

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M G Road, Secunderabad – 500 003.

C I R C U L A R No.10

No.775/SEC-F1/2009

Dated: 13-07-2009

Sub:- Conduct of elections to GHMC – Counting of Votes - Role of Observers
– Certain instructions issued - Regarding.

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Under section 63 of GHMC Act, 1955 at every election where a poll is taken, the votes shall be counted by or under the supervision of the Returning officer. Each contesting candidate, his election agent and his counting agent shall have a right to be present at the time of counting.

Similarly, Section 617– D of GHMC Act, 1955 provides the following:-

- (a) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a ward or a group of wards and to perform such other functions as may be entrusted to him by the State Election Commission.
- (b) The Observer nominated shall have the power to direct the Returning Officer for the ward or for any of the wards for which he 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 places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll 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 or place cannot be ascertained.
- (c) Where an Observer has directed the Returning Officer under section 617-D of GHMC Act, 1955 to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the State Election Commission shall, after taking all material circumstances into account, issue appropriate directions under section 59 A or under Section 63 A or section 65 of GHMC Act, 1955.

2. The Observers nominated by the Election Commission and deployed in the concerned wards during the election process, have been provided special responsibility to oversee and supervise the counting process under the statutory provisions as referred to above. They have also been empowered to stop the counting process at any time before the declaration of result or may direct the Returning Officer/Assistant Returning Officer not to declare the result under different circumstances as envisaged in the law.

3. The EA&C&SO, GHMC is requested to report immediately the cases where the Observer orders to stop the process of counting. He is requested to furnish a detailed report in the matter forthwith to the Commission by the Observer and Returning Officer concerned either jointly or separately for seeking appropriate orders of the Commission.

4. The above instructions shall be brought to the notice of all the Returning Officers, Observers and all other election related officers for their information and compliance.

**Sd/-B.Venkateswara Rao,
SECRETARY**

To

1. The Election Authority & Commissioner and Spl. Officer, GHMC.
2. The Addl. Election Authority and Collector & District Magistrate, Hyderabad, Ranga Reddy and Medak.
3. The Zonal Addl. Commissioners & Dy. Election Authorities, GHMC.

Copy to the Secretary to Govt., MA&UD Department, AP., Secretariat, Hyderabad.