

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

K.N.BHAR
UNDER SECRETARY

No.464/OBS/2008/EMS/Vol.II

Dated: 30th January, 2009

To

1. The Chief Secretaries of All States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.
3. The Director, Department of Personnel & Training, North Block, New Delhi.
4. The Director, Central Board of Direct Taxes, North Block, New Delhi.
5. The Director, Central Board of Excise & Custom, North Block, New Delhi.

Subject: Appointment of Observers to watch the General Election/Bye-elections-Instructions for substitution/replacement of an officer appointed as Observer.

Sir/Madam,

I am directed to say that it has been observed by the Commission that in the past various Ministries/Department and State Governments often substitute nominated officers and request for exemption from election duty on some ground or the others in the last moment. Such substitutions cause immense dislocation to the sensitive election work and create confusion and unnecessary delays.

2. In view of the above, the Commission has decided to prescribe the following norms for substitution/replacement of the Observers: -

- I. Once an officer is nominated, no substitution can be made by the sponsoring State Govts/Ministries unilaterally. If in rare cases substitution becomes inevitable for some valid reasons, the sponsoring authorities along with request for substitution to the Commission shall invariably sponsor the name of another suitable officer from the format 'B' and under no circumstances officer whose name is already available in format 'A' can be offered as a substitute for such a substitution is not a real substitution as that would result in reduction in the number of officers at the disposal of Commission for appointment as Observer.
- II. Besides, such requests of substitution should be forwarded by only the Nodal Officer appointed by the State Govts/Ministries or by an officer above him. Copy of the request for substitution should be marked to the cadre control authority (DOPT). However, the Commission has made it clear that unless the request for substitution sent by the State

Govts/Ministries is accepted and communicated in writing through e-mail or fax, the substitution shall not be taken for granted. It is also observed that for the Commission's briefing at times an officer from State Govt or Ministry appears as a substitute while the original officer remaining absent. The officers are clearly advised that no officer will come for briefing unless he receives a letter to that effect from the Election Commission or the State Govts/Ministries has received a letter from the Election Commission accepting the proposal for substitution.

3. If any sponsoring authority wants to request for replacement of an observer either in the list of officers retained (before appointment) or amongst those appointed, the request should be made in **Form OBS07 (Annexure-II)**. In case, a sponsoring authority proposes to replace multiple officers, separate Forms should be filled for each officer. The reasons for replacement and the period of non-availability of the officer being proposed to be replaced should be clearly and mandatorily specified. Even in case the officer is expected to be non-spareable for the entire sponsored period of, the 'entire period' should be mentioned. It should be ensured that replacements are proposed at the first opportunity after the sponsoring authority becomes aware of the non-availability or non-spareability of the officer. This should not be pushed to the point where the officer is appointed as Observer and is then replaced stating reason that has occurred sometime back.

4. In addition to this, an **Observers Portal** for accessibility of the Observers and the Nodal Officers will be developed in the website of the Commission (<http://www.eci.gov.in>) wherein all the relevant information shall be provided. While general information shall be made viewable to all, Observer specific information and sponsoring Authority specific information shall be accessible to the Observer and Nodal Officer respectively only on login.

5. The proposal for substitution/replacement of an officer can also be sent by e-mail/or by filling up the format 'on-line' available in the Observer Portal by the Sponsoring Authorities.

6. It is once again reiterated that once an officer is appointed as Observer no proposal with regard to his replacement will be entertained except on extremely urgent and unavoidable ground.

7. Kindly acknowledge the receipt of this letter alongwith its enclosures.

Yours faithfully,

(K.N.Bhar)

OBS06

Request for exemption

Observer Code:		
Name:		
Allotment Year:		
Cadre (if applicable):		
Sponsoring Authority		
Present Designation		
Official Address		
Phone Numbers	Office	
	Fax	
	Residence	
	Mobile	
e-Mail		
Reason for seeking exemption		Personal/Administrative
Whether exemption forwarded by Sponsoring Authority		Yes/No
Detailed Description of the reason		
Period for which exemption is sought	From	To
Details of documents enclosed		
1.		
2.		
3.		
4.		
Details of Observer duties done in past five years:		
Place:		Signature
Date:		
For Official Use		
The request of exemption of _____ (Obs Code) from election duty between dates _____ and _____ is		
ACCEPTED / REJECTED		
(Deputy Election Commissioner)		

OBS07

Request for replacement

(To be filled by the Sponsoring Authority)

Details of the Observer			
Observer Code:			
Name:			
Allotment Year:		Cadre (if applicable):	
Sponsoring Authority:			
Present Designation:			
Reason for replacement	Personal/Administrative		
Detailed Description of the reason			
Period for which exemption is sought	From		To
Details of documents enclosed			
1.			
2.			
Details of Observer duties done in past:			
Details of the Replacement			
Observer Code:			
Name:			
Allotment Year:			
Present Designation:			
Official Address:			
Phone Numbers	Office		
	Fax		
	Residence		
	Mobile		
e-Mail			
Details of Observer duties done in past:			
			Signature
For Official Use			
The request of replacement of _____(Obs Code) with _____(Obs Code) is			
ACCEPTED		/	REJECTED
(Deputy Election Commissioner)			