to scan the complaints received and reports published in the press and Electronic Media about alleged incidents of auctioning of posts and to cause an enquiry forthwith.
- ii. The Collectors and District Election Authorities and Superintends of Police/ Commissioners of Police/ Deputy Commissioners of Police shall take prompt action to launch prosecution against the persons involved in auctioning of posts under relevant provisions of the law.
- iii. The Collectors & DEAs shall send a report to the General Observers and the State Election Commission wherever there is prima facie case of auctioning of posts.
- iv. The Returning Officers concerned shall declare the result in case of unanimous election to any such office in the MPP/ ZPP concerned only after obtaining clearance from the General Observer.
- v. In all such cases, the General Observers shall satisfy themselves on the voluntary nature of unanimous election before issuing clearance to declare

results. In all cases where auctioning or use of undue influence is evidenced, the same should be reported to the State Election Commission for further instructions.

**4. ALLOTMENT OF SYMBOLS:**

Allotment of symbols is a technical process and requires due care. It should be ensured that, the Returning Officer is fully aware of the provisions of symbols allotment order. As Election to MPTCs and ZPTCs are held **on party basis**, the Returning Officer should be aware of the latest list of recognized and registered political parties and Election Symbols allotted to them by State Election Commission. After allotment of symbols, the list of contesting candidates should be prepared. Special care should be taken regarding order in which the name of the candidate appears in the list of contesting candidates and Commission's instructions in this regard should be strictly adhered to.

**5. INSPECTION OF POLLING STATIONS AND FIELD VISIT:**

The Observers, in between, will inspect as many polling stations as is possible. The selection of Polling Stations should be done on a random basis and the areas covered should serve as a reasonable sample. During these field visits the Observers should talk to the electors, and assess the level of confidence of the electorate in the electoral process and machinery. They should particularly talk to the electors belonging to the vulnerable sections and woman electors for making such an assessment. They may suggest to the Returning Officer any corrective action as may be required to increase the level of confidence of the electors as per their own assessment.

## **Chapter – VI**

### **MODEL CODE OF CONDUCT**

#### **1. MEETING ON MODEL CODE OF CONDUCT AND OTHER INSTRUCTIONS ON CONDUCT OF ELECTIONS WITH CONTESTING CANDIDATES:**

- i. Observers are requested to attend some of the meetings convened by the DEA/DDEA/ADEA in implementation of Model Code of Conduct with the candidates. The broad features of the Model Code of Conduct and the general instructions of the Commission in this regard should be briefly touched upon during this discussion. A general consensus should be evolved for making the elections in the area free and fair. The participants should be impressed upon to co-operate with the election machinery and the district administration to ensure a free and fair election with largest participation of the electorate. During this meeting, confidence shall be created among the contesting candidates that, prompt action will be taken on complaints/suggestions given by them. The fixed time and place at which the Observers will be available in the base station and its location should be clearly indicated during this meeting.
- ii. Observers should thoroughly familiarize themselves with the Model Code of Conduct and instructions issued by the Commission, so that they can participate in a meaningful and effective manner in the above-mentioned discussion and brief them about:
  - a. Important aspects of the model code of conduct,
  - b. Expenditure reporting formats, rate list etc. and frequency of reporting required, time and place of reporting of expenditure,
  - c. Issuance of permission for vehicles, processions and Public meetings,
  - d. Date and time of EVMs preparation and candidate's role in it. Candidates should also be briefed about the working of EVMs and VVPAT system (when EVMs are used)
  - e. Important aspects of conduct of elections (like appointment of polling agents, counting agents, election agents- their rights & duties).
  - f. Latest instruction of the Commission or important changes from past practices should be brought to the knowledge & notice of candidates and official machinery

## **Chapter – VII**

### **REVIEW OF LAW AND ORDER AND SECURITY SITUATION**

1. The Observers should have a separate meeting with the Collector, sub-Collector/RDOs,SPs/CP/DCP, DSPs and Chief Executive Officer of Zilla Praja Parishad, District Panchayat Officers to take stock of the law and order and security situation. It is important that the local police force available is deployed so as to optimize its impact in conducting free and fair polls and in providing a high level of confidence to the electors. An in depth review of the assessment of critical, sensitive/ hyper sensitive polling stations should be conducted. State Election Commission will issue orders separately for appointing Gazetted officers as Zonal Officers, delegating Magisterial Powers to go round the Zone to ensure implementation of Model Code of Conduct from the date of publication of the list of contesting candidates and to furnish daily report to the Collector & District Election Authority. In turn the Collector should furnish a copy of the consolidated report to Telangana State Election Commission under copy to the Observer, to have an overall view of election situation in the district. Steps taken by the district administration on the proper maintenance of law and order may be furnished to the State Election Commission from time to time through the observers reports. A statement showing various legal provisions under which electoral malpractices and election offences can be dealt with is briefed that chapter-XIII.
  
2. The Observers should also make a quick assessment of any interpersonal issues which might impede in the smooth conduct of elections. If there is any major problem on this account it should be brought to the notice of the Secretary, Telangana State Election Commission.

## Chapter – VIII

### **REVIEW OF PREPAREDNESS FOR CONDUCTING POLLS**

#### **1. PREPARATION FOR CONDUCTING POLLS:**

- a. A separate and detailed interaction with the key functionaries in the election machinery should be held to assess preparedness to conduct poll.
- b. The following items need to be checked by the Observer thoroughly during the first visit and has to send to the Commission the **Poll Preparedness report (Observers report-1 Annexure III) on the last day of Nominations.**

#### **2. ELECTORAL ROLLS:**

- a. Correctness of electoral roll contributes greatly for the success of election. The correctness of the electoral rolls needs to be verified at random.
- b. It is necessary to update the electoral rolls in the period intervening between the date of publication of electoral roll and the date of issue of election notification. Inclusions and deletions are carried out at appropriate place i.e., in respective ward of the Gram Panchayat concerned as per law.
- c. For electoral of Mandal Praja Parishad, the electoral roll of the Gram Panchayat prepared and published under Section 11 of Telangana Panchayat Raj Act, 2018 and Rule 2 of TPR (Preparation and publication of electoral rolls) Rules, 2018 by District Panchayat Officer, shall be arranged MPTC wise by the MPDO concerned and it shall be divided into convenient parts as per polling station wise.
- d. For electoral of Zilla Praja Parishad, the electoral roll of the Gram Panchayat prepared and published under Section 11 of Telangana Panchayat Raj Act, 2018 and Rule 2 of TPR (Preparation and

publication of electoral rolls) Rules, 2018 by District Panchayat Officer, shall be arranged for each Mandal Praja Parishad which is a Territorial Constituency of a Zilla Praja Parishad by the Chief Executive Officer concerned and it shall be divided into convenient parts which shall be numbered conveniently.

- e. Observers are requested to verify a few of the rolls published by the MPDO/ ADEA.
- f. Ensure that, photo voter slips generated in Te-poll software are distributed by the election machinery.

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

- a. The main focus of the Observers will be on the **campaign and the compliance of the model code of conduct.**
- b. In the matter of use of loudspeakers, public meetings etc. the existing instructions of the Commission should be strictly and impartially implemented and this will be overseen by the Observers.
- c. Use of only the permitted vehicles for campaigning.
- d. Prevention and control of Bribing by the candidates and their coverts.
- e. Prevention on flow of liquor, money and gifts to ensure voting in favour of a particular candidate.
- f. Against use of muscle power to mobilize or restrain people from voting.
- g. Divisive tactics through inflammatory and condemnable speeches/acts
- h. Dealing with defacement of property as per law and latest instructions of the commission.
- i. Check whether the enforcement squads are formed with their territorial jurisdiction to have accountability, for ensuring effective enforcement.
- j. Critical review of the Zonal Officers reports on Model Code of Conduct, Law and Order Election arrangements, consolidated reports furnished



daily by the District Election Authority and issue instructions on the spot for effective implementation of the Model Code of Conduct and Election Arrangements and has to send to the commission **the Observers Report-2 (Annexure-IV) three days before the poll day for each phase.**

**4. APPROACH OF THE OBSERVER IN IMPLEMENTATION OF MODEL CODE OF CONDUCT:**

The approach of observer should be to get the complaints inquired by DEA/ DDEA/ADEA through the competent inquiry officer, tracking the tone and tenor of the inquiry and the concurrent corrective measures taken. The observer may advise the District Election Authority / DDEA/ADEA about the violations and appropriate action to be taken as and when warranted. However in case of lapses on part of the authorities even after advice by the observers, the observers should immediately communicate such lapses to the DEA and Telangana State Election Commission. Observer should use videography as an effective tool to implement Model Code of Conduct

**5. ENSURING PEACEFUL AND VIOLENCE FREE POLLS:**

The Commission is particularly concerned that the campaign period remains free from violence. The spirit of a healthy contest and a level-playing field which are crucial for a free and fair poll should be respected and honored by all concerned. Candidates should, therefore, cooperate with the district administration to keep the contest free from violence. The district administrations have an important role in ensuring this. The Observers will particularly maintain close coordination with and monitor the functioning of the election administration and keep a close watch on the activities of the candidates from this angle and oversee that no undue advantage is taken by any section in whatsoever manner during the campaign. They should also be watchful to ensure that the level of confidence of the electors is not eroded or compromised in any manner during the campaign period.

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

- i. Of late, abuse of money power has become the prime cause of concern. 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 covert and overt ways of abusing money power to influence voters. The observers should know the ceiling of election expenditure and closely monitor its adherence by all the contesting candidates. He/ she should verify if the DEA has put in place a fool proof system of expenditure monitoring through the setting up of flying squads, stationery squads on the one hand and scrupulous maintenance of shadow Registers by the Returning Officers. The evidence and material gathered should result in suitable entries in the shadow registers and also filing of complaints before police/ court authorities.
- ii. The following ways of spending money is only indicative but not exhaustive. There can be many other ways of spending money which should engage the attention of the Observers.
  - Booth-wise agents are appointed to bribe voters;
  - Large donations to organizations to influence its members;
  - Largesse to workers to dole out the same to electors;
  - Rented crowds for meetings;
  - Rallies and campaigns with hired crowd;
  - Presence of candidates at social occasions like mass weddings, feasts, poojas, jagrans, innaugurals, etc. where gifts are given on behalf of candidates;
  - Acceptance of felicitations by the contesting candidates at any educational or charitable organizations;
  - Distribution of free liquor/liquor passes to the electors;
  - Hosting of feasts, distribution of items such as chicken, mutton etc.,
  - Use of dummy candidates at election to utilize his/her quota of electioneering vehicles, etc.

- Surrogate advertisements (paid news) in print and electronic media whereby candidature is canvassed by unconnected persons/organizations so as to avoid the expenditure being accounted for in the expenditure of the contesting candidates;
  - Providing voters with sarees, dress materials, caps, vests, umbrellas, bi-cycles, etc.
- iii. It shall be the duty of the observers to be attentive and to ensure that all the instructions of the Commission are complied with meticulously and there are no aberrations in their application. It is, therefore, imperative that the observers should familiarize themselves with the extant instructions issued by the Commission, a compendium of which is enclosed with this handbook.
- iv. The gist and highlights of various instructions on the issue of election expenditure is given here under for the benefit of the Observers:
- Section 237 of the Telangana Gram Panchayat Act, 2018 stipulates that every candidate at an election shall, either by himself or by his/her election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he/she has been nominated and the date of the declaration of the result thereof, both the dates inclusive.
  - Section 238 of the said Act further stipulates that every contesting candidate at an election shall, **within forty five days from the date of declaration of the result of the election**, lodge with the Mandal Parishad Development Officer, an account of his/her election expenses, which shall be a true copy of the account kept by him/her, or by his/her election agent, under Section 237.
  - The Mandal Parishad Development Officer immediately on expiry of forty five days from the date of declaration of the result of the election shall submit the copies of election expenditure statements in respect of,

- (a) the members of Mandal Praja Parishad **directly** to the State Election Commission.
- (b) the members of Zilla Praja Parishad to the Chief Executive Officer, Zilla Praja Parishad concerned for onward submission to the State Election Commission.
- Even if a contesting candidate does not seriously contest the election for any reason whatsoever and incurs only a nominal expenditure on his/her security deposit, etc., he/she is required by law to lodge his/her 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 State Election Commission u/s 23 of the TPR Act, 2018, **for a period of three years.**
  - The State Election Commission has prescribed register formats in **Proforma-I to IV**, which are required to be maintained by the contesting candidates along with supporting vouchers, bills, etc. arranged in a proper chronological order (Refer: Notification No.178/TSEC-L/2018, dated 18.05.2018 and Circular No. 178/TSEC-L/2018, dated 21.5.2018).
  - 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, at the time of filing of nomination papers.
  - The supporting vouchers of the day to day expenses should necessarily bear the signature in full of the contesting candidate or his/her election agent.
  - The register along with the Abstract of expenses has to be made available by the contesting candidates for inspection by the Returning Officer/Designated Officer thrice before the date of poll.
  - If a candidate is contesting election for the member of Mandal Praja Parishad and the member of Zilla Praja Parishad, he/she is required to maintain and lodge a separate account of his/her election expenditure in respect of each such office.

- The accounts of the candidate will be scrutinized by the Returning Officer/Designated Officers.
  - Where a candidate does not produce his/her daily account of election expenses before the designated officers, despite notice, the DEA 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 the daily accounts of election expenditure, should also account for all expenditure including those incurred prior to the date of nomination for preparation of campaign material, etc. which are actually used during the post nomination period in connection with the election.
  - All vehicles (including two-wheelers, motor-bikes, scooters and mopeds, etc.) being used by the candidates contesting to the office of MPTCs/ZPTCs for the election campaign are required to be reported to the Revenue Divisional officer.
- v. The Observers are advised to familiarize themselves completely with the aforesaid instructions of the Commission and prevail upon the Returning Officer /Designated Officer to abide by the same. Wherever aberrations are noticed, the Returning Officers/ Designated Officers should issue notices to the erring candidates and make a note of the same in the register whenever they are produced for inspection.

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

- i. There shall be a Media Certification and Monitoring Committee in each district consisting of following Members-
- (a) Chief Executive Officer ZPP/ DPO concerned,
  - (b) Sub-Divisional Magistrate concerned
  - (c) District public relation officer – member Secretary

- (d) Central Govt. I&B Ministry official (if any in the district) and
- (e) Two Independent citizen/ journalists as may be recommended by the PCI.

It will monitor all political advertisements in relation to candidate, either overt or covert, Besides carrying out the already assigned work of certification of advertisements, this committee will also monitor both print and electronic media including cable networks, and record either in CD or DVD, keep a photocopy of all advertisement /paid news/ election related news of the contesting candidates/ political parties.

- ii. The DEA will ensure that this Committee is provided with all the national and local newspapers, having wide circulation in the constituency, three to four TV sets with connections of all the local and national News channels and one recording device and separate rooms so that they can watch and record all the advertisements/ discussions related to the election. The Committee will also look into MCC violations in the Media sphere and send a report to the District Election Authority with copy to the General Observer. The MCMC shall see all the newspapers, print media. Electronic media, cable network, mobile network and other modes of mass communication like bulk SMSs etc., and keep record of the advertisements, advertorials, messages, discussions and interviews relating to the candidates and parties. This committee will submit a Daily Report with respect to each candidate to the accounting team with copy to Returning Officer and Expenditure Observer with respect to expenditure incurred by the candidate on election advertising including the assessed cases of paid News, along with supportive paper cutting/ clippings, recordings of relevant TV and Radio advertisements, which will also be included in the shadow Observation Register. The Returning Officer will issue notice to the candidate with regard to the incidents of Paid News in consultation with the Expenditure Observer for not showing the expenditure on such publication.

**8. EXPENDITURE MONITORING CONTROL ROOM AND CALL CENTRE:**

A 24×7 call Centre will be established in the Control Room at the district level to operate from the date of notification of election. The call centre will be given toll free telephone number with 3 or 4 hunting lines which will be widely publicized for the public to inform corrupt practices related to elections. A senior officer will be put in- charge of the control room and call centers who will be responsible for receiving and recording the complaints and passing them on to the respective officers for action without any delay. The call centre will be provided with sufficient staff to man the telephone lines round the clock.

**9. DISTRICT MEDIA CELL:**

The DEA shall set up a cell for dealing with media headed by Public Relations Officer and the main functions shall be

- i. The cell shall collect various clippings about the elections and also the advertisements from all the newspapers including the vernacular languages and provide this to the Observer through the liaison officer. This should be done on a day to day basis by the media cell. This exercise depending on the location of the observer may be done by liaison officer and an allowance shall be provided for this to the liaison officer,
- ii. Prepare and circulate the note on various steps initiated during the day against violations of MCoC to the media.

Similar cell shall be opened at Mandal level by the Assistant District Election Authority and function accordingly.

## **Chapter - IX**

### **PREPAREDNESS TO CONDUCT OF POLL**

#### **1. PREPAREDNESS TO CONDUCT OF POLL:**

- i. A further review of the preparedness to conduct poll should also be taken up with the District Election Authority and other key functionaries namely Chief Executive Officer/ District Panchayat Officer /Revenue Divisional Officers/Sub-collectors/ Zonal Officers and S.Ps/ DSPs/ CIs of the area.
- ii. The Commission has issued detailed guidelines regarding the size of the motorcades permitted during the campaign period. The Observers may familiarize themselves with these instructions and ensure that the district officers enforce the guidelines of the Commission in letter and spirit in a free and impartial manner.

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

- i. One of the important tasks for the Observers during their visit would be to oversee the planning made by the Returning Officer and the District Election Authority for the proper selection and deployment of polling personnel in accordance with the Commission's guidelines on randomization techniques for selection and deployment of Polling personnel.  

The C&DEA is informed to arrange for imparting 2 training classes for polling personnel for conducting polls with ballot boxes/EVMs as the case may be. The Training classes shall be conducted by ROs/AROs under the supervision of Deputy district election authority.
- ii. 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:
  - (a) All the staff appointed for poll duty is trained well.
  - (b) The trainers are well versed with the election process.



- (c) Training is imparted in small groups to ensure that proper focus is maintained.
- (d) Training covers all aspects of poll management, including operation of ballot boxes/EVMs/VVPAT, forms and declarations to be filled by the staff.
- (e) Special focus should be given to the latest instructions issued by the Commission.

### **3. RANDOMIZATION OF POLLING PERSONNEL:**

- i. To ensure transparency, the Commission has formulated a comprehensive three stage randomization plan for selection and deployment of polling staff (As per the Instructions in Cir No.326/TSEC-PR/2017, dated 18.02.2019).

The polling personnel randomization on system ie."PPRS" module in TE-Poll software on web portal of tsec.gov.in helps in preparation of employees database and their randomization in 3 stages.

- ii. This software prepared and developed by Telangana State Election Commission should be used to undertake randomization of the polling personnel.
  - a. **In the First stage of Randomization :** From complete database of eligible personnel, a list of 120% of required number of polling personnel (Mandal as Unit) should be generated (including reserve) randomly by using above software. Presence of observers is not required at this stage. This is only to identify and select the officials that would be given training for polling duties as Presiding and Asst. Presiding Officers in whichever Mandal they may be (source Mandals).

The first training class can be conducted by the sponsoring Returning Officer/Assistant Returning Officers with the assistance of DRPs. During this first training class to Presiding Officers & Assistant Presiding Officers, Returning officer will obtain requisitions for

applying the postal ballots from the polling personnel to facilitate quick dispatch of postal ballot papers.

- b. The **second** stage of randomization should be done in the presence of General Observers deployed in the District by State Election Commission. At this stage, actual polling parties should be formed on random basis using the randomization software. Each polling party shall be assigned with a code number. At this stage though the actual polling station will not be known, however, details of Mandal allotted and team composition may be known. The second randomization should not take place more than 10 days in advance of the day of poll. At this stage a code number has to be assigned to each poll party. Orders may be served to the personnel by the receiving ROs/AROs (Destination) concerned duly indicating the date and time of Poll, 2<sup>nd</sup> training class venue and timings (in case of POs/APOs), details of the distribution centre etc well in advance.
- iii. The second training class to POs and APOs can be conducted at this stage by receiving Returning Officer & Asst. Returning Officers.
- iv. **Third stage** of randomization exercise **shall take place one day prior to actual dispersal of polling parties.** This stage of randomization for final allocation of polling station to each polling party should also be done under the supervision of General Observers. This will be done basing on the code number allotted to each poll party duly assigning a polling station to that code. The actual polling stations allotted to the individual polling personnel is to be disclosed just before the polling party at the Distribution centre, receives the poll material at Distribution centre. Orders to be served to Polling Parties at the Distribution Centre indicating the name of the Territorial Constituency of the MPP, Polling Station Number etc.
- v. The General Observers should make a special reference to the randomization exercise observed by them while submitting the report to State Election Commission.

#### **4. BALLOT BOXES:**

The Commission may conduct elections either with EVMs with VVPATs **or** Ballot Boxes, depending upon the availability of EVMs with VVPATS.

Observers should check that, one or two ballot boxes provided for each polling station, as it considered appropriate. It should be noted that at any time there should be one ballot box in any polling station. Only after a ballot box is filled up, a new ballot box shall be put into use by following the prescribed procedure. The number of contesting candidates and the consequent size of the ballot paper should also be kept in view while providing the ballot boxes to the polling parties. If the number of contesting candidates is unusually large, say, 20 or more, one extra ballot box may be supplied. In such cases, the slit of the ballot box 1/4", is also widened if considered necessary.

Some of the ballot boxes while at disposal may be old. Every ballot box should individually be checked immediately and necessary repairs should be carried out. In all cases oiling and cleaning must be done, in advance, for smooth functioning of the locking device.

ROs should be strictly instructed that, in any circumstances, no defective ballot boxes are allotted to the polling station. Even one defective ballot box may raise serious suspicions in the minds of the candidates and their agents and may largely destroy confidence.

Check that, Presiding Officers and other polling officers are familiarized with the preliminaries to be carried before poll as per instructions an operating on ballot boxes at different stages is discussed in detail in chapter – VIII of Hand Book of Presiding Officer i.e,

- a. preparation of the Ballot Boxes for voting;
- b. conduct of demonstration of ballot boxes, closing the slit & seal the box after balloting;
- c. procedure for use of additional ballot boxes;
- d. procedure for opening of ballot boxes at the time of counting of votes.

## **5. ELECTRONIC VOTING MACHINE:**

- i. The Observer will check on the stock of EVMs available in the district and whether they have been serviced by the engineers of the manufacturing firms i.e. First Level check (FLC) up of EVMs and also check whether training and awareness programs have been taken up properly and the people are aware of the method of casting vote on the EVM. The training of Presiding Officers and polling Personnel, especially the second polling officer who controls the "Ballot" button, on the use of EVMs is critical.
- ii. The Commission has also mandated randomization of EVMs to avoid apprehension of any attempt of manipulation of EVMs. This randomization is done in two stages. In the first stage, at District level, which is done before the arrival of the Observers, EVMs are allotted to a particular Mandal Praja Parishad and in the second stage at Mandal level, an EVM is allotted to a particular polling station.
- iii. Observers should familiarize themselves with the latest instructions on EVMs.

## **6. VOTER VERIFIABLE PAPER AUDIT SYSTEM (VVPAT):**

- i. VVPAT was introduced recently to provide even greater transparency to the poll process. The VVPAT is an additional unit attached to the EVM, which prints a small slip of paper that carries the symbol, name and serial number of the candidate voted by Voter, which is visible for 7 (seven) seconds in the viewing window. Depending upon its availability, DEA may use it in selected polling stations or all polling stations.
- ii. The voter after pressing the button on BU can view the printed slip on VVPAT through the viewing window and thus can verify that the vote is recorded for the Candidate of his/her choice.
- iii. These paper slips are automatically cut and stored in a sealed compartment of VVPAT and can be used later to crosscheck the votes in CU as per the prescribed procedure. The printing of slip in VVPAT is an additional verification to the voter, besides glowing of LED near

candidate button and the beep in EVM system. For latest instructions on use of EVMs with VVPATs refer Circular.No.623/TSEC-EM/2018, dt:21.02.2019.

## **7. PREPARATIONS FOR DATE OF POLL:**

- i. Effective checks to curb electoral malpractices or vitiation of the poll process by way of bribing, booth capturing, rigging, creating a scare, fear and panic among electorate so as to prevent them from casting their votes are major concerns.
- ii. The methods adopted by unscrupulous elements vary from Constituency to Constituencies and area to area. The Observers are expected to familiarize themselves about the tricks of the trade prevalent in the area as well as identify the specific areas prone to such mischief.
- iii. The Observers should carefully plan out, in confidence, the areas which they would focus on, during the actual period of poll. This will be kept confidential and is not to be shared with anyone including the District Election Authority, Returning Officers, Escort and Liaison Officer.

## **8. VISIT TO DISTRIBUTION/DISPATCH CENTERS:**

The Observers may visit the distribution centers for dispatching the polling parties at different locations and make a brief report on the manner in which the operations are planned to be conducted. They will particularly see that the random formation of polling parties is being truly and correctly implemented.

## **9. MICRO OBSERVERS:**

- i. The employees of the Central Government, Central PSUs are appointed as Micro Observers. Collector and DEAs were also given option to appoint Gazetted Officers of the State Government, having unblemished track record and considerable experience, where Central Government and Central PSU employees are not available in sufficient number. The Micro Observers are to be trained and deployed at the

selected sensitive / hypersensitive polling station to observe the polling process on the day of the poll. They shall be a part of the polling team and be seated at the allotted polling station. They shall report about the poll day in the format prescribed, Report of Micro Observers.

- ii. The Guidelines for Micro Observers and Illustrative training material is issued in Circular No.711/TSEC-PR/2018, dated 30.08.2018

## **Chapter – X**

### **POLL DAY ACTIVITIES**

#### **1. POLL DAY ACTIVITIES:**

- i. On the date of poll, Observer shall visit the maximum number of polling stations as is physically possible during the hours of polling. They should, therefore, plan to carry some packed food so that no time is lost on this account. 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. The Observers will ensure prompt and effective action on this score by interacting with election related officers and the District Administration constantly through telephone or wireless set etc. The District Administration shall provide a wireless set fitted to the Observers vehicles on the pre poll day to the date of completion of the polling.
- ii. One of the most important responsibilities of the Observers is to oversee the actual poll which takes place from 7.00 a.m. to 5.00 p.m. Since the polling starts very early in the morning, the Observers should plan to start their work from a convenient point sufficiently before the start of the poll. General and Expenditure Observers should distribute the areas in the district between them in such a manner that they can cover all the Mandal Praja Parishads in the district during each phase.
- iii. When EVMs are used, Commission has mandated conduct of mock poll before the actual poll begins to demonstrate proper functioning of the EVM to the polling agents. To this effect, the Presiding Officer has to sign a certificate in the format prescribed by the Commission. Observers should monitor that the mock-polls have been conducted and the POs have issued the certificate to that effect. Importantly, it should be ensured that result of mock poll is cleared and Paper Slips of mock poll in VVPAT Box are removed before commencing poll.
- iv. 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 ROs/ Zonal Officers and other officers on duty to get feedback as well as to convey anything specific for corrective action to be taken by the concerned authorities on the basis of what the Observers have actually seen in the field on the date of poll.

- v. 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 Officers diary and such other matters that need verification. Observers shall sign the visit sheet available with the Presiding Officers and check whether the R.Os / Zonal Officers visited the polling station and recorded their observations and the number of votes polled at the time of visit of the Officer has to be recorded and signed.
- vi. The observer should see that, the polled Ballot boxes / Evms, polling parties and polling materials are transported under appropriate security arrangement to the strong room where it has to be stored. An important point to be noted is that Form XXV when Ballot boxes are used /Form XXXII when EVMs are used has been completely and correctly filled by the Presiding Officer and these are deposited along with the Presiding Officers diary at the collection centers and strong room.

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

- i. There is need to focus on polling stations wherein
  - a. Polling was disrupted temporarily due to EVM/Ballot Box failure or any other reason.
  - b. Serious complaints were received and
  - c. Confirmation regarding mock poll certificate not received (when EVMs are used).



The Returning Officer has to prepare a report of such polling stations with their names and numbers and send it to C&DEA and Observer. The Polled EVMs and other documents pertaining to these polling stations are to be received in a special counter and not in the regular counters as a rule. The Presiding Officer's diaries have to be checked thoroughly for these polling stations.

- ii. At the reception centre, it should be ensured that a copy of Ballot paper account/ Accounts of votes recorded is kept with the respective Ballot boxes /EVMs in strong room. Other documents should not be kept in the EVM/ Ballot Box strong room. Other documents should be kept separately in a separate strong room to facilitate access when requires.

### **3. REPORT ON TENDERED VOTES:**

Observers should instruct the returning Officers that, at any polling station, if the percentage of tendered votes recorded is more than **0.1% (Point one percent)** of the total votes polled at the polling station, the matter shall be brought to the notice of State Election Commission through the Returning Officer and District Election Authority. The State Election Commission in such case will take a decision whether to order for a repoll or not and issue orders accordingly.

### **4. REPOLL AND ADJOURNED POLL CASES:**

The report of the Observer is the most important input for the Commission for taking a decision on ordering repolls. 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 the consideration the 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. In case of repoll, the Observers shall send a comprehensive report at the end of repoll.

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

The Observers will send a report in the form prescribed in **observer report 3 (Annexure-V)** 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 repoll is recommended by him/her for a particular polling station or a group of polling stations.

## **Chapter- XI**

### **COUNTING**

#### **1. PRELIMINARY:**

- i. The Observers will check whether the counting centers are approved by the DEA, during the initial stage of their visit, as Returning Officer have been directed to personally inspect each counting center and send the proposals to DEA for its approval.
- ii. The Observers shall inspect as many counting centers as they can for preliminary assessment of facilities in the counting centers and to verify that there are as per recent instructions given by TSEC The detailed instructions on arrangements of distribution, reception (at Mandal level) counting, storage, plan after counting of votes are issued vide TSEC circular no. 1293/TSEC-PR/2018, dated. 07.03.2019 and the same is also described in detail in hand book of Returning officers.
  - (a) The staff selected for counting has to be randomized on the day of the counting early morning before the counting begins. The Commission is particularly concerned that the entire counting arrangements should be orderly and well structured. The Commission attaches great importance to the fact that the actual counting is done in such a manner that it is not only smooth and efficient but more importantly transparent and correct. Reasonable opportunity is to be afforded, as per existing instructions of the Commission, to let the counting agents of the candidates get a clear view of the counting process as it goes on each counting table. There should be no room for any doubt.
  - (b) As per **Section 241** of the TPR act 2018, the statutory provisions regarding Observers specifically focus on the role during the counting process and empowers observers to stop counting and to direct the Returning Officer 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 counting centers or any ballot papers/EVMs used at a

polling station 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 result of poll at that polling station cannot be ascertained and report the facts to Telangana State Election Commission for further instructions. The election proceedings in such cases shall proceed further in accordance with such directions of the commission as it may issue on the reports of the Observers and after taking all material circumstances into account. 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 and immediate communication to the Commission. The Commission accordingly expects that the Observers to play key role in the superintendence of the counting process.

## **2. COUNTING PROCEDURE (WHEN BALLOT BOXES ARE USED)**

In case of simultaneous election to MPTCs and ZPTCs, the number of counting tables for a Mandal shall be double the number of MPTCs in that Mandal i.e., two tables per each MPTC. Returning Officers i.e., ROs for MPTCs and RO of ZPTC shall be provided with one table each in the Counting Hall. Necessary care shall be taken to see that the counting is completed maximum in 8 Rounds (including the initial and detailed rounds of counting for both the MPTC & ZPTC get together) and entire counting process is completed by 5.00 PM.

Counting of each Mandal shall be done in a separate hall/halls and necessary barricading shall be arranged in each hall. If one hall is not sufficient to accommodate the required number of tables for all MPTCs of a Mandal, adjoining hall can be arranged as the Returning Officers of MPTCs being the Assistant Returning Officers to the ZPTC election, shall supervise the counting of votes of their MPTCs as well as ZPTC votes in their respective jurisdiction. Atleast 5 seconds time shall be spent on scrutinizing each ballot paper so as to afford reasonable opportunity to the counting agents to object to any decision of the counting assistants on each of the Ballot Paper.

The counting of votes in case of simultaneous election to ZPTCs and MPTCs by mixing of ballot papers is done in two stages i.e. initial counting & detained counting.

**i. Initial Counting:**

- a. First the counting of Postal Ballot Papers shall be taken up. After completion of counting of Postal Ballot Papers, start initial counting of the MPTCs and ZPTC Ballot Papers. Under the system, the counting of votes of Member, MPTC and Member, ZPTC is done in two stages. In the first stage, all the ballot papers of Member, MPTC (pink colour) and member, ZPTC (white colour) contained in the ballot box or boxes used at a polling station are taken out and sorted out basing on their colour without unfolding them. Each MPTC shall be allotted two counting tables and all the polling stations of that MPTC shall be taken up for initial counting on these two tables. Then they will be bundled into 25 each separately for MPTCs and ZPTC. The total number of ballot papers of Member, MPTC and Member, ZPTC in the box or boxes at the polling station is ascertained separately. This number shall tally with the Ballot Paper Account of Member, MPTC and Member, ZPTC of the Polling Station as recorded by the Presiding Officer concerned. These details are also to be the recorded in Part – II of the Ballot Paper Account (Even there is slight variation also, details to be recorded). The bundles of Member, MPTC shall be passed to the Returning Officer MPTC concerned and the bundles of Member, ZPTC shall be passed to the Returning Officer ZPTC to keep them in drum. In case the counting is taken up in more than one hall, both the bundles shall be passed to MPTC Returning Officer who will in turn keep them in MPTC & ZPTC drums separately. In no case the ballot paper should be taken outside the counting hall.
- b. At the time of the initial counting, the ballot papers, with the vertical fold intact, are made up into bundles of 25 for convenience of counting and each bundle is kept together by means of rubber bands tied at both ends. If at the end of the initial counting, the balance left

over ballot papers in the box or boxes of the Polling Station are less than 25, then they are made into a separate bundle and kept apart in a separate tray for aggregating into regular sized (25 Ballot Papers) bundles for the Constituency as a whole. All the bundles containing the full number of 25 ballot papers will be placed inside a big drum or other receptacle. The drums of the ZPTC and MPTC ballot paper bundles shall be kept near the respective Returning Officer's table. The above procedure will be followed in respect of ballot box or boxes used at every polling station and this procedure may be adopted simultaneously at the various counting tables for each MPTC. After the full bundles of ballot papers from all the ballot boxes used at all the polling stations within a MPTC/ZPTC Territorial Constituency have been placed in the drum or other receptacle, they will be mixed together ensuring that no ballot paper is damaged or spoiled in the process. The bundles containing less than 25 ballot papers of each MPTC/ZPTC Constituency will be made up into bundles of 25 ballot papers as far as possible and put inside the receptacle before mixing.

**ii. Detailed Counting of MPTC Ballot Papers:**

- a. After the initial counting for the purpose of tallying Ballot Paper Account in respect of all polling stations has been completed and the bundles of ballot papers have been mixed as explained above, the counting agents of ZPTC will leave the counting hall and the second stage of counting i.e., detailed counting of MPTC Ballot Papers so as to scrutinise for their validity or otherwise, sorting them out candidate-wise and counting them candidate-wise to ascertain the result, is taken up. Detailed counting of the MPTC ballot papers has to be taken up at the same two tables where the initial counting of that MPTC was taken up. For this purpose, 40 bundles, each containing 25 ballot papers, so as to make 1,000 ballot papers, will be taken at random from the drum or receptacle and detailed counting will be taken up at the concerned counting tables. For sorting out candidate wise polled ballots and doubtful votes, big wooden trays having the

compartments equal to number of contesting candidates including NOTA+1 for doubtful votes will be used at each counting table.

- b. It should be noted clearly that the detailed counting by the counting assistants and the counting supervisor is only preliminary and tentative. They will scrutinize the Ballot Papers and separate them into categories prima facie valid votes: These in turn are categorized candidate wise including NOTA and those which are prima facie invalid or doubtful as to in whose favour they have been cast. They have no authority to decide firmly about the validity or the candidate in whose favour a Ballot should be counted for. This decision will be taken by the Returning Officer alone.
- c. At the counting table, the said 1,000 ballot papers contained in 40 bundles will be taken up for detailed scrutiny and sorting candidate-wise. The ballot papers contained in each bundle will be scrutinised for determining their validity or otherwise by taking each ballot one by one and further allowing the counting agents also to observe such scrutiny clearly. For this, each counting supervisor shall be supplied with the booklet containing above illustrations of valid and invalid votes mentioned in circular No. 1277/TSEC-PR/2019, Dtd: 28.02.2019. Candidate wise valid votes will be placed in their respective compartment of the wooden tray and the doubtful votes will be placed in the doubtful votes compartment of the wooden tray in each round. Later, they have to be counted and made into bundles of 100 votes each, candidate wise and separately for doubtful votes and bundled separately. Candidate wise balance votes if any after making into bundles of 100 to be made into separate bundle and note down the number on bundle with pencil. After assorting candidate wise bundles of valid votes and doubtful votes bundle, the numbers have to be recorded in the counting sheet, duly signed by counting supervisor. These bundles are then made into a big bundle with wrapper and sent it to pigeon hole/Returning Officer tables of respective MPTC – Returning Officers.

- d. The Returning Officer concerned will scrutinize all the doubtful votes and decide if either they are in favour of any of the candidates including NOTA or to be rejected as per the rules. Then he will also check the validity and correctness of the candidate wise bundles as sorted out by the counting supervisor. The additional votes decided candidate wise are to be added in the result sheet of that round, by correcting the figures of candidate wise votes and rejected votes as per necessity and then sign the sheet and send it to Result Sheet posting incharge and he will post the round wise candidate wise polled valid votes and rejected votes in the Result Sheet Form XXVI.
- e. The above procedure of distributing 1,000 ballot papers to each table and their scrutiny, sorting and counting candidate-wise, as explained above, will be repeated in all MPTCs simultaneously till all the bundles of ballot papers in the drum or receptacle relating to that MPTC are distributed to the concerned two counting tables and counted. The procedure will be repeated till the entire ballot papers of that MPTC are counted round-wise at concerned two counting tables and all the doubtful (round wise, table wise) are decided by the Returning Officer concerned. The round wise, table wise polled votes and rejected votes are posted in the final Result Sheet by the in-charge concerned. Convention of taking of signatures of agents after every round may be continued. It shall be noted that, counting of votes of MPTCs and ZPTC shall not go beyond 8 rounds.

iii. **COUNTING OF ZPTC VOTES:**

Once the detailed counting of all MPTCs is completed and results are declared, the counting agents of MPTCs will leave the counting hall and table wise counting agents of ZPTC candidates will be allowed into the counting hall. Then the detailed counting of ZPTC votes shall be initiated by the Returning Officer of ZPTC. If the counting is taken up in single hall, the Returning Officers of MPTCs will assist the Returning Officer ZPTC. In case where the counting is taken up in more halls than one, then, the Returning Officer(s) MPTC in those additional hall(s) will supervise the counting of ZPTC ballots in their authority as Assistant Returning Officer,



ZPTC. The same procedure as that of MPTC counting, shall be adopted for detailed counting of ballot papers of Member, ZPTC on all the counting tables in the hall by supplying 1000 ballot papers in 40 bundles from the ZPTC Ballot Papers drum/receptacle. Once the counting is completed on all counting tables and the same are checked and doubtful votes decided by the Returning Officer ZPTC/ Assistant Returning Officer ZPTC as the case may be, and the consolidated final result sheet is prepared, it will be finally checked by Returning Officer ZPTC, signed and the result of that ZPTC is declared by him.

- iv. **DECLARATION OF RESULTS:** After completion of the detailed counting of the MPTC votes at the concerned counting table and then at the table of the Returning Officer including the scrutiny and decision on doubtful category by the concerned Returning Officer MPTC/ZPTC, then the final result sheet of that MPTC/ZPTC will be rechecked by the concerned Returning Officer. After allowing due opportunity for recounting if any, the Final result sheet will be signed and results declared at the end.

### **3. COUNTING PROCEDURE (WHEN EVMs ARE USED)**

After satisfactory that the paper seal is intact, the control unit is the same as was supplied at the polling station and there is no tampering with the same, the votes recorded there in shall be counted

For counting of votes recorded in the machine, the following procedure should be followed:-

- i. Switch 'ON' the control unit by pushing the power switch provided in the rear compartment to 'ON' position. The 'ON' lamp in the Display Section of the control unit will then glow green.
- ii. Pierce the paper seal over the Result I Button provided below the upper aperture of the inner cover of Result Section.
- iii. Press the Result I Button.  
At the Result I Button being so pressed, the total number of votes recorded for each candidate at the polling station shall be displayed

automatically in the Display Panels of the control unit. Supposing, there are four contesting candidates including NOTA and the total number of votes polled at the polling station is 758, the votes secured by each candidate will be displayed on the display panels in the following sequences:-

COMPUTING RESULT
TSSCUxxxxxxx TSSDMxxxxxxx
POLL RESULT PDT _____
PST _____ PET _____
NO. OF POSTS 1
TOTAL VOTERS 758
POST 1
POLLED VOTES 758
UNDER VOTES 0
CANDS 4 SEATS 1
CANDIDATE - 01 VOTES - 125
CANDIDATE - 02 VOTES - 258
CANDIDATE - 03 VOTES - 325
CANDIDATE - 04 VOTES - 50
UNFINISHED VOTES - 0
END

(This is only an example)

**[N.B.** Result II Button is used to retrieve result from DMM /SDMM. It will be used ONLY in exceptional cases only when result is to be retrieved from DMM / SDMM. The same button is used to take printout of the result by connecting EVM printer]

Note down the above result as displayed sequentially candidate-wise in Part II - Result of Counting of Form XXXII.

If required, press the Result I Button again to enable the candidates and/or their agents to note down the above result.

After the result has been noted, close the cover of Result Section and switch 'OFF' the control unit.

#### **4 EQUALITY OF VOTES:**

If two or more candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be decided by lot. While drawing lots among the names of the candidates who polled equal number of votes, the Returning Officer should write each candidate's name on 5 slips of the same colour and size of the paper and all those slips should be folded tightly twice and then jumbled to make them mix beyond recognition. After such mixing, the Returning Officer should draw the slip. The candidate, whose name is found on the slip shall be shown to all the candidates and their agents very clearly before declaring him/her to have been elected. This entire process shall be videographed.

#### **5 RECOUNT:**

- a. When the counting is completed, the Returning Officer concerned will record in the Result Sheet in Form XXVI the total number of votes polled by each candidate and announce the same. Returning Officer will then pause for a minute or two. If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, the Returning Officer concerned will get an application in writing giving a reasonable time of 15 minutes . The Returning Officer concerned will not complete and sign the result sheet, when an application for recount is made. Returning Officer should consider the grounds urged and decide the matter. The Returning Officer may allow the application in whole or in part if it is reasonable or he may reject it in toto if it appears to

him to be frivolous or unreasonable. Returning Officers decision will be final, but in every case Returning Officer will record a brief statement of his reasons for each decision. If, in any case, Returning Officer allows an application /applications for recount / recounts either wholly or in part, he will have the ballot papers counted again in accordance with his decision. After each recount has been completed, Returning Officer will amend the result sheet to the extent necessary and announce the amendments so made by him. After the total number of votes polled by each candidate has been announced by him Returning Officer will complete and sign the result sheet.

- b. The recounting of votes does not mean merely physical recount of ballot papers which have been sorted into bundles at the stage of counting, but re-scrutiny and recount of each of the ballot papers in respect of which the candidate properly demands a recount, in order to see whether it is a valid vote and, if so, for which candidate. The postal ballot papers are also to be re-scrutinized, if so, ordered by the Returning Officer.
- c. No candidate has a right to demand a recount after the Returning Officer has completed and signed the result sheet.

## **6 COUNTING OF PRINTED PAPER SLIPS OF VVPAT UNIT:**

After the entries made in the result sheet of election are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to count the printed paper slips of VVPAT unit in respect of any polling station or all polling stations. On such application being made, the Returning Officer shall pass a speaking order on whether the counting of paper slips shall be done or not. While deciding the matter the Returning Officer shall give due consideration to the following:-

- (a) Whether the total number of votes polled in that polling station is more or less than the margin of votes between winning candidate and candidate making the application.

- (b) Whether EVM met with any defect and was replaced at that polling station during poll.
- (c) Whether there was any complaint about VVPAT not printing the paper slips correctly by any voter, in that polling station during the poll.

If the Returning Officer decides to allow counting of the paper slips of any polling station or all polling stations such decision of the Returning Officer shall be recorded in writing and shall contain the reasons therefore.

The following procedure shall be followed in case it is decided to count the printed slips of VVPAT:-

- (a) VVPAT unit(s) of the respective polling station(s) shall be brought to the Counting table(s).
- (b) Address tag(s) of the drop box of the VVPAT unit(s) shall be cross checked to ascertain that it actually pertains to the same polling station, address tag of VVPAT unit should be removed and ballot paper slips shall be taken out from the drop box. Care should be taken that no printed paper slip is left in the drop box. Empty drop box should be shown to all counting agents.
- (c) in case a VVPAT unit was replaced during poll at any polling station, all the VVPAT units used at the polling station should be brought to the counting table and printed paper slips from all of them should be taken out before beginning the counting of printed slips for that polling station.
- (d) In case a VVPAT unit was replaced, it may so happen that an uncut fully or partially printed paper slip is hanging and has not got cut and dropped in the drop box and still connected to the paper roll. This uncut printed paper slip should not be torn and should not be counted because the vote does not get recorded electronically in the CU unless the printed paper slip is cut. In such an event the last voter whose printed paper slip was not cut would have been given an opportunity to cast his vote after replacement of VVPAT and the printed paper slip of the vote cast by him shall be in the next VVPAT printer used in that polling station.

- (e) The drop box of the VVPAT printer will also have slips of self test report. These are easily identified, as they do not have either the name or the symbol of any candidate and are of larger length. These self-test report slips are to be preserved alongwith the printed-paper slips as part of the record but they are not to be counted.
- (f) Pigeonholes will be prepared to put ballot paper slips of the respective candidates.
- (g) After all the ballot paper slips are put in the respective pigeon holes, bundles of 25 paper slips of respective candidates will be prepared for counting purpose.
- (h) Printed-paper slips will then be counted by the counting staff and same will recorded.
- (i) The result of the count of ballot slips will be announced loudly in the counting hall and shown to the counting agents.
- (j) if there is discrepancy between the count of votes displayed on the control unit and the count of printed-paper slips in respect of any Polling Station, the result sheet will be amended as per the printed-paper slips count.
- (k) The Returning Officer shall announce the amendments so made by him and declare the result.

**7. SPECIFIC FOCUS REQUIRED ON OTHER AREAS OF COUNTING PROCESS BY THE OBSERVERS ARE:**

Observers may visit as many counting centers as they can when counting of votes is done to ensure that counting process is conducted as per the procedure prescribed and will send a report in the form prescribed in **Observer report-4 (Annexure-VI)** after counting of votes and declaration of results is completed.

- i. For ensuring accuracy of the result of counting, a round wise statement shall be prepared by the Returning Officers. Both the Returning Officer and Counting Supervisor concerned shall personally verify that number of voters posted against the name of each candidate in respect of every counting table tally with the figures as shown in part II of Ballot paper account/ Accounts of

votes recorded 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 breakup of the votes will be kept with the RO in his/her folder.

- ii. As a measure to cross check the correctness of counting, observers are required to randomly select two EVMs (when EVMs are used) counted in a round and with the help of additional counting staff provided to Returning Officer to assist in this regard ascertain once again count of votes polled by each candidate.
- iii. 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 Returning Officer-in-charge and also written on black/ white board, which should be clearly visible to all. Immediately thereafter this should be announced over the public address system. These public announcements could be centralized, in a counting centre with multiple halls.
- iv. The Observers will also ensure that as soon as the final results and the winning candidate are announced and all the relevant papers are signed by the Returning Officers, the final result details are transmitted to District Election Authority.
- v. The Observers should ensure after the declaration of result that the RO sends to District Election Authority the duly filled and corrected copies of:
  - Final Result Sheet in Form XXVI,
  - Declaration of Result in Form XXVII
  - Return of Election in Form XXVIII,
- vi. It may be noted that only the name, which is given in the Nomination Form, is normally valid for all future references and use in the other related documents. The list of contesting candidates in Form IX should reflect this name exactly and correctly with same

spellings as given in the Nomination Form,. Eventually the name of the candidate who is returned from the constituency is given in the declaration of the result in Form XXVII. It is absolutely imperative that this Form XXVII, as also the return of the election in Form XXVIII and the certificate of the election Form XXIX contain exactly the same name as given in the list of contesting candidates in Form IX, Ballot Paper and forms XXVII XXVIII XXIX has to be maintained without fail. The Observers will impress upon the Returning Officers about this aspect and ensure that full compliance is made.



## **Chapter -XII**

### **MISCELLANEOUS**

1. The administrative machinery for conduct of elections to Panchayat Raj institutions are as follows:

District Election Authority	- District Collector
Addl. District Election Authorities	- Joint Collector - Chief Executive Officer - District Panchayat Officer of the district
Dy. District Election Authorities	- Revenue Divisional Officer (or) Sub- Collector
Asst. District elections Authorities	- MPDOs
Additional Asst. District elections Authorities	- Tahasildars

2. The District Election Authority will ensure that the place of stay, the phone number, and the dates of visit of the Observers are duly publicized in the areas allotted to them. The Observers shall doubly check this. They have to make themselves accessible to whoever wants to meet them with an election-related complaint or information.
3. For reference and detailed clarifications, the following hand books in regard to conduct of elections MPTCs/ZPTCs are prepared by the Commission and are available with Chief Executive Officers of Zilla Parisads and also at [tsec.gov.in](http://tsec.gov.in)

<b>Sl. No.</b>	<b>Name of the Booklets</b>	
1	Hand Book of Election Law	
2	Compendium of Instructions	
3	Hand Book for Returning Officers (MPTCs/ZPTCs)	English Version
4		Telugu Version
5	Hand Book for Presiding Officers (MPTCs/ZPTCs)	English Version
6		Telugu Version
7	Hand Book for Contesting Candidates (MPTCs/ZPTCs)	Telugu Version
8	Guidelines on expenditure monitoring	
9	Guidelines for observers	

4. The Telangana State Election Commission will take all steps to ensure that the Observers are protected against any victimization due to their reports.
5. Observers may indicate the district in which he/she has been appointed as Observer and also whether he/she is a General Observer or an Election Expenditure Observer in all the communications to the Commission. This will facilitate easy identification and quick processing of the communications received from the observers.

Observers may indicate in each report, whether it is the first report, second report, third report or fourth report.

**Chapter -XIII  
ANNEXURE**

**PROVISIONS OF LAW RELATING TO OFFENCES AND CORRUPT PRACTICES IN CONNECTION WITH ELECTIONS TO RURAL LOCAL BODIES**

Sl. No.	Brief Description of Offence	Type of offence	Prosecution to be launched against violators under section			Punishment
			TPR Act, 2018	Indian Penal Code, 1860	Other Acts	
<b>A)</b>	<b>ELECTORAL OFFENCES CONCERNING MEETING:</b>					
1	Promoting or attempting to promote enmity on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India.		Section 213 of TPR Act, 2018			Punishable with imprisonment for a term which may extend to 3 years and with fine which may extend upto Rs.3000/-.
2.	Prohibition of public meetings before the date of poll:- (1) No person shall:-  (a) convene, hold or attend join or address any public meeting or procession in connection with an election; Or (b) display to the public any election matter by means of cinematography, television or other similar apparatus; or (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty eight hours prior to the hour fixed for the conclusion of the poll in the case of Mandal Parishads and Zilla Parisliads and forty four hours prior to the hour fixed for the conclusion of the poll in the case of Gram Panchayats.		Section 214 of TPR Act, 2018			Punishable with imprisonment for a term which may extend to 2 years or with fine or with both.
3.	Acting or inciting others to act in disorderly manner at a public meeting, for the purpose of disturbing the meeting.	Cognizable	Section 215 of TPR Act, 2018			Punishable with imprisonment which may extend to 6 months or with fine which may extend upto Rs.2,000/-.

**NOTE:** Section 2 (c) (3) of CrPC : An offence under any law other than Indian Penal Code would be non-cognizable if it is punishable with imprisonment for less than 3

years or with fine only.						
<b>B)</b>	<b>OFFENCES CONCERNING VEHICLES</b>					
1	If any person illegally hires or procures any vehicle for the free conveyance of any elector other than the candidate himself, members of his family or his agent, to or from any polling station commits an offence.		Section 211 (7) read with Section 212 of TPR Act, 2018			Punishable with imprisonment which may extend to three months and with fine.
<b>C)</b>	<b>CONCERNING OFFICERS/PERSONS INVOLVED IN ELECTION DUTY</b>					
1	Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy. Its violation constitutes an offence.		Section 217 of TPR Act, 2018			Punishable with imprisonment for a term, which may extend to three months or with fine or with both.
2	No official connected with conduct of elections shall do any act other than giving of vote for the furtherance of the prospects of election of a candidate.		Section 218 of TPR Act, 2018			Punishable with imprisonment, which may extend to six months, or with fine or with both.
3	Breach of official duty, without reasonable cause, by any person involved in any duty in connection with an election.		Section 224 of TPR Act, 2018			Punishable with fine, which any extend to five hundred rupees.
4	No person in the service of the State or Central Government or a Local authority or a Corporation owned or controlled by the State or Central Government shall act as an election agent or a polling agent or a counting agent of a candidate at an election.		Section 225 of TPR Act, 2018			Punishable with imprisonment for a term which may extend to three months, or with fine or with both.
<b>D)</b>	<b>AT OR NEAR POLLING STATION ON THE DATE(S) OF POLL</b>					
1	Prohibition on committing any of the following acts within the polling station or within a distance of 100 mtrs. of the polling station (on the date(s) of poll) :- (a) canvassing for votes ; or (b) soliciting the vote of any elector; or (c) persuading any elector not to vote for any particular		Section 219 of TPR Act, 2018			Shall be punished with fine which may extend to two hundred and fifty rupees.

	candidate; or (d) persuading any elector not to vote at the election; or (e) exhibiting any notice or sign other than an official notice relating to the election.					
2	Any person shouting in a disorderly manner or using loudspeakers, megaphones etc. so as to disturb the poll, in or around the polling station can be arrested and such apparatus seized by any police officer.		Section 220 of TPR Act, 2018.			On the orders of the Presiding Officer, Police can arrest the offender. Punishable with imprisonment which may extend to three months or with fine or with both.
3	Misconduct by any person in the polling station, or disobedience of lawful directions of the presiding officer may result in that person being removed from the polling station by Presiding officer (or) by any police officer on duty. Any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer shall be punishable.		Section 221 of TPR Act, 2018.			Punishable with imprisonment for a term which may extend to three months, or with fine, or with both.
<b>E)</b>	<b>AGAINST CARRYING OF ARMS:</b>					
	No person, other than the Returning Officer, any police officer or any other person appointed to maintain peace and order at the polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighborhood of a polling station. If he does so, he commits an offence.	Cognizable	Section 223 of TPR Act, 2018.			Punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
<b>F)</b>	<b>AGAINST TAMPERING OF BALLOT PAPERS</b>					
1	Removal of ballot papers or ballot boxes from polling stations to be an offence: 227 (1) Any person who at any election fraudulently takes or attempts to take a ballot paper or ballot box out of polling station, or willfully aids or abets the doing of any such act shall be punished.  (2) If the presiding officer of a polling station has reason to believe that any person is Committing or has committed an offence, punishable under sub-section (1), such officer may,		Section 227 of TPR Act, 2018			On the orders of the Presiding Officer, Police can arrest the offender. Punishable with imprisonment for a term which may extend to five years and with fine which may extend upto five thousand rupees.

	before such person leaves the polling station arrest or direct a police officer to arrest such person and such person may cause him to be searched by a police officer.					
2	<p>Booth capturing is an offence.</p> <p>`Booth capturing' includes –</p> <p>(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects to orderly conduct of elections;</p> <p>(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;</p> <p>(c) coercing or intimidating or threatening directly or indirectly threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;</p> <p>(d) seizure of a place for counting of votes by any person or person, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;</p> <p>(e) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at any such activity in the furtherance of the prospects of the election of a candidate.</p>	Cognizable	Section 226 of TPR Act, 2018			<p>Punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such</p> <p>offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.</p>
3	<p><b>OTHER OFFENCES:</b></p> <p>(1) A person shall be guilty of an electoral offence if at any election he,-</p> <p>(1) A person shall be guilty of an electoral offence if at any election he,-</p> <p>(a) fraudulently defaces or fraudulently destroys any nomination paper; or</p> <p>(b) fraudulently defaces or destroys or removes any list notice or other documents affixed by or under the authority of a returning officer, or</p> <p>(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark or any ballot paper or any</p>		Section 233 of TPR Act, 2018			<p>If offence committed by (i) any officer or clerk employed in connection with the election duty shall be punishable with imprisonment for a term which may extend to 2 years or with fine or with both, (ii) any other person shall be punishable with imprisonment for a term which may extend to six months or with fine or with</p>

	<p>declaration of identity or official envelope used in connection with voting by postal ballot; or</p> <p>(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or</p> <p>(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or</p> <p>(f) without due authority destroys; takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or</p> <p>(g) fraudulently or without due authority as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.</p>					both.
<b>G)</b>	<b>CORRUPT PRACTICES:</b>					
1	<p><b>Bribery-</b></p> <p>(1) Bribery, that is to say,-</p> <p>(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object directly or indirectly of inducing,-</p> <p>(a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or</p> <p>(b) an elector to vote or refrain from voting at an election, or as a reward to</p> <p>i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or</p> <p>ii) an elector for having voted or refrained from voting;</p> <p>(B) The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,-</p> <p>(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or</p> <p>(b) by any person whom so ever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.</p>		Section 211 (1) of TPR Act, 2018	Section 171 -E of IPC		<p>Corrupt practices can be agitated in an Election Petition before the Election Tribunal.</p> <p>Punishable under Section 171 E of IPC with imprisonment for a term which may extend to 1 year or with fine or with both.</p>

	Explanation:- For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.				
2	<p><b>Undue influence at election –</b>  (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right:  Provided that-</p> <p>(a) without prejudice to the generality of the provisions of this clause any such person as is referred to thereon, who-</p> <p>(i) threatens any candidate or any elector or any person in whom a candidate, or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or</p> <p>(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this Section.</p>		Section 211 (2) of TPR Act, 2018		Corrupt practices can be agitated in an Election Petition before the Election Tribunal.
3	<p>The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols, or the use of, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.</p> <p>Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a</p>		Section 211 (3) of TPR Act, 2018		Corrupt practices can be agitated in an Election Petition before the Election Tribunal.



	national symbol for the purposes of this clause.					
4	The promotion of, or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate, or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or of prejudicially affecting the election of any candidate.		Section 211 (4) of TPR Act, 2018			Corrupt practices can be agitated in an Election Petition before the Election Tribunal.
5	The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for pre-judicially affecting the election of any candidate. Explanation:- For the purpose of this clause, "sati" and "glorification" in relation of sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.		Section 211 (5) of TPR Act, 2018			Corrupt practices can be agitated in an Election Petition before the Election Tribunal.
6	The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent or any statement of fact which is false, and which he either believes to be false, or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.		Section 211 (6) of TPR Act, 2018			Corrupt practices can be agitated in an Election Petition before the Election Tribunal.
7	The hiring or procuring whether, on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself the members of his family or his agent to or from any polling station Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed		Section 211 (7) of TPR Act, 2018			Corrupt practices can be agitated in an Election Petition before the Election Tribunal.

	<p>to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power;</p> <p>Provided further that the use of any public transport vehicle or vessel by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.</p> <p>Explanation:- In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.</p>					
8	<p>The incurring or authorizing of expenses in contravention of section <b>237</b>.</p>		Section 211 (8) of TPR Act, 2018			Corrupt practices can be agitated in an Election Petition before the Election Tribunal.
9	<p>The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State, Central Government, Local Authority or a Corporation owned or controlled by the State or Central Government</p> <p>Provided that where any person, in the service of the State or Central Government or a Local Authority in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for to or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.</p>		Section 211 (9) of TPR Act, 2018			Corrupt practices can be agitated in an Election Petition before the Election Tribunal.

10	Booth capturing by a candidate or his agent or other person. Explanation:- (1) In this section the expression 'agent' includes an election agent, a polling agent, and any person who is held to have acted as an agent in connection with election the consent of the candidate. (4) For the purposes of sub-section (10), booth capturing shall have the same meaning as in section 226.	Cognizable Under Section 226 of TPR Act, 2018	Section 211 (10) of TPR Act, 2018			Corrupt practices can be agitated in an Election Petition before the Election Tribunal.  Punishable with imprisonment for a term which may extend to six months or with fine or with both.
<b>H CHECKING THREAT/INDUCEMENT OF VOTERS:</b>						
1	Whoever forces or intimidates a member of SC/ST not to vote or to vote a particular candidate or to vote in a manner other than that provided by law commits an offence.	Cognizable			Section 3(1) (I) of the Scheduled castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.	Shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.
2	Whoever affixes to, or inscribes or exhibits on any place open to public view any objectionable advertisement commits an offence.	Cognizable			Section 3 of Telangana Prevention of Disfigurements of Open Places and Prohibition of obscene and objectionable posters and Advertisements Act, 1997	Shall be punished with imprisonment of either description for a term which may extend to one year or with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees or with both.
3	Whoever affixes to, or inscribes or exhibits on any place open to public view any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated commits an offence	Cognizable			Section 4 of Telangana Prevention of Disfigurements of Open Places and Prohibition of obscene and objectionable posters and Advertisements Act, 1997	Shall be punished with imprisonment of either description for a term which may extend to three months or with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees or with both.
4	Whoever in any manner whatsoever punishment causes, procures, counsels, aids, abets or is accessory to, the commission of any offence under Section 3 or Section 4 shall be punished with the punishment provided for the offence.	Cognizable			Section 5 of Telangana Prevention of Disfigurements of Open Places and Prohibition of obscene and objectionable posters and Advertisements Act, 1997	Punishment provided for the offences in Section 3 or Section 4 which ever is applicable.

5	<p><b>Bribery. (1) Whoever—</b>          (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or          (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:-          Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.          (2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.          (3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.</p>			Sections 171-B and 171-E of the Indian Penal Code		Punishable with imprisonment for a term which may extend to 1 year or with fine or with both.
6	<p><b>Undue influence at election –</b>          (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.          (2) Without prejudice to the generality of the provisions of sub-Section (1). Whoever,-          (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or          (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub- section (1).          (3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be</p>			Sections 171-C and 171- F of the Indian Penal Code		Punishable with imprisonment for a term which may extend to 1 year or with fine or with both.

	interference within the meaning of this section.				
7	<p><b>Personation at elections.</b>—Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election:</p> <p>Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.</p>			Sections 171-D and 171-F of the Indian Penal Code.	Punishable with imprisonment for a term which may extend to 1 year or with fine or with both.
8	Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which is either knows or believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate commits a crime.			Section 171-G of the Indian penal Code.	Punishable with fine
9	Whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate.			Section 171-H of the Indian Penal Code	Punishable with fine which may extend to five hundred rupees.
10	Statements creating or promoting enmity, hatred or ill-will between classes – Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language,			Section 505 (2) of the Indian Penal Code	Imprisonment which may extend to 3 years or with fine or with both.

	caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished.					
<b>I</b>	<b>AGAINST HARMING A PUBLIC SERVANT ON DUTY:</b>					
1	Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished			Sections 332 of the Indian Penal Code		with imprisonment of either description for a term which may extend to three years, or with fine, or with both.
2	Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished			Sections 333 of the Indian Penal Code		with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
3	Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty a such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished			Sections 353 of the Indian Penal Code		with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
<b>J</b>	<b>CONCERNING PAMPHLETS / POSTERS / HANDBILLS / PLACARDS:</b>					
	Whoever prints or publishes any election pamphlets, poster, handbills or placards which does not bear on its face the name and the address of the printer and the publisher commits an offence.	Non-cognizable	Section 216 (4) of TPR Act, 2018			Punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs.2000/- or with both.

## **Chapter –XIV**

### **DOs AND DON'Ts FOR OBSERVERS**

#### **I. DOs**

1. Attend the briefing and debriefing sessions conducted by the Commission.
2. Notify your correct office and residential addresses and telephone / fax numbers by filling the Personal Information Sheet at the Registration Desk. Also please notify changes, if any, from time to time, to the Secretary, Telangana State Election Commission.
3. Draw up your tour programmes sufficiently in advance and intimate to the District Election Authority.
4. Note carefully the numbers of visits, duration of visits and the period of visits given by the Commission and strictly act according to this.
5. Ensure that your tour programme is duly publicized.
6. Identify areas / polling stations which might require closer attention.
7. Make sure that adequate stock of all election materials are actually available in adequate quantities.
8. Make an independent assessment of the Law and Order situation in general.
9. Make a random check of as many polling stations as possible and verify them.
10. Monitor instances of violation of Model Code, ban on transfer etc.
11. Familiarize yourself with the use of Electronic Voting Machines (EVMs)/Ballot boxes and attend some training rehearsals on operation. ensure that sufficient ballot boxes are available and are in perfect working condition.
12. Ensure that sufficient publicity regarding EVM has been given so that media and general public has no misgivings about EVMs (when EVMs are used)
13. Send a report to the Commission within 24 hours of your return to the headquarters after the visit. In addition, also send spot report (s) from time to time as considered necessary.
14. Bring any development that merits immediate remedial action or attention of the Commission, to Returning Officer's / Commission's notice without any loss of time. Such information should not be deferred till the regular reports are submitted.
13. Send your report in a closed envelope.

14. Attend meetings of the candidates, if any, called by the District Election Authority/ DDEA/ADEA.
15. Make independent assessment of the expenditure incurred by candidates.
16. Speak to the local people and check posters, pamphlets etc. to arrive at an independent assessment.
17. Inspect the statements of Election Expenditure submitted by the contesting candidates and ensure that they are as prescribed by the Commission.
18. Obtain prior permission of the Commission before leaving the headquarters.
19. Maintain proper conduct in the District as SEC Observers are keenly observed by the stake holders.

## **II. DON'Ts**

1. Do not ask for any exemption from the briefing session.
2. Do not travel to the District with your families.
3. Do not talk to the Press unnecessarily.
4. Do not make any unreasonable demands to the State Election Commission / District Election Officer / Returning Officer regarding accommodation, vehicles, security etc.
5. Do not leave your headquarters once you have been allotted specific districts without the prior written permission of the Commission.
7. Do not defer submitting reports on 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.



## **Annexure – I**

### **Arrival Report**

1	Name of the Observer	
2	Designation and office address	
3	Contact no.	
4	Mail ID:	
5	Name(s) of the District(s) allotted	
6	Date of reporting/arrival by the observer in the District for election duty	
7	Name of the Election & Year	

**Place:**

**Date:**

**Signature of the Observer**

## Annexure – II

### CHECK LIST

#### Information/particulars to be prepared by C&DEA to be provided to the Observer on arrival

**1. District Profile:**

- (i) a. Name of the District :
- b. Total No. of Revenue Divisions :
- c. Total No. of Mandals :
- d. Total No. of Gram Panchayats :
- e. Total No. of habitations :
- f. Total No. of Wards :
  
- (ii) a. Total No. of Mandal Praja Parishad  
Territorial Constituencies (MPTCs) :
- b. Total No. of Zilla Praja Parishad  
Territorial Constituencies (ZPTCs) :
  
- (iii) Map of the district  
(copy enclosed) :

**2. District Election Authority**

- a. Name :
- b. Batch of service :
- c. Date of posting :
- d. Contact Nos. :
- e. Mail – IDs :

**3. Superintendent of Police**

- a. Name :
- b. Batch of service :
- c. Date of posting :
- d. Contact Nos. :
- e. Mail – IDs :

**4. Name of the C&DEA, Dy.DEA, ADEA, ROs:**

(list containing Name, Designation, Posted as and Contact Nos. can be obtained)

**5. Population details:**

Male	Female	others	Total

**6. Electorate details**

- (i) Number of Electors in the District

Male	Female	others	Total electors

(ii) Percentage of voters

--

## 7. Electoral roll details

(i) Date of publication of Ward - wise electoral roll (w.r.t.01.01.....)

Date	Month	Year

(ii) Additions and deletions since the last publication date.

No. of electors as on the date of publication of electoral roll	No. of inclusions made from _____ till the date of election notification	No. of deletions made from _____ till the date of election notification	No. of electors as on the date of notification

(iii) Date of printing of supplementary Electoral Roll:

Date	Month	Year

(iv) Whether electoral roll of the Gram Panchayat prepared and published by District Panchayat Officer, is arranged MPTC wise by the MPDO

Yes	No

concerned and ZPTC wise by CEO, ZPP which is divided into convenient parts (polling stations) by numbering it conveniently.

Date of display of Territorial Constituency wise electoral rolls of MPPs & ZPPs

Date	Month	Year

(iv) Whether copies of electoral roll have been supplied to the recognized political parties and registered political parties who were allotted a symbol by TSEC.

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

## 8. Polling Stations

- i. No. of Polling Stations
- |  |
|--|
|  |
|  |
|  |
|  |
- a. No. of Permanent Structures
- b. No. of temporary structures
- c. No. of private / rented buildings identified as PS

- ii Whether the list has been approved by the Collector
- |     |    |
|-----|----|
| Yes | No |
|     |    |

- iii Whether all the polling stations have been visited by the ADEA, RO and ARO
- |     |    |
|-----|----|
| Yes | No |
|     |    |

- iv Polling Station Details

Total No of Polling Stations	Single Polling Station Locations	Two PS locations	Three PS locations	More than three PS locations, if any

- v. Electors details of Polling Stations in the Territorial Constituencies

Total No of Polling Stations	No of electors attached to the Polling Station					
	Upto 300	301-600	601-800	801-1000	1001-1200	Above 1200 if any

- vi Identification of critical sensitive and hypersensitive polling stations (please provide the list)

- a. Vulnerability mapping done or not :
- b. No. of Critical Polling Stations identified :
- c. No. of Sensitive Polling Stations identified :
- d. No. of hypersensitive Polling stations identified :

## 9. Ballot boxes / EVMs

Total number of polling stations	No. of ballot boxes / EVMs required	No. of ballot boxes / EVMs to be reserve	No. of ballot boxes / EVMs marked for training	Total number required <b>(2+3+4)</b>	Available ballot boxes	Remarks, excess or shortfall
1	2	3	4	5	6	7

(i) \*Have EVMs been allocated Mandal wise by the DEA after 1<sup>st</sup> randomization

Yes	No

(ii) \*Date and location planned for 2<sup>nd</sup> randomization of EVMs by Returning Officer.

Yes	No

## 10. Identification of centers for distribution, reception and counting and reception

(i) a. Locations identified for distribution : Yes No  
 b. Locations identified for receptions :  
 c. Locations identified for counting :

Yes	No

(ii) Whether facilities, space, lightening

Adequate	Inadequate

## 11. Polling Personnel

(i)

Total No. of Polling Personnel required for the District	No. of State Government Officials available	No. of Central Government Officials available	No. of State PSUs Officials available	No. of Central PSUs Officials available	Total No. of Polling Personnel available in the District

(ii) Arrangements for deployment of adequate polling personnel

	Actual Required	In Reserve	Appointed	Remarks if any
No. of Zonal officers				
No. of route officers				
No. of Returning Officers				
No. of Asst Returning Officers				

No. of Presiding Officers				
No of Assistant Presiding Officers				
No. of Polling clerks				
No. of counting supervisors				
No of counting assistants				
No of Micro observers				

(iii) Police personnel

i. The total number of police personnel by designation

Superintendent of Police	Deputy Superintendent of Police	Inspector of Police	Sub-Inspector of Police	Constables

ii. Requirement of CPF

iii. Operation of Police Control Room (Police and RO, DEA) and the contact numbers

(iv) Preventive actions taken

i. Arms deposited

ii. Security bonds

iii. Preventive detentions

iv. NSA

v. Externment

vi. Prohibition cases if applicable

vii. List of persons provided with security cover

viii. Copy of law & order report 1 and 2 sent to State HQ should be endorsed to Observer daily.

(v) Training of Polling Personnel

(i) Whether Returning Officers and Asst. Returning Officers appointed Trained or not?

Yes	No

(ii) Whether Polling Officers (Pos, APOs and PCs) appointed Trained or not?

Yes	No

(iii) Whether Polling Personnel appointed are trained on operation of EVMs/ VVPATs/Ballot Boxes

Yes	No

(iv) Whether schedule for training of the Zonal Officer(s) prepared?

Yes	No

(v) Whether Counting Personnel appointed Trained or not?

Yes	No

**12. Arrangements for implementation of Model Code of Conduct**

i) Arrangements for prevention and removal of defacement of property.

Done	Not Done

ii) Enforcement squads formed.

Done	Not Done

iii) District media cell constituted or not.

Done	Not Done

iv) Instructions to all the officers, candidates, political parties highlighting actions envisaged for the lapses.

Done	Not Done

v) Name & Designation of Officer for communicating about the venues and rallies of Political Party/Candidates' meetings.

Name and contact details obtained.

Yes	No

vi) Arrangements for expenditure observation at the Mandal level.

Designated officers at Mandal level appointed.

vii) Preparation of list of prevailing market rates for Regular campaign material required done

Yes	No

**13. Arrangements for procurement of election material and printing of forms etc.**

No. of indelible ink phials obtained	No. of green paper seal obtained	*No. of Strip Seals obtained (When EVMs are used)	Whether Statutory/ Non-Statutory forms/Covers and polling material etc., available	Whether Hand Books of ROs, Pos, Contesting Candidates etc. are obtained

**14. Randomization of polling personnel**

i. Whether data base of polling personnel prepared?

Yes	No

ii. Whether polling parties are formed at Mandal level/ District level :

iii. Date of formation of Polling Parties

Date	Month	Year

iv. Date of allocation of polling stations to polling parties will be at the time of their dispatch

Date	Month	Year

### 15. Dispatch arrangements (at Mandal level)

- i. Whether from Mandal headquarters or any other location,
- ii. Name of the location mostly selected by all the Mandals
  - a. ....
  - b. ....
- iii. Average No. of tables arranged for each Mandal
- iv. Any need for early dispatch to specific polling stations,
- v. If yes, reasons.

### 16. Receiving arrangements (At Mandal level)

- (i) Location
- (ii) Plan for special counters for receiving sealed ballot boxes and other sealed election related documents.
- (iii) Average No. of tables arranged for each Mandal
- (iv) Arrangements of **temporary** strong rooms.

### 17. Temporary Strong Room location and Security arrangement (Temporary strong room and Counting Halls in the same campus).

- (i) Location identified
- (ii) Security arrangements made

### 18. Counting arrangements

- i. Identification of counting centres
- ii. Whether counting centres identified approved by C&DEA.
- iii. Average No. of tables arranged for each Mandal.
- iv. Lighting arrangement
- v. Arrangement for receiving and counting of Postal Ballot papers.

### 19. Storage Arrangements of counted Ballot Papers and Statutory on-Statutory election papers after counting.

At treasuries or at any other location

If at any other location, whether approved by C&DEA:

**\* Applicable only when EVMs are used**



**ANNEXURE – III**

**OBSERVER REPORT-1**  
**POLL PREPAREDNESS REPORT**

(To be sent to commission on the last day of the Nominations for each phase)

From

Name of the Observer:	
Name of the District	
Name of the election, year and phase	

1.	Electoral roll published and handed over to the political parties	Yes	No
	<b>Ballot boxes</b>		
2.	(a) Whether sufficient ballot boxes are available		
	(b) Whether available ballot boxes are repaired, hauled and kept in perfect working condition for use of poll		
3.	<b>*Randomization of EVMs:</b>	Done	Not done
	(a) FLC and First level Randomization of EVMs		
	(b) Involvement of political parties in process of First level Randomization of EVM is taken		
	(c) Providing of Randomized list of EVMs to political parties and Returning Officer and people log book maintained.		
	(d) Number of VVPATs to be used, if any		
	(e) Whether VVPATs tested		
4.	<b>Arrangements for:</b>	Done	Not Done
	(a) Ballot Paper printing		
	(b) Required election material had been procured		
	(c) Setting up of facilitation center for providing postal ballot papers to polling personnel		
	(d) Providing postal ballot papers to service voters & voters under PD		

<b>Polling Personnel:</b>		Done	Not Done	
5.	(a) Whether a complete data base of the polling personnel- State and Central Government employees- is available for deployment?			
	(b) Polling personnel list preparation & first randomization i.e. segregation into Pos, Asst. PO & OPO categories			
	(c) Dates of second randomization (for teams formation)			
	(d) Dates of third randomization (for allocation of Polling stations)			
<b>Training Programme:</b>				
6.		Date	Month	Year
	First Training held on			
	Second Training to be held on			
7.	Adequate preventive steps taken for maintenance of Law & Order	Yes	No	
8.	Mapping of Mandal-wise critical polling stations done	Yes	No	
9.	Arrangements for dispatch, receiving and counting centre and strong room	Done	Not done	
10.	Facilities made for column-8 are adequate?	Yes	No	
<b>Model Code of Conduct:</b>		Yes	No	
11.	(a) Adequate publicity of MCC is done			
	(b) Arrangements for model code of conduct implementation			
	i. Whether enforcement squads formed			
	ii. whether system for receiving complaints and monitoring of disposal of complaints done			
	(c) Communication plan done			
	(d) Establishment of control rooms done			
	(e) whether Mechanism to control defacement of property has been set up			

<b>Election expenditure Monitoring:-</b>		Yes	No
11.	Monitoring of election expenditure		
	(a) Whether the election machinery is aware of Rules relating to ceiling on maximum expenses		
	(b) Whether all the candidates been furnished with the prescribed register formats I to IV for maintaining day to day account of election expenditure by contesting candidates 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 DEA at the time of issue.		
	(d) Whether the DEA has designated an officer (Designated Officer) to check the accounts of daily expenditure to be maintained by the candidates		
	(e) Whether the schedule of inspection of the expenditure register/vouchers 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 accounting the 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 etc., have been provided by the DEA		
	(i) Has the same been apprised to the contesting candidates and the Designated Officers.		
	(j) Whether a plan has been formalized for flow of communication between –		
	(i) media cell and 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.		
	(iii) Excise authorities granting liquor license and the Designated Officer to have upto date information on stock position and disbursements.		
	(iv) 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.		

	(v) Police authorities who confiscate unauthorized vehicles which are illegally used for electioneering and the Designated Officer.		
	(k) Any other item of expenditure incurred by the candidates which engages the attention of the Observer during the period of their stay		

**\* Applicable only when EVMs are used**

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

Date:

Place:

Signature of the Observer

**ANNEXURE – IV**

**OBSERVER REPORT- 2**

(To be sent to Commission Three days before the poll day for each phase)

From:

Name of the Observer	
Name of the District	
Name of the election, year and phase	

1	Number of complaints received on violation of Model Code of Conduct					
2	Number of notices issued					
3	Number inquired and action taken					
4	Any pending for inquiry and corrective action					
5	Reasons for pendency:					
6	Details of election	Sl. No	Post	No. notified	No. elected unanimously	No. for which polls are scheduled
		1	MPTC			
		2	ZPTC			
7	Authenticated copy of electoral roll has been prepared and supplied to candidates				Yes	No
8	Whether vulnerability mapping have been done and critical polling stations identified (hypersensitive and sensitive)				Yes	No

9	No. of polling stations requiring static outside force		
10	No. of polling stations requiring video coverage		
11	No. of polling stations to be covered with micro observers		
12	Number of Micro-Observers identified		
13	Security arrangement for polling stations and poll personnel i.e. Police plan (bandobust) done	Yes	No
14	Whether the communication plan has been validated	Yes	No
15	Whether the route maps for every polling station, sector maps, route chart, and transport plans for Observers, poll personnel, Micro Observers etc. made?	Yes	No
16	Whether the vehicle requirement for transport plan assessed?	Yes	No
17	Whether Live web casting/ CCTV arrangements made to monitor election process at distant/critical polling stations?	Yes	No
18	Whether arrangements made to review the live feed from CCTVs/ Webcasting at polling stations etc. and steps to be taken for action on any illegal activity noticed in live feed.	Yes	No
19	Whether adequate preventive steps have been taken for maintenance of Law and Order?	Yes	No
<b>*EVM/ VVPTS</b>			
20	Whether list of EVMs used in the Mandal including the training EVMs and reserved EVMs for replacement has been give to political parties/ candidates.	Yes	No
21	Whether prior intimation regarding date and time of 2 <sup>nd</sup> randomization of EVMs followed by EVM preparation and second level check of EVM has been given to candidates with proper Acknowledgement receipt.	Yes	No
22	Whether Random verification of 10% or more of CU/ BU was done by the R.O in presence of	Yes	No

	Political Parties/ candidates. Whether candidate verifies the EVMs (2 <sup>nd</sup> level check) to their satisfaction.		
23	Whether candidates were allowed to take from the engineers/ master trainers in order to eliminate doubt about the malfunctioning of EVM.	Yes	No
24	Whether all stages of Randomization of EVMs done and record kept properly.	Yes	No
		Yes	No
25	Arrangements to escort the polled Ballot Boxes / EVM back done		
26	Transportation and receipt arrangements for Polled Ballot Boxes / EVM		
27	Is strong room guarding plan done? Is the general atmosphere conducive for holding of free and fair poll? If no, state detailed reasons.		

**\* Applicable only when EVMs are used**

Any special input.

Date:  
Place:

Signature of the Observer

**ANNEXURE – V**  
**OBSERVER REPORT- 3**

**The Third Report**

(To be sent to the Commission immediately **after completion of the poll** for each phase)

From:

Name of the Observer:	
Name of the District:	
Name of the election, year and phase:	

Total no of contesting candidates		MPTCs	ZPTCs
1	Total number of Polling Stations		
2	No. of Polling Stations covered with Micro Observers		
3	No. of Polling Stations covered with Video coverage		
4	* Number of Polling Stations where mock poll was not confirmed (indicate the specific number of Polling Stations)		
5	Number of Polling Stations where there were no Polling agents (indicate the specific number of Polling Stations)		
6	Number of Polling Stations where there was only one Polling agent was present (indicate the specific number of Polling Stations)		
7	Number of Polling Stations where poll was interrupted for more than two hours or delayed in starting (indicate the specific number of Polling Stations )		
8	Number of Polling Stations where the interrupted poll could not continue (indicate the specific number of Polling Stations)		



9	No. and name of the Polling Stations where complaints of violation of Polls were received during the course of Poll. Describe the nature of complaints and action taken.						
10	Number of Ballot Boxes/EVMs replaced after the start of Poll (indicate the specific number of Polling Stations)						
11	Number of polled votes in the Ballot boxes/EVMs which were replaced and the name and number of the polling stations						
12	* When EVMs with VVPATs are used:						
	(i) Whether there was malfunctioning of any VVPATs machine.						
	(ii) Whether counting of ballots of VVPATs have been carried out						
13	(iii) Whether the number of ballots of VVPATs machine with the number of votes casted tallied.						
	All Presiding officers diaries and other documents received				Yes.	No.	
14	Total voting (Both for MPTCs/ZPTCs) combined				Total no. of electors	Number voted	Percentage
	Male						
	Female						
	Others						
15	Total						
	Conclusion of the poll	Sl. No.	Post	Total no. of polls conducted	No. of polls concluded successfully	No. of polls adjourned	No. interrupted
		1	MPTCs				
2	ZPTCs						

16	Events relating to law and order, bogus voting etc.,		
17	Any need for repoll If yes, then the details of	MPTCs	ZPTCs
18	Fixing the responsibility for the occurrences of re-polls		

**\* Applicable only when EVMs are used**

Date:

Signature of the Observer

Place:

**ANNEXURE – VI**

**OBSERVER REPORT – 4**

**The Fourth Report**

(To be sent to the Commission **After Counting and Declaration of results** for each phase)

From:

Name of the Observer:	
Name of the District:	
Name of the election, year and phase	

1. Total number of offices **notified** for election in ..... phase

MPTCs	ZPTCs

2. Total number of offices **Unanimously elected** in ..... Phase

MPTCs	ZPTCs

3. Total number of Poll candidates

MPTCs	ZPTCs

4. Total number of offices going for counting

MPTCs	ZPTCs

**Part-I**

<b>Arrangement for Counting</b>		Done	Not Done
1	Whether arrangements for counting has been done as per the instruction of the Commission.		
2	Randomization of Counting Staff		
3	Political Parties, Counting Agents and Counting Personnel trained		
4	Pairing of Counting Supervisor and Counting Assistant		
5	Average number of tables were arranged for counting		
6	Average number of rounds were planned		
7	Whether Micro-Observers were deployed for each Counting centers.	Yes	No
8	Whether the seating arrangements of the Counting Agents were done as per the instructions of the Commission	Yes	No
9	Whether the Counting Agents of the Candidates were present at the time of counting	Yes	No

10	Whether the signature of the Counting Agents taken in Part-II of Ballot Paper Account/Accounts of Votes Recorded by Returning Officer	Yes	No
11	Videography of counting	Done	Not Done

**Part –II**

<b>Counting of Postal Ballot</b>			
1	Total number of postal ballot papers issued		
2	Total number of postal ballot papers received		
3	Valid postal Ballot papers		
4	Invalid postal ballot papers		
5	Total No. of votes polled for NOTA by Postal Ballot		
6	* Whether the EVM no. was tallied with EVM list supplied to polling station		
7	Whether Green paper seal no. for each counted ballot box/ EVM checked and verified		
8	Whether the round wise result was immediately put on the blackboard in counting hall at the close of each round and before the beginning of next round by Returning Officer		
8A	Whether the total votes shown in Part – II of Ballot Paper Account (Form XXV when Ballot box used) / Accounts of Votes Recorded (Form XXXII when EVMs are used) tallied with the votes counted.	Yes	No
9	Whether there was any demand for re-totalling with what result ? Describe. Specify the names of MPTC/ZPTC constituencies, if any.		
10	Whether any significant incident occurred during counting of votes? If yes, give details		

**\* Applicable only when EVMs are used**

**Part – III**

**(After declaration of results)**

Total number of offices **notified** for election in ..... phase

MPTCs	ZPTCs

Total number of offices **Unanimously elected** in ..... phase

MPTCs	ZPTCs

Total number of offices for which elections were **held** in .....phase

MPTCs	ZPTCs

Total number of offices for which elections were **completed** in .....phase

MPTCs	ZPTCs

Total number of offices for which **election results declared** in .....phase

MPTCs	ZPTCs

Total number of offices for which **results withheld** in .....phase

MPTCs	ZPTCs

**Date:**  
**Place:**

**Signature of the Observer**

**ANNEXURE – VII**  
**OBSERVER REPORT – 5**

**The Fifth Report**

(To be sent to the Commission **After Declaration of indirect election results** for each phase)

From:

Name of the Observer:	
Name of the District:	
Name of the election, year and phase	

1. Total No. of offices for which indirect elections to be conducted

<b>MPP</b>		<b>ZPP</b>	
<b>President</b>	<b>Vice President</b>	<b>Chair Person</b>	<b>Vice chair Person</b>

2. Date and time of Indirect election meeting
3. Whether notice of the date and hour of meeting was given to all the members who have voting right
4. Whether proper arrangements were made for conduct of indirect election meeting

Yes	No
<input type="text"/>	<input type="text"/>
Yes	No
<input type="text"/>	<input type="text"/>
Yes	No
<input type="text"/>	<input type="text"/>

5. Total No. of offices for which indirect elections completed and results declared

<b>MPP</b>		<b>ZPP</b>	
<b>President</b>	<b>Vice President</b>	<b>Chair Person</b>	<b>Vice chair Person</b>

6. Total no. of Offices – Indirect election Postponed due to want of quorum or any other reason

<b>MPP</b>		<b>ZPP</b>	
<b>President</b>	<b>Vice President</b>	<b>Chair Person</b>	<b>Vice chair Person</b>

7. If the Meeting was postponed due to want of quorum or any other reason , indicate the next date of election		
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## DEPARTURE REPORT

1	Date of reporting by the Observer in the District for election duty	
2	Date of departure of Observer	
3	Was there any break taken by the observer from the duty If yes, give details	
4	Was there late reporting to duty If yes, by how much time.	

Date:  
Place:

Signature of the Observer