

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 318/LC/OBS/2015/OPS

Dated: 8th December, 2015

To

The Chief Electoral Officer.
Karnataka,
Bengaluru.

Subject: - Biennial election to the Karnataka Legislative Council from Twenty Local Authorities' Constituencies -Appointment of Observer-regarding.

Sir,

With reference to your letter No.DPAR154CHUMAPA2015, dated 4th December, 2015, I am directed to say that in exercise of the powers conferred on it by Article 324 of the Constitution of India and Section 20B of the Representation of the People Act, 1951, the Election Commission hereby appoints following IAS officers as indicated in the table below as its Observers for Biennial election to the Karnataka Legislative Council from Local Authorities' Constituencies being held in December, 2015-January,2016. The poll is to be taken on 27.12.2015.

	Name of the Observer	Cadre & Year	Name of Allotted Local Authorities' Constituencies
1	Ms. Uma Mahadevan	KN:92	Bidar Local Authorities' Constituency
2	Sh. Srivatsa Krishna	KN:94	Gulbarga Local Authorities' Constituency
3.	Sh. Maheshwar Rao M.	KN:95	Bijapur Local Authorities' Constituency
4.	Ms. Rashmi V. Mahesh	KN:96	Belgaum Local Authorities' Constituency
5.	Sh. Mohammad Mohsin	KN:96	Uttara Kannada Local Authorities' Constituency
6.	Sh. Rajender Kumar Kataria	KN:96	Dharward Local Authorities' Constituency
7.	Sh. Harsh Gupta	KN:97	Raichur Local Authorities' Constituency
8.	Sh. Manivannan P.	KN:98	Bellary Local Authorities' Constituency
9.	Sh. Subodh Yadav	KN:99	Chitradurga Local Authorities' Constituency
10.	Sh. Satya Murthy K.S.	KN:99	Shimoga Local Authorities' Constituency
11.	Sh. Adoni Syed Saleem	KN:99	Dakshina Kannada Local Authorities' Constituency
12.	Dr Channapa Gowda N.S.	KN:99	Chikmgalur Local Authorities' Constituency

13.	Dr Ekroop Caur	KN:2001	Hassan Local Authorities' Constituency
14.	Dr Ravishankar J.	KN:2001	Tumkur Local Authorities' Constituency
15.	Ms Savithri M.V.	KN:2001	Mandya Local Authorities' Constituency
16.	Dr Manjula N.	KN:2002	Bangalore Local Authorities' Constituency
17.	Sh. Jannu R.R.	KN:2002	Bangalore Rural Local Authorities' Constituency
18.	Sh.Yashwantha V.	KN:2002	Kolar Local Authorities' Constituency
19.	Sh. Vishwanath D.S.	KN:2002	Kodagu Local Authorities' Constituency
20.	Sh. Aiyappa M.K.	KN:2002	Mysore Local Authorities' Constituency

2. The above Observers will ensure that elections to the Legislative Council is held strictly in accordance with the provisions of the law and existing instructions of the Election Commission. For this purpose, if any clarification is required, the Observers may be instructed to contact the following officers: -

S.No.	Name of the Officer & Designation	Contact No.
1	Sh. Umesh Sinha, IAS, Deputy Election Commissioner	011-23052081 (O)
2.	Sh. S.K. Mendiratta Legal Advisor	011-23716712 (O)
3.	Sh. K. Ajay Kumar, Pr.Secretary	011-23710221 (O)

3. They are also required to attend to any complaints made/deviations noticed, relating to the conduct of Legislative Council election and report promptly to the Commission. **They will also check violation of Model Code of Conduct.** The Observers will station themselves at the Returning Officer's Headquarters and ensure that their local contact numbers are advertised properly for the benefit of all the stake holders in election. **They will report in the Constituency allotted to them in accordance with the instructions contained in the Commission's letter dated 29.12.2009 (Copy enclosed).** Their arrival report should reach the Commission at Fax No. 011-23711850 of Shri K.Ajay Kumar, Principal Secretary, Election Commission of India, New Delhi immediately.

4. This allocation is subject to change, if the situation so warrants. Under Section 13CC of the Representation of the People Act, 1950 and Section 28A of the Representation of the People Act, 1951, they will be deemed to be on deputation to the Election Commission during the period they are working as Observers to the Election Commission and subject to the control, superintendence and discipline of the Election Commission.

5. As Observers of the Commission, they are entitled for TA/DA as admissible on tour. They will draw TA/DA from their Ministry/Department/Office. The expenditure will be debitable to the Budget grant of their Ministry/Department/Office. They are also entitled to travel by air by any scheduled commercial flight of any Airlines while they are working as Observers. However, whenever they travel by train, it shall be as per their entitled class.
6. In case they make any subsequent request for exemption, change in deployment, permission for temporary absence, leave etc., it shall be taken up with the Deputy Election Commissioner/Secretary concerned. In all such cases, unless a reply is received in that regard, the permission shall not be deemed to have been accorded.
7. On completion of their duty as Observer, they will send a final report to the Commission and also intimate this to the Commission directly that they have completed their duties as Observers. Unless specifically required by the Commission to continue on duty as Observer, they shall stand automatically released from the duties of Observers after that date.
8. They are also directed that no appreciation letter of any kind will be issued by them to the Returning Officer or to any other election related official while they are working as Observers of the Election Commission of India or even later on in the same capacity. If the Observers are of the view that any election related official needs to be appreciated, they should send their proposal to Election Commission giving full reasons. The Observer will not issue any direction regarding transfer of officers etc. to the District Election Officer/Returning Officer or to any other election related official. In case any deviation in the conduct of officials is noted by the Observer, the same may be brought to the notice of the Commission immediately so that the Commission may take appropriate action on the matter.
9. Please acknowledge the receipt of this letter and ensure that all concerned have been communicated and briefed properly and ensure compliance.

Yours faithfully,

(K.N. BHAR)
SECRETARY

Copy to BE Section.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.318/LC/OBS/2009/OPS/

Dated: 29th December, 2009

To,

1. The Chief Secretary to the Government of Andhra Pradesh, Bihar, Karnataka, Jammu & Kashmir, Maharashtra and Uttar Pradesh.
2. The Chief Electoral Officers of Andhra Pradesh, Bihar, Karnataka, Jammu & Kashmir, Maharashtra and Uttar Pradesh.

Subject: -Biennial /Bye-Elections to the Legislative Council-Deployment & Duties of Observers-Regarding.

Sir,

I am directed to say that the Election Commission of India, under Article 324 of the Constitution of India read with Section 20B of the Representation of the People Act, 1951, has hitherto being deputing Observers for elections to Legislative Assemblies and Lok Sabha that are conducted by the Commission. The Commission has, in the past, issued various instructions from time to time in connection with the appointment of Observers to watch the election process from the time of making of nominations and till the declaration of results so as to ensure peaceful, free and fair elections. The role of Observer in supervision of election has undergone a major shift and become quite crucial due to recent changes by the Commission in the approaches and methodologies in election management.

2. The Commission has now decided that Observers, will also be deployed to observe the election process of Biennial /Bye-Elections to the Legislative Councils of the States having such a Council. The role of Observers, their duties and responsibilities in respect of the biennial/bye- elections, along with their formal reports, are indicated in enclosed Annexure-I.

3. The Commission has also decided that as and when biennial/bye- elections to the Legislative Council are declared by the Commission, the Chief Electoral Officer of State shall be directed by the Commission to send a panel of IAS officers belonging to the State Cadre and working in the State, in consultation with State Government. The number of IAS officers desired in the panel shall be indicated by the Commission.

4. The IAS officers from the panel, so received, shall thereafter be appointed by Election Commission as Observers in the same State for performing their duties as Observer for the designated area, to be indicated in the appointment order.

Kindly acknowledge the receipt.

Yours faithfully,

(K.N. BHAR)
UNDER SECRETARY

Copy to CC&BE Section

ANNEXURE – I**DUTIES & RESPONSIBILITIES OF OBSERVERS FOR BIENNIAL/BYE- ELECTIONS TO LEGISLATIVE COUNCILS**

- I. (i) To observe the process of nominations, scrutiny and withdrawal of candidatures.
- (ii) To examine the video clippings of the nomination process, if the Commission directs so, as well as to make proper investigations into the complaints received in connection with the process of nominations. Also to examine the unresolved grievances by the candidate/Political Parties.
- (iii) To submit four reports as per the Proforma enclosed.
- (iv) To check of the final list of contesting candidates.
- (v) To monitor training to ensure that proper training is arranged for the election staff, including the counting officials.
- (vi) To visit polling stations to monitor that all polling stations have been visited by election officials for verification from fitness angle. Also to verify that the list of polling stations is approved by the Commission.
- (vii) To discuss the poll, counting and security arrangements with District Election Authorities and to review the law and order issues in general.
- (viii) To monitor the Electoral Roll/Electoral College list prepared by the Electoral Registration Officer/Returning Officer as per the Conduct of Elections Rules, 1961.

II Apart from the above, the Observers should seek prior permission from the Commission every time they want to leave the headquarters on personal work or on official work not connected with performance of their duties as Observers. Any request in this regard for special permission shall be made to the Deputy Election Commissioner concerned in Secretariat of the Election Commission. Observers shall not be allowed to go on foreign trip during the period of the election process. No request in this regard should be made to the Commission. Only in case of receipt of late intimation about selection of the officer to attend a foreign training, which is duly sponsored by the DOPT as per prescribed procedure, the State Government may recommend release of such officer by substituting/sponsoring an officer of equivalent or of higher rank

III. The Observer shall also perform any other task, as assigned by Election Commission.

IV Visit Schedule of the Observer shall be as follows:-

- | | |
|--|--|
| (a) First Visit - | From the last date of nominations to the last date for the withdrawal of candidatures. |
| (bi) Second Visit -
(In the case of election
from council constituencies.) | For 3 days after one week of the last date for
the withdrawal of candidatures. |
| (bii) Second Visit
(In the case of
elections
by MLAs) | For one day after three days of the last date
for withdrawal of candidatures |
| (c) Third Visit - | From the date prior to the day of actual poll
and till the counting of votes and declaration
of result |

OBSERVER REPORT-1

(To be submitted after the last date for the withdrawal of candidature(s))

Name of Constituency				
State				
1	Is there any critical event	Yes	No	If yes, give details
2	Electoral Roll (for Graduates' & Teachers' Constituencies)/Electoral College for Local Authorities by MLAs etc. already finalised/available for use.	Yes	No	If no, give details
3	Affidavits uploaded on CEO web site, put on notice boards and published	Yes	No	-do-
4	Arrangements for ballot paper printing	Done	Not done	-do-
5	Preparation of list of polling personnel	Done	Not done	-do-
6	Schedule for training of polling personnel finalised or not	Done	Not done	-do-
7	Adequate preventive steps taken for maintenance of Law & Order	Done	Not done	-do-
8	Whether the election machinery is aware of Conduct of Elections Rules, 1961	Yes	No	-do-

Overall observation - (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern.

Date:

Place:

Signature of the Observer

OBSERVER REPORT-2

(To be submitted 3 days before the poll)

POLL PREPAREDNESS REPORT

Name of Constituency	
State	

1	Whether all the materials for actual poll ready ?	Yes	No	If no, indicate present position
2	Whether polling parties formed?	Yes	No	-do-
3	Whether approval of list of polling stations obtained from the Commission ?	Yes	No	-do-
4	Whether approval for counting centre obtained from the Commission ?	Yes	No	-do-
5	Whether appointment and training of officials done ?	Yes	No	-do-

Any special input: -

Date:

Place:

Signature of the Observer

OBSERVER REPORT-3

(To be submitted after counting of votes is over and the result is declared)

Name of Constituency	
State	

1	Whether poll was conducted as per procedure laid down under the law ?	
2. (a)	Whether poll vitiated in any polling stations	
(b)	If so, details	
(c)	Whether the repoll was ordered by the Commission ?	
3.	Whether the counting of votes was done as per procedure laid down under law ?	
4. (a)	Whether any request for recount of votes received ?	
(b)	If yes, whether it was accepted by RO ?	
(c)	Whether R.O. recorded reasons for accepting/rejecting request for recount.	
5	Whether the Commission's permission was obtained before commencement of counting of votes and declaration of result.	

Any other irregularity noticed -

Date:

Place:

Signature of Observer

OBSERVER REPORT-4

(Departure Report)

Date of reporting by the Observer in the Constituency for election duty

Date of departure of Observer

Was there any break by the Observer from the duty ?

If Yes, give details

Was there any late reporting to duty ?

If yes, by how many days ?

Date:

Place:

Signature of Observer

