

STATE ELECTION COMMISSION

**No.39, II Cross, Peter Nagar,
Pondicherry – 605 013.**

No.1-38/SEC/2006-07

Pondicherry, the 25th May 2006.

NOTIFICATION

An order to provide for specifications, reservation and allotment of symbols at elections of member of Commune Panchayat Councils in the Union territory of Pondicherry for the recognition of political parties in relation thereto and for matters connected therewith.

Whereas the superintendence, direction and control of all elections to Commune Panchayats in the Union territory of Pondicherry are vested in the State Election Commission by the Constitution of India and the Pondicherry Commune Panchayats (Amendment) Act, 2004.

And whereas it is necessary and expedient to provide in the interest of purity of elections to the Commune Panchayat 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, for the recognition of political parties in relation thereto 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 3 of the Pondicherry Commune Panchayats (Amendment) Act, 2005 and rules 16A, 16B and 16C of the Pondicherry Village & Commune Panchayats (conduct of Election of members of Commune Panchayat Councils and Presidents and Members of Village Panchayats (Amendment) Rules, 2006 and all other powers enabling it in this behalf, the State Election Commission, Pondicherry hereby makes the following:

ORDER

1. Short title, extent, application and commencement:-

(1) This order may be called the Pondicherry Village & Commune Panchayat (conduct of Election of Members of Commune Panchayat Councils) Election Symbols (Reservation and Allotment) Order, 2006.

(2) It shall extend to the whole of Pondicherry Union territory in relation to election in all Commune Panchayats.

(3) It shall come into force on the date of its publication in the Gazette of Pondicherry which date is hereinafter referred to as the commencement of this order.

2. Definition and interpretation:-

(1) In this order, unless the context otherwise requires,-

(a) “Act” means the Pondicherry Commune Panchayat (Amendment) Act, 2006.

(b) “contested election” means an election in a Commune Panchayat or Commune Panchayat Council Ward where poll is taken;

(c) “election” means an election to which this order applies, viz., election in all Commune Panchayats and Commune Panchayat Councils Ward in the Union territory of Pondicherry.

(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 as a State Party in the Union territory of Pondicherry under the Election Symbols (Reservation and Allotment) Order, 1968;

(g) “registered but 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 Commune Panchayats 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-K of the constitution, read with section 9 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 Commune Panchayats (Amendment) Act, 2006 or the rules made thereunder shall have the meaning respectively assigned to them in those Acts and rules.

3. Notification by the State Election Commission of the list 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.

4. Notification by the State Election Commission of the list of recognized political parties and their symbols and list of registered but unrecognized political parties.-

(1) The State Election Commission shall notify from time to time the list of recognized political parties and the symbols respectively for them and the list of registered but unrecognized political parties.

(2) For the purpose of sub-paragraph (1), the recognized political parties and the registered but unrecognized political parties shall submit an application to the State Election Commission incorporating the particulars listed out in Annexure-1 to this order within the time limit prescribed by the State Election Commission.

(3) Every application under sub-paragraph (2) shall be signed by the Chief Executive Officer of the recognized political party and the registered but unrecognized political party (by whatever name called) and presented to the State Election Commission by registered post.

(4) The application shall be accompanied by-

(i) a copy of the memorandum or rules and regulations of the recognized political party or the registered but unrecognized political party, by whatever name called, and such memorandum or rules and regulations shall contain a specific provision that the association or body shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India; and

(ii) an attested order/ communication/ notification of the Election Commission of India, according recognition/ registration to the recognized political party or the registered but unrecognized political party;

(5) The State Election Commission may call for such other particulars as it may deem fit from the recognized political party or the registered but unrecognized political party.

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 an 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.

(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.

(3) 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.

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

(1) Symbol for candidates set up by recognized political parties and allotment thereof.- 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) Symbol for candidates set up by registered but unrecognized political parties and for independent candidates.- Every candidate who is set up by a registered but unrecognized political party or who is an independent candidate, shall be allotted a free symbol in accordance with the procedure laid down by the State Election Commission.

8. 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 a political party if, and only if-

(a) the candidate has enclosed a declaration to that effect along with the 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 of the ward or municipality and to the State Election Commission not later than 3.00 p.m. on the last day for making nomination.

9. Power of State Election Commission to suspend or withdraw recognition of a recognized political party for its failure to observe Model Code of Conduct or to follow lawful directions and instructions of the State Election Commission.- Notwithstanding anything in this order, if the State Election Commission is satisfied on information in its possession that a recognized political party under the provisions of this order, has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise,-

(a) to observe the provisions of the "Model Code of Conduct for Guidance of Political Parties and Candidates" as issued by the State Election Commission from time to time or as amended by it from time to time, or;

(b) to follow or carry out the lawful directions and instructions of the State Election Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and the electorate in particular, the State Election Commission may, after taking into account all the available facts and circumstances of the case and after giving the party a reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either suspend, subject to such terms as the State Election Commission may deem appropriate, or withdraw the recognition of such party for the municipal elections.

10. Power of the State Election Commission to issue instructions and direction.- 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 makes insufficient provision and provisions in the opinion of the State Election Commission necessary for the smooth and orderly conduct of elections.

ANNEXURE - I

Particulars to be furnished by the recognized political parties and registered but not recognized political parties.

(a) The name of the recognized political party or registered but not recognized political party;

(b) The place at which its head office is situate;

(c) The address to which letters and other communications meant for it should be sent;

(d) The names of its President, Secretary, Treasurer and all other office-bearers at the national level and in the Union territory of Pondicherry;

(e) The numerical strength of its members and if there are categories of its members, the numerical strength in each category;

(f) The political principles on which it is based;

(g) The policies, aims and objects which it pursues or seeks to pursue;

(h) Its programmes, functions and activities in the Union territory of Pondicherry for the purpose of carrying out its political principles, policies, aims and objects;

(i) The names of the main organs (by whatever name called) of the recognized political party or registered but not recognized political party, their functions and the names of the Chairman (by whatever name called) and other members of such organs;

(j) Details of the electoral performance of the recognized political party or registered but not recognized political party in the Union territory of Pondicherry in the last ten years including Assembly and local body elections;

(k) Whether it is represented by any member or members in either House of Parliament or the Pondicherry Legislative Assembly or any local body in the Union territory of Pondicherry, if so, the number of such member or members; and

(l) Any other particulars which the association or body may like to mention.