कार्यालय मुख्य निर्वाचन पदाधिकारी, मध्यप्रदेश

फा.क्र. 17/ चार/2016/ प्रेक्षक/3974

मोपाल, दिनांक 29.04.2016

प्रतिलिपि:-

1. श्री निर्मल कुमार, उप सचिव, भारत निर्वाचन आयोग, निर्वाचन सदन, अशोक रॉड, नई दिल्ली 110001 की ओर उनके पत्र संख्या 464/ओबीएस/2016/ओपीएस दिनांक 11.04.2016 के संबंध में सूचनाथ अपेक्षित।

2. उप सचिव (कार्यक्रम) मध्यप्रदेश शासन सामान्य प्रशासन विभाग मंत्रालय वर्तमान भवन मोपाल

(एस.एस.बंसल)
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.464/OPS/2016  Dated: 11th April, 2016

To,

The Chief Electoral Officers
of all States/UTs.

Subject: Code of ethics for Central Observers of the Commission – Regarding.

Madam/Sir,

As per the Election Observation framework, the Commission appoints Observers in exercise of powers conferred on it by Section 20B of the Representation of the People Act, 1951 and the plenary powers available to the Commission under the Constitution of India. In order to enhance the credibility and effectiveness of the functioning of Central Observers, the Commission directs that the following Code of Ethics is to be strictly followed during the period of their deployment.

I. Introduction

The Election Observation framework in India has evolved as a unique and robust system over a period of time, which injects an element of neutral externality from within the system and serves as an effective over-sight mechanism for the Election Commission. Central Observers, deputed by the Election Commission of India, are an integral part of the election observation system in the poll-going districts/constituencies to ensure impartiality, transparency and credibility of the electoral process and also ensure compliance of all election related laws, rules, guidelines and instructions in letter and spirit by the field level electoral machinery. The Central Observers act as a bridge between the Commission and the electoral machinery, political parties, candidates, voters and other stakeholders.

The Observers are always under strict and microscopic scrutiny by the various stakeholders including the media, and any misconduct or discordant behaviour is likely to attract a vicious and unforgiving criticism, not only for the Observers but also for the Commission. The Observers, while on election duty, must be above board in their professional and personal conduct and act as role model.

In a nutshell, the Central Observers work as the eyes and ears of the Commission.
II. OBJECTIVE:
The Code of Ethics enunciates the minimum standards of ethical and professional conduct expected of a Central Observer deputed by the Commission for election-related observation and over-sight duties. It attempts to lay down the principles and expectations, which must guide the actions, behaviour and functioning of the officials called upon to perform the observer duties during elections.

III. APPLICABILITY:
This Code of Ethics shall be applicable to all officials who are deployed as Central Observers including, *inter alia*, General, Police, Expenditure, Awareness or Special Observers, and also to any other officer or official deployed as part of any Special Team to assess and review any election-related activity or process.

In order to instil greater efficiency and reliability in the functioning of the Central Observers and also to foster enhanced confidence and faith in the Observation system in the minds of the stakeholders and the people, the Commission prescribes the following Code of Ethics for the guidance and strict adherence by the Central Observers:-

1. The Observers must bear in mind, at all times, that they are deemed to be on deputation to the Commission and are under its direct superintendence, direction, control and discipline during the period of deployment as observers.
2. The Observers shall, at all times, conduct themselves in consonance with the highest standards of professional, ethical and personal conduct, as is expected of a responsible and mature officer of the Commission and shall not indulge in any behaviour which can be deemed unbecoming of a government servant.
3. The Observers shall discharge their observation duties and over-sight mandate with due diligence, honesty and responsibility.
4. The Observers shall not be a party to any illegal, unauthorized or illegitimate activity or engage in acts, which can bring discredit and disrepute to the Commission and invite criticism from media, political parties, candidates or any other quarter.
5. The Observers must discharge their duties gracefully, impartially, transparently and professionally, with due respect and regard for the role, status and authority of the state election officials and maintain a respectful and courteous demeanour at all times.
6. The Observers must not make any unauthorized public statements and exercise due caution before taking any definitive position in any election-related
matter. Discretion is much more preferable to any grand-standing or over-confident utterance.

7. The Observers are not expected to make any unreasonable demands or profligate requests to the CEO, DEO/RO or any other election-related official like Liaison Officers etc. in respect of accommodation, transport, security, protocol or any other consumables or peripherals.

8. The Observers must not accept any offers of hospitality, avoid shopping at special discounts or attendance at private clubs/gymnasiums and avoid recreational/scenic tours/trips etc. during their stay in the assigned Districts/ACs.

9. The Observers must appreciate and respect the democratic processes and fundamental values of constitutional democracy enshrined in our Constitution, as also the local customs, traditions and cultures and subordinate their personal opinions, perspectives and political preferences to these in the discharge of their duties.

10. The Observers should not only maintain strict impartiality and political neutrality but also exhibit the same through their conduct and behaviour.

11. The Observers should follow the virtues of simplicity and avoid any lavish lifestyle or extravagance.

12. The Observers must abstain from expressing any views or opinions, which may be directly or indirectly construed as support or preference for, or prejudice against, any particular political party, coalition or candidate, even in their private discourse with their colleagues or the election officials. This also applies to their interaction through electronic medium like WhatsApp, Twitter, Facebook or other social media platforms.

13. The Observers must display the highest level of due diligence and professional acumen in conveying their opinions and reports to the Commission about any election-related incident.

14. Any out-of-box suggestion regarding the improvement in election process should be given only in the final report. Any instruction to the election machinery for a new experiment/measure should NOT be given, without prior approval of the Commission.

15. The Observers must ensure that their reports to the Commission are prepared solely on the basis of accurate, reliable and verifiable information and not on hearsays, half-truths, rumours or unfounded anecdotal references.
16. The Observers must maintain strict confidentiality in submission of their reports and assessments to the Commission and must ensure that no part of the report or election related information is shared with any unauthorized person or agency.

17. The Observers are the eyes and ears of the Commission and not the mouthpiece. The Observers shall NOT interact with any media persons (except to receive any inputs or information offered by them), or give any form of press briefings or press releases regarding their assessment or actions, without the express authorization from the Commission.

18. The over-arching spirit guiding the Observers is cooperation and collaboration and not inquisition and enquiry. The Observers are NOT deployed on a fault-finding mission, but to objectively assess the poll preparedness, identify the critical gaps and guide the DEO/RO to address them.

19. If any shortcoming or lacunae in the actions or performance of any election official in the state is not being addressed despite reminding the field machinery, it should be communicated to the CEO and the Commission, instead of direct confrontation or over-zealous criticism.

20. The Observers, through their depth of administrative experience, acumen and understanding, are expected to guide, advise and facilitate the efforts and initiatives of the DEO/RO in making necessary poll arrangements and conducting the elections in a free, fair, transparent, peaceful and participatory manner. This may be brought to the notice of all concerned.

Yours faithfully

(NIKHIL KUMAR)
DEPUTY SECRETARY