

## **The Election Symbols**

### **(Reservation and Allotment) Order, 2000**

Whereas, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, election to the Panchayats/ Municipalities in the Union Territory of Andaman and Nicobar Islands, is vested in the Election Commission for the Union Territory as constituted under sub - section (1) of section 185 of the Andaman and Nicobar Islands (Panchayats) Regulations 1944 and section 32 of the Andaman and Nicobar Island (Municipal) Regulation, 1994.

Now, therefore, In exercise of the powers conferred by subsection (1) of section 185 of the Andaman and Nicobar Island (Panchayats) Regulation, 1994, and section 32 of the Andaman and Nicobar Islands (Municipal) Regulation, 1944, read with rules 35 and 40 of the Andaman and Nicobar Island( Panchayats) (Preparation of Electoral Rolls and conduct of elections ) Rules, 1995 and rule 28 of the Andaman and Nicobar Islands (Municipal) (Preparation of Electoral rolls and conduct of elections) Rules, 1995, and all other power enabling it in this behalf, the election commission of Andaman and Nicobar Islands, hereby makes the following order:-

**1. SHORT TITLE, APPLICATION AND COMMENCEMENT:**

- (1) This order may be called the Andaman and Nicobar Islands Panchayats /Municipalities Election Symbols (Reservation and Allotment) order, 2000.
- (2) It shall apply to all elections to Panchayats and Municipalities.
- (3) It shall come into force on the date of publication in the Andaman and Nicobar Official Gazette.

**2. DEFINITIONS, INTERPRETATION:**

In this order, unless the context otherwise requires-

- (a) "Commission" means the election commission of Andaman and Nicobar Islands;
- (b) "Constituency" means the territorial constituency of a (Gram Panchayat or of a Panchayat Samiti or of the Zilla Parishad, as the case may be;
- (c) "National party" means a party recognized by the Election commission of India as such.
- (d) "Regulation" means the Andaman and Nicobar Islands (Panchayats), Regulation, 1994 and the Andaman and Nicobar Islands (Municipal) Regulation 1994, as the case may be;
- (e) "Rules" mean the Andaman and Nicobar (Panchayats), (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995 and the Andaman

and Nicobar Islands (Municipal) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, as the case may be;

- (f) "State party" means a party recognized by the Election Commission of India as such, if any, in Andaman and Nicobar Islands;
- (g) "Ward" means as territorial constituency of a Municipality.

### **3. RECOGNITION OF NATIONAL AND STATE PARTIES AND SYMBOLS:**

- a) The National parties recognized by the Election Commission of India as such for the time being as hereby recognized as such by the commission for the purposes of elections to the Panchayats / Municipalities in Andaman and Nicobar Islands.
- b) The state parties recognized by the Election Commission of India as such, if any, in Andaman and Nicobar Islands, for the time being are hereby recognized as such by the Commission, for the purposes of elections to the Panchayats / Municipalities in Andaman and Nicobar Islands.
- c) The National parties and State parties so organized shall have the very same symbols reserved respectively for them, as are reserved for them by the Election Commission of India, and the facsimile of those symbols, including their size and design shall be the same as approved by the Election Commission of India.
- d) Notwithstanding anything contained in sub - paragraph (c) the Commission may from time to time specify any other symbol as "Free symbol" from out of the list of free symbols specified by the Election Commission of India and the facsimile of such symbol, including, its size and design, shall be the same as approved by the Election Commission of India.
- e) The list of "National party". "State parties" and "Free symbols" shall be as shown in table 1.2 and 3 respectively.

### **DIFFERENT SYMBOLS TO DIFFERENT CANDIDATES:**

In every contested election, a symbol shall be allotted to contesting candidate in accordance with the provisions of this order and different symbols shall be allotted to different contesting candidates on election in the same constituency of Ward.

### **CHOICE OF SYMBOLS BY CANDIDATES OF NATIONAL AND STATE PARTIES AND ALLOTMENT THEROF:**

- a) A candidate set up by a National Party or a state party at any election in any constituency or ward, shall choose, and shall be allotted the symbol reserved for that party, and no other symbol.
- b) A reserved symbol shall not be chosen by or allotted to any candidate in any constituency or ward , other than the candidate set by a National party or a state

party for whom such symbol has been reserved , even if no candidate has been set up by such National or state party in that constituency or ward.

**CHOICE OF SYMBOLS BY OTHER CANDIDATES AND ALLOTMENT THEREOF:**

- a) Any candidate at an election in a constituency or ward, other than a candidate set up by a National or state party, shall choose, and shall be allotted, in accordance with the provisions hereinafter set out, one of the symbols specified as free symbols in this order.
- b) Where any free symbol has been by only one candidate at such election, the Returning Officer shall allot that symbol to that candidate, and to no one else.
- c) Where the same free symbol has been chosen by more than one candidate, the Returning Officer shall decide by lot to which of those independent candidates symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls., and to no – one else.
- d) The other candidates who lost out in the draw of lots shall be allotted symbol according to their second or third preferences, if such symbols are not already allotted to some other candidates.
- e) If symbols indicated as the second or third preference have already been allotted to some other candidates, each one of the candidates referred to in sub – paragraph (d) shall be allotted one of the free symbols not allotted to any other candidate, after obtaining their preferences.

**7. WHEN A CANDIDTE SHALL BE DEEMED TO BE SET UP BY A NATIONAL OR STATE PARTY FOR THE PURPOSES OF THIS ORDER:**

A candidate shall be deemed to be set up by a National or State party, if and only if -

- a) The candidate has made a declaration to that effect in his nomination paper.
- b) A notice in writing (as in form B appended to this order) to that effect has, not later than 3.00 p. m on the last date for making nominations, been delivered to the Returning officer of the concerned constituency or ward and to the Director of Panchayat/Municipal elections;
- c) The said notice is signed by the President, Secretary or any other office bearer of the party and the President, Secretary or such other office bearer is authorized by the party to send such notice, and
- d) The name and specimen signature of such authorized person are communicated ( as In form A appended to this order) to the Returning officer of the concerned constituency or ward and to the Director of Panchayat/ Municipal Election ,not later than 3 .00 p.m on the last date for making nominations:

Provided that if for sufficient reasons, the said Form A and B cannot be delivered by any party to the Returning Officer before 3.00 p.m on the last

date for making nominations, the provision of clauses (b) and (d) shall be deemed for have been satisfied if these forms have been delivered to the Director of Panchayat/Municipal Election by the aforesaid date and time.

**8. CONCESSION TO CANDIDATES SET UP BY A STATE PARTY RECOGNISED IN ANY STATE BUT NOT RECOGNISED IN ANDAMAN AND NICOBAR ISLANDS:**

If a political party which is recognized as a State party by the Election Commission of India in some State or States, but not in Andaman and Nicobar Islands, sets up a candidates at an election in any ward or constituency , then such candidate may, to the exclusion of all other candidates in the ward or constituency be allotted the symbol reserved for that party in the State or States in which it is a recognized State party, notwithstanding that such symbol is not specified in the list of free symbols for Andaman and Nicobar Islands, on the fulfillment of each of the following conditions, namely-

- a) That an application is made to the Director of Panchayat / Municipal Elections by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
- b) That the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b) , (c) and (d) of paragraph 7 in respect of such candidate; and
- c) That in the opinion of the Director of Panchayat/ Municipal elections there is no reasonable ground for refusing the application for such allotment.

**1. POWER OF COMMISSION TO ISSUE INSTRUCTIONS AND DIRECTIONS:**

The Commission may issue instructions and directions-

- a) For the clarification of any of the provisions of the 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 and recognition of political parties for which this order makes no provision or makes insufficient provision and such provision is, in the opinion of the Commission, necessary for the smooth and orderly conduct of election