

# **Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006**

TAMILNADU

India

## **Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006**

### **Rule**

### **TAMIL-NADU-LOCAL-BODIES-ELECTION-SYMBOLS-RESERVATION-A of 2006**

- Published on 1 October 2001
- Commenced on 1 October 2001
- [This is the version of this document from 1 October 2001.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006Published vide Notification S.O. No. 62/2006/TNSEC/EG. No. 6(2)/373(d-2)/2006An 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 IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act XV of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act XXV 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 V of 1920) (hereinafter 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 Articles 243K and 243ZA 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, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006 and, in pursuance of the orders of Hon'ble High Court dated 1st October 2001 on the Writ Petition Nos. 17248,17685,17886, 17893,17984 and 18095 of 2001 and the orders of the Hon'ble High Court dated 23rd August 2006 oh the Writ Appeal Nos. 2226 to 2229/2001 filed

by the Tamil Nadu State Election Commission and in supersession of the State Election Commission's Notification No. 14A published at pages 1 to 18 of Part VI-Section 2 of the Tamil Nadu Government Gazette, dated 11.4.2001, the State Election Commission hereby makes the following order: -

## **1. Short title, application and commencement.**

(1) This Order may be called the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006. (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) "Government" means the Government of Tamil Nadu; (f) "Local bodies" means and includes all the Village Panchayats, Panchayat Unions, District Panchayats, Town Panchayats, Third Grade Municipalities, Municipalities and Municipal Corporations; (g) "Ordinary election" means an election held to fill up a vacancy occurring by efflux of time; and (h) "Political party" means an association or a body of individual citizens of India registered with the Election Commission of India as a political party under Section 29A of Representation of the People Act, 1951. (i) "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. (j) "Recognised political parties" means and includes every political party which has been 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; (k) "Registered- Unrecognised political party" means and includes - (i) every political party which had previously been recognised by the Election Commission of India as a National Party under the Election Symbols (Reservation and Allotment) Order, 1968 and subsequently lost its status as National Party; (ii) every political party which has been recognised by the Election Commission of India as a State Party in any State other than Tamil Nadu under the Election Symbols (Reservation and Allotment) Order, 1968; and (iii) every political party having its head Office in the State of Tamil Nadu which is registered with the Election Commission of India but not recognised either as a National Party or as a State Party in Tamil Nadu by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order 1968; (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 XV of 1971) or in the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act XXV 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 definitions, 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 party-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 list of recognised political parties and their symbols, the list of registered -unrecognised political parties and the list (s) of free symbols.**

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

### **5. 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.

### **6. 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 member 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) "Maize", then these five symbols should be taken for allotment and assigned to the five candidates by drawing lots. 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 election, the allotment of symbol shall be done only by drawing lots even if the contesting candidates agree among themselves upon their symbols.

## **7. Allotment of Symbols in Elections held on party basis.**

(1) In an election held on party-basis, a candidate set up by a recognised political party shall choose, and shall be allotted, the symbol reserved for 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) Choice of symbol by candidates set up by registered-unrecognised political parties and by independent candidates. - Every independent candidate, shall declare in the nomination paper first filed by him or on his behalf, his choice of three free symbols from the list of free symbols for that election indicating the order of his preference. Every candidate who is set up by the registered unrecognised political party shall declare in the nomination paper first filed by him or on his behalf, his choice of three free symbols collectively from the list of free symbols notified for the party based elections. 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 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: Provided that the allotment of symbols to candidates set up by the registered - unrecognised political parties shall be completed first and only thereafter the allotment of symbol to the independent candidates shall be taken up and allotted from among the remaining free symbols. (b) Where a free symbol has been sought for by only one candidate set up by a registered - unrecognised political party, as his first choice, it shall be allotted to that candidate and to no one else. If any free symbol has been sought for by more than one candidate set up by the registered - unrecognised political parties, 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 set up by registered - unrecognised political party 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 also not 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 allotting to other candidates set up by the registered - unrecognised political parties in accordance with the procedure set out above. (d) After completing the allotment of free symbols to all the candidates set up by the registered - unrecognised political parties, the remaining free symbols shall be allotted to the independent candidates in accordance with their choice and preference by adopting the procedures for allotment of symbols to candidates set up by the registered - unrecognised political parties.

## **8. When a candidate shall be deemed to be set up by a political party.**

(1) For the purposes of this Order, a candidate shall be deemed to be set up by the 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 date for withdrawal of candidature, 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 date for withdrawal of candidature.(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 where the notice in Form B is signed by any such office bearer authorised by the Party, Form A need not be insisted upon.(b)Form C shall be signed in ink, while printed /cyclostyled /photocopies of Forms A and B with facsimile signature can be presented.

## **9. When splinter groups or rival groups claim 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.

## **10. 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.

## **11. 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 provision; and(c)in relation to any matter with respect to the reservation and allotment of symbols for which this Order makes no provision or makes insufficient provision, and the provision is, in the opinion of the State Election Commission, necessary for the smooth and orderly conduct of elections.Form ACommunication with Regard to Authorised Persons to Intimate Name of Candidate Set Up by the Recognised/registered - UnrecognisedPolitical Party[See paragraph 8(1)(d) and 8(2)(a) of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006]FromThe President/Secretary/Office bearer,.....Party,.....ToThe Returning Officer for the Ward No..... Panchayat Union/District Panchayat.....Town Panchayats/Third

Grade Municipality/Municipality/Municipal Corporation.Sir,Subject: Elections to .....  
Allotment of Symbols-Authorisation of persons to intimate names of candidates.In pursuance of sub-paragraphs (1)(d) and (2) (a) of paragraph 8 of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006,1 hereby communicate that the following person(s) has/have been authorised by the party, which is a Recognised political Party, to intimate the name(s) of the candidate(s) proposed to be set up by the party at the election(s) 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 authorisedto send notice in Form B
(1)	(2)	(3)	(4)
1.			(i) ... .. (ii) ... .. (iii) ... ..
2.			(i) ... .. (ii) ... .. (iii) ... ..
3.			(i) ... .. (ii) ... .. (iii) ... ..
4.			(i) ... .. (ii) ... .. (iii) ... ..
5.			(i) ... .. (ii) ... .. (iii) ... ..

Place:..... Yours faithfully,  
Date:..... President/secretary/Office bearer  
.....Party

Seal 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 BNotice as to Name of Candidate Set up by the Recognised Political Party/ Registered -Unrecognised Political Party[See paragraph 8(1)(b)(c) of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006]From.....Party,.....ToThe Returning Officer for the ..... Ward No..... Panchayat Union/District Panchayat/.....Town Panchayats/Third Grade Municipality/Municipality/Municipal Corporation.Sir,Subject: Election(s) to.....Name(s) of candidate(s) - Intimated.In pursuance of sub-paragraphs (1)(b) and (1)(c) of paragraph 8 of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006,1 hereby give notice that the following person(s) has/have been set up by our party as its candidate(s) at the ensuing Local Bodies Election.

- (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. ....

Place:..... Yours faithfully,

Date:..... President/secretary/Office bearer

.....Party

Seal of the PartyN.B.: (1) A substitute candidate shall step-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 candidature.Form CDeclaration by a Candidate Set up by the Recognised Political Party/registered -Unrecognised Political Party(See paragraph 8(l)(a) of the Tamil Nadu Local Bodies Election Symbols (Reservation and Allotment) Order, 2006)I, a candidate for the election of member/Councillor to the ward ..... of Panchayat Union/District Panchayat/Town Panchayat/Third Grade Municipality/Municipality/ Municipal Corporation/hereby declare that I have been set up, at this election by ..... Party, which is a recognised political party/registered - unrecognised political party.Signature of the CandidatePlace:Date:N.B.: Form shall be signed in ink.