

Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001

TAMILNADU

India

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Rule

TAMIL-NADU-LOCAL-BODIES-ELECTION-SYMBOLS-RESERVATION-A of 2001

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Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001Published vide Notification No. G.O. Ms. No. 1/2001, TNSEC/ME-3 - No. VI(2)/117/2001An order to provide for specifications, reservation, choice and allotment of symbols at elections to local bodies in the State of Tamil Nadu, and for matters connected therewith.Whereas the superintendence, direction and control of all elections to local bodies in the State of Tamil Nadu are vested in the Tamil Nadu State Election Commission (hereinafter referred to as the State Election Commission) by the Constitution of India, the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act 4 of 1919) the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore Municipal Corporation, Act, 1981 (Tamil Nadu Act 25 of 1981), the Tiruchirapalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994), the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act 5 of 1920) (hereafter referred to as "the Acts");And Whereas, it is necessary and expedient to provide in the interest of purity of elections to the local bodies in the State of Tamil Nadu and in the interest of the conduct of such elections in a fair and efficient manner, for the specification, reservation, choice and allotment of symbols, and for matters connected therewith;Now, therefore, in exercise of the powers conferred by Article 243-K and 243-ZA of the Constitution of India read with relevant sections of the Acts, and rules 33,34 and 35 of the Tamil Nadu Panchayats (Elections) Rules, 1995, Rules 31,32 and 33 of the Tamil Nadu Town Panchayats and Municipal and Corporation Councils (Elections) Rules, 1996 and in supersession of the State Election Commission's Notification No. VI(2)/228/96, published at pages 1-21 of Part VI-section 2 of the Tamil Nadu Government Gazette, dated the 3rd July 1996, the State Election Commission hereby makes the following order: -

1. Short title, extent, application and commencement.

(1) This order may be called the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001. (2) It shall apply to all elections held under the Acts. (3) It shall come into force at once.

2. Definition and interpretation.

(1) In this order, unless the context otherwise requires, -(a) "contested election" means an election where a poll is taken; (b) "election" means an election held under the Acts; (c) "form" means a form appended to this Order; (d) "free symbol" means a symbol other than a reserved symbol; (e) "local bodies" means and includes the Village Panchayats, Panchayat Union, District Panchayats, Town Panchayats, Municipalities and Municipal Corporation; (f) "ordinary election" means an election held to fill up a vacancy occurring by efflux of time; and (g) "reserved symbol" means a symbol which is reserved by the Election Commission of India for exclusive allotment to a contesting candidate set up by a recognised political party. (2) Words and Expressions used but not defined in this Order but defined in the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) or the rules made thereunder or in the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in the Coimbatore City Municipal Corporation Act 1981 (Tamil Nadu Act 25 of 1981) or in the Tiruchirapalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994) or in the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994) or in the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994) or in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or rules made thereunder shall have the meaning respectively assigned to them in those Acts and Rules. (3) In the absence of such definition, the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act 1 of 1891) shall as far as may be, apply in relation to the interpretation of this Order as it applies in relation to the interpretation of a Tamil Nadu Act.

3. Notification by the State Election Commission of elections to be held on part-basis.

- For the purposes of this Order, the State Election Commission shall in consultation with the Government, notify from time to time the election or elections which shall be held on party-basis and the election or elections which shall not be held on party-basis.

4. Notification by the State Election Commission of the lists of symbols for elections.

- The State Election Commission shall notify, from time to time -(a) the list of reserved symbols and the list or lists of free symbols for use in an election or elections held on party-basis; and (b) the list or lists of free symbols for use in an election or elections not held on party-basis.

5. Recognition of political parties.

(1) As per the provisions of rule 33 of the Tamil Nadu Panchayats (Elections) Rules, 1995 and rule 31 of the Tamil Nadu Town Panchayats and Municipal and Corporation Councils (Elections) Rules, 1996, every political party recognised by the Election Commission of India as a National Party or as a State Party in the State of Tamil Nadu under the Election Symbols (Reservation and Allotment) Order, 1968 shall be a recognised political party for the purpose of elections to local bodies.

6. Notification by the State Election Commission of the list of recognised political parties and their symbols.

- The State Election Commission shall notify, from time to time, a list of recognised political parties and the symbols respectively reserved for them.

7. Allotment of symbols.

- In every contested election, a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allotted to different contesting candidates.

8. Allotment of symbols in elections not held on party-basis.

(1) In every contested election not held on party-basis, symbols shall be allotted to the candidates in the sequence of the symbols in the list of free symbols meant for that election by drawing lots. Example. - If election of members of a ward of a Village Panchayat is not held on party-basis and if there are five candidates and if the first five symbols in the list are say, (1) "Wall Clock", (2) "Bucket", (3) "Key", (4) "Comb" and (5) "Grain Bin", then, these five symbols should be taken for allotment and assigned to the five candidates by drawing lot. The candidate whose name is drawn first shall get the symbol "Wall Clock" and the candidate whose name is drawn next shall get the symbol "Bucket" and so on. If there had been only three candidates in the above example, only "Wall Clock", "Bucket", and "Key" could be allotted in that order. (2) In such an election, the allotment of symbols shall be done only by drawing lots even if the contesting candidates agree among themselves upon their symbols.

9. Allotment of symbols in elections held on party-basis.

(1) In an election held on party-basis, every candidate set up by a recognised political party shall choose, and shall be allotted the symbol reserved to that party and no other symbol: Provided that when there are conflicting claims for any such reserved symbol due to defect of substantial character either in the nomination paper or in Form "B" or Form "C" filed, none of the claimants shall be allotted that reserved symbol and all the claimants shall be treated as independent candidates and allotted the free symbols left after allotting to all other candidates in that election: Provided further that no reserved symbol shall be sought or allotted in an election, to any candidate other than a

candidate set up by a recognised political party to which that symbol has been reserved even if no candidate has been set up by that recognised political party in that election.(2)An independent candidate i.e. a candidate who is not set up by a recognised political party shall choose three free symbols of his choice from the list of free symbols for that election indicating the order of his preference. The symbols shall be allotted in accordance with the procedure laid down below.(a)The allotment of symbols shall be considered in the order of the preference made by the candidates, that is to say, the first preference of the candidates will be considered first, the second preference next and the third preference last.(b)Where a free symbol has been sought for by only one candidate as his first choice, it shall be allotted to that candidate. If any free symbol has been sought for by more than one candidate as first choice, the allotment of that symbol shall be decided by drawing a lot among these candidates and the candidate whose name is drawn first shall be allotted that symbol.(c)If any candidate could not be allotted the symbol sought for in his first preference in the lot, he shall be considered for allotment of the free symbol sought for as his second preference. Should the second choice of symbol could not also be allotted, due to conflicting claims for that symbol and failure in the lot, he shall be considered for the allotment of the free symbol of his third preference. Even if this could not be allotted, he should be allotted by drawing a lot, any one of the free symbols left after to other candidates.

10. When a candidate shall be deemed to be set up by a recognised political party.

- For the purposes of this Order, a candidate shall be deemed to be set up by a political party if, and only if -(a)the candidate has enclosed a declaration to that effect in Form C along with the nomination paper;(b)a notice in writing in Form "B" to that effect has, not later than 3.00 p.m. on the last day of withdrawal of candidatures, been delivered to the Returning Officer;(c)the said notice is either signed by the President, the Secretary or any other office bearer and who has been authorised by the party in this behalf or any other person who has been authorised by such office bearer, to send the notice; and(d)the communication in Form "A" with regard to the name and specimen signature of such authorised person are delivered to the Returning Officer not later than 3.00 p.m. on the last day of withdrawal of candidatures.(2)(a)The communication in Form A shall be signed by the President, the Secretary or any other office bearer and who has been authorised by the party in this behalf to send such communication:Provided that where the notice in Form B is signed by any such office bearer authorised by a Party, Form A need not be insisted upon.(b)Form C shall be signed in ink, while printed/cyclostyled/photo copies of Forms A and B with facsimile signature can be presented.

11. When splinter groups or rival groups claims to be that party.

- If in an election to the local bodies held on party-basis, rival sections or groups of a recognised political party claim to be that party, the State Election Commission may decide on allotment of symbols to the candidates sponsored by such sections or groups and the State Election Commission's decision shall be final.

12. When two or more recognised political parties amalgamate into a new party.

- If in an election to the local bodies held on party-basis, two or more recognised political parties join together to form a new political party, but the recognition for it under the Election Symbols (Reservation and Allotment) Order 1968, is pending before the Election Commission of India, the new party may be allotted by the State Election Commission any of the reserved symbols already allotted to the constituent parties, provided a request in writing for such an allotment is made jointly by the Chief Executive Officers of all the constituent recognised parties.

13. Power of State Election Commission to issue instructions and directions.

- The State Election Commission may issue instructions and directions -(a)for the clarification of any of the provisions of this Order;(b)for the removal of any difficulty which may arise in relation to the implementation of any such provisions; and(c)in relation to any matter with respect to the reservation and allotment of symbols and recognition of political parties, for which this Order makes no provision or make insufficient provision, and provision is, in the opinion of the State Election Commission, necessary for the smooth and orderly conduct of elections.

Form "A"Communication with Regard to Authorised Persons to Intimate Name of Candidates set up by the Recognised Political Party[See Paragraph 10(1)(d) and 10(2)(a) of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001]FromThe President/Secretary/Office bearer,Party,.....ToThe Returning Officer for the Ward No...../Panchayat Union/District Panchayat.Sub: Elections to Allotment of Symbols-Authorisation of persons to intimate the names of candidates.Sir,In pursuance of sub-paragraphs (1)(d) and (2)(a) of paragraph 10 of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001,1 hereby communicate that the following person(s) has/have been authorised by the party, which is a recognised political party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorised to send notice	Name of office held in the party	The local body/local bodies in respect ofwhich he has been authorised	Specimen signature of the person authorised tosend notice in Form B
(1)	(2)	(3)	(4)
1.			(i) (ii) (iii)
2.			(i) (ii) (iii)
Place:			Yours faithfully, President/Secretary/Office bearer.

Date:

Seal of the Party Name of the Party.....

(N.B. This shall be delivered to the Returning Officer not later than 3.00 p.m. on the last date for withdrawal of candidature)

Form "B" Notice As To Names of Candidates Set up by the Recognised Political Party [See Paragraph 10(1)(b) and 10(1)(c) of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001] From..... Party. To Returning Office for the Ward No..... Panchayat Union/District Panchayat/Municipal Corporation/Municipality/Town Panchayat. Sub: Elections to Name(s) of candidate(s) intimated Sir, In pursuance of sub-paragraph (b) and (c) of Paragraph 10 of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001, I hereby give notice that the following person(s) has/have been our party as its candidates at the ensuing local bodies elections.

- 1. Name of the ward/local body.**
- 2. Name of the approved candidate.**
- 3. Father's/Husband's name of approved candidate.**
- 4. Postal address of approved candidate.**
- 5. Name of the substitute candidate.**
- 6. Father's /Husband's name of substitute candidate.**
- 7. Postal address of substitute candidate.**

It is certified that each of the candidates whose name is mentioned above, is a member of this political party and his name is duly borne on the rolls of the members of this party.

Place: Yours faithfully,
 President/Secretary

Date: Seal of the Party Office bearer/ Authorised person..... Party.

(1) A substitute candidate shall step-in in the event of the approved candidate's nomination being rejected on scrutiny or his withdrawing from the contest. (2) This shall be delivered to the Returning Officer not later than 3.00 p.m. on the last date for withdrawal of candidate. Form "C" Declaration by a Candidate set Up by the Recognised Political Party. [See Paragraph 10(1)(a) of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2001] I,....., a candidate for the election of member to Councillor to ward..... of..... Panchayat Union Council/District Panchayat / Municipality /Municipal Corporation Chairman/MayorTown Panchayat Municipality/Municipal Corporation, hereby declare that I have been set up at this

election.....Party which is a recognised political party.Place:Date:Signature of the candidate.N.B.:
Form shall be signed in ink