

STATE ELECTION COMMISSION

No.SEC/1-9/civic election/2002

Pondicherry, Dt.06-03-2002

NOTIFICATION

Whereas the superintendence, direction and control of all elections to municipal councils in the Union Territory of Pondicherry are vested in the State Election Commission by the Constitution of India and the Pondicherry Municipalities Act, 1973,

And whereas it is necessary and expedient to provide in the interest of purity of elections to the municipal councils in the Union Territory of Pondicherry and in the interest of the conduct of such elections in a fair and efficient manner, for the specification, reservation and allotment of symbols to contesting candidates and for matters connected therewith;

Now, therefore, in exercise of the powers conferred by article 243-ZA of the Constitution of India read with section 15A of Pondicherry Municipalities Act, 1973 as amended from time to time and rules 2 and 4 of the Pondicherry Municipal Councils (Conduct of Election of Chairman) Rules, 1996 and rule 18 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 and all other powers, the State Election Commission hereby makes the following order:—

ORDER

1. *Short title, extent, application and commencement.*— (1) This may be called the Pondicherry Municipal Council's Chairman's Election Symbols (Reservation and Allotment) Order, 2002.

(2) It extends to the whole of the Union Territory of Pondicherry in relation to election of chairman held on party basis and councillor held on non-party basis.

(3) It shall come into force at once.

2. *Definitions and interpretations.*— (1) In this Order, unless the context otherwise requires.—

- (a) "Act" means the Pondicherry Municipalities Act, 1973 as amended from time to time;
- (b) "contested election" means an election in a municipality or municipal ward where poll is taken;
- (c) "election" means an election to which this Order applies viz., election for chairman in a municipality or municipal ward held on party basis and election of councillor held on non-party basis;
- (d) "election held on party basis" means an election in which a candidate set up by a recognized political party gets an exclusive allotment of the symbol reserved for that party in accordance with the provisions of this Order;

- (e) "free symbol" means a symbol other than a reserved symbol;
- (f) "recognized political party" means and includes every political party which has been recognized by the Election Commission of India as a National Party or a State Party in the Union Territory of Pondicherry under the Election Symbols (Reservation and Allotment) Order, 1968;
- (g) "registered unrecognized political party" means and includes every political party having its Head Office in the Union Territory of Pondicherry which is registered with but not recognized either as a National Party or as a State Party in the Union Territory of Pondicherry by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968;
- (h) "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 recognized political party;
- (i) "rules" means the Pondicherry Municipal Councils (Conduct of Election of Chairman) Rules, 1996;
- (j) "State Election Commission" means the State Election Commission of the Union Territory of Pondicherry constituted under article 243-ZA of the Constitution of India read with section 15A of the Act.

(2) Words and expressions used but not defined in this Order but defined in the Representation of People Act, 1950 or the rules made thereunder or in the Representation of People Act, 1951 or the rules made thereunder or the Pondicherry Municipalities Act, 1973 as amended from time to time or the rules made thereunder shall have the meaning respectively assigned to them in those Acts and Rules.

3. Under rule 2 of the Pondicherry Municipal Councils (Election of Chairman) Rules, 1996, the State Election Commission hereby notifies that the election of chairman of all municipal councils in the Union Territory of Pondicherry shall be held on party basis.

4. *Notification by the State Election Commission of the list of recognized political parties and their symbols and list of registered unrecognized political parties and free symbols.*— The State Election Commission shall notify from time to time

- (a) the list of recognized political parties and the symbols respectively for them and the list of registered unrecognized political parties;
- (b) the list of reserved symbols and the list or lists of free symbols for use in an election or elections of chairman held on party basis; and
- (c) the list or lists of free symbols for use in an election or elections of councillor not held on party basis.

5. *Allotment of symbols.*— (1) 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 at an election in the same constituency.

(2) Each candidate shall be intimated the symbol allotted to him in writing and his signature obtained in token of having received that intimation. He shall also be given a specimen copy of that symbol along with the said intimation.

6. *Allotment of symbols in elections not held on party basis.*— In an election of councillors not held on party basis, symbols shall be allotted to the candidates in the sequence of symbols in the list of free symbols meant for that election and in the sequence of their names in the list of contesting candidates. The first candidate in the list of contesting candidates, accordingly, shall be allotted the free symbol figuring first in the list of free symbols notified for that election, the second candidate shall be allotted the second free symbol and so on.

7. *When a candidate shall be deemed to be set up by a political party.*— For the purposes of this Order, a candidate shall be deemed to be set up by political party if, and only if,

- (a) the candidate has enclosed a declaration to that effect along with his nomination paper in Form C;
- (b) a notice in writing in Form B to that effect has, not later than 3.00 p.m on the last date for making nominations, been delivered to the Returning Officer;
- (c) the said notice is signed by the President, the Secretary or any other office bearer of the party and the President, the Secretary or any other office bearer is authorized by the party to send such notice; and
- (d) the communication in Form A with regard to the name and specimen signature of such authorized person are delivered to the Returning Officer not later than 3:00 p.m on the last day for making nominations.

8. *Allotment of symbols in elections held on party basis.*— (1) Symbols for candidates set up by recognized political parties. - In an election held on party basis every candidate set up by a recognized political party shall seek the symbol reserved for that party and no other symbol and he shall be allotted the same, but 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 recognized political party to which that symbol has been reserved even if no candidate has been set up by that recognized political party in that election.

(2) If a candidate has filed more than one (but not more than four) nomination papers- some as candidate set up by a recognized political party or as an independent candidate- in case the nomination paper filed as a candidate of a recognized political party is rejected on the ground of non-receipt of the said notices in Forms A and B before 3:00 p.m on the last date for making nominations from the concerned recognized political party, any or all other nomination papers will be accepted if the same are otherwise found valid on scrutiny. In such case, he would be deemed to be a candidate set up by a registered unrecognized party, if such party has sent notices in Forms A and B before 3:00 p.m on the last date for making nominations and otherwise an independent candidate. In such event, the choice of symbols in the nomination paper first delivered to the Returning Officer by that candidate or on his behalf will only be considered whether that nomination paper is accepted or rejected during scrutiny.

(3) If nomination papers of a candidate, one nominating him as a candidate set up by a recognized political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by recognized political party.

(4) The nomination paper of a substitute candidate of a recognized political party will be rejected if the nomination paper of the main approved candidate of that recognized political party is accepted. Further, if the nomination papers of the main approved candidate of the party are rejected, then the nomination paper of the substitute candidate will be accepted, provided the party has intimated his name as its substitute candidate in Forms A and B before 3:00 p.m on the last date for making nominations.

9. *Allotment of symbols to candidates set up by registered unrecognized political parties and independent candidates.*— (1) The choice of symbols made by a candidate for chairmanship (other than a candidate set up by a National Party or a State Party) in the nomination paper first delivered to the Returning Officer by the candidate or on his behalf shall only be considered for allotment whether that nomination paper is accepted or rejected on scrutiny.

(2) A candidate for chairmanship (other than a candidate set up by a National Party or a State Party) can choose symbols only out of the free symbols notified by the State Election Commission.

(a) When a free symbol has been chosen by only one candidate, that free symbol shall be allotted to him and to no one else;

(b) When the same free symbol has been chosen by several candidates, then,

- (i) if, of those several candidates, only one candidate is set up by a registered unrecognized political party and all the rest are independent candidates, the Returning Officer shall allot that free symbol to the candidates set up by such registered unrecognized political party and to no one else;
- (ii) if, of those several candidates, two or more candidates are set up by such registered unrecognized political parties, the Returning Officer shall decide by lot as to which of these two or more candidates set up by the said registered unrecognized political parties that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else;
- (iii) if, of those several candidates, all are independent candidates, the Returning Officer shall decide by lot as to which of those independent candidates that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else.

(10) *Repeal.*— the Pondicherry Municipal Councils' Chairman's Election Symbols (Reservation and Allotment) Order, 1996 is repealed.

FORM A
[See paragraph 7(c) and (d)]

To
The Returning Officer,
..... Municipality.

Sub. : Election of Chairman - allotment of symbols - authorization of persons
to intimate names of candidates.

Sir,

In pursuance of sub-paragraphs (c) and (d) of paragraph 7 of the Pondicherry Municipal Councils' Chairman's Election symbols (Reservation and Allotment) Order, 2002, I hereby communicate that the following person(s) has/have been authorized by the party which is a recognized political party/registered unrecognized political party to nominate candidates to be set up by the party at the election cited above.

Sl. No.	Name of the person authorized to send notice by the party	Name of office held	Municipal council in respect of which he has been authorized
(1)	(2)	(3)	(4)

2. The specimen signature of the above mentioned persons so authorized are given below:

(a) Specimen signatures of

- (i)
- (ii)
- (iii)

(b) Specimen signatures of

- (i)
- (ii)
- (iii)

(c) Specimen signatures of

- (i)
- (ii)
- (iii)

Place :
Date :

Yours faithfully,

President/Secretary

Name of the Party

Seal of party

FORM B
[See paragraph 7(b)]

To
The Returning Officer,
..... Municipality.

Sub. : Election of Chairman - allotment of symbols - Name of approved candidate conveyed.

Sir,

In pursuance of sub-paragraph (b) of paragraph 7 of the Pondicherry Municipal Councils' Chairman's Election symbols (Reservation and Allotment) Order, 2002, I hereby give notice that the following person(s) has/have been set up by Party as its candidate(s) at the ensuing election of chairman of the municipal council noted against each.

Name of the Municipality	Name of the approved candidate	Father's /Husband's name of approved candidate	Postal address of approved candidate	Name of the substitute candidate who will step in in the event of the approved candidate's nomination being rejected on scrutiny or his withdrawing from the contest	Father's/ Husband's name of substitute candidate	Postal address of substitute candidate
(1)	(2)	(3)	(4)	(5)	(6)	(7)

N.B.: This must be delivered to the Returning Officer before 3:00 p.m on the last date for making nominations.

Place :

Yours faithfully,

Date :

President/Secretary

Seal of party

Name of the Party

FORM C

[See paragraph 7(a)]

I, a candidate for the election of chairman of
..... municipal council hereby declare that I have been set up
at this election by Party which is a recognized political party/
registered unrecognized political party.

Signature of the candidate

Place :

Date :

(Roy.P.Thomas)

State Election Commissioner