

**ELECTION COMMISSION  
Andaman and Nicobar Islands  
F-204, M.S. Apartments,  
Kasturba Gandhi Marg,  
New Delhi – 110001.**

**ORDER**

**Dated the 20<sup>th</sup> August, 2005.**

No.5-9/EC/A&N/2005. Whereas, the superintendence, direction and control of all elections to Panchayats (Gram Panchayats, Panchayat Samitis and the Zilla Parishad) and Municipalities in the Union territory of the Andaman & Nicobar Islands, is vested in the Election Commission appointed under section 185 of the A&N Islands (Panchayats) Regulation, 1994.

And whereas, it is necessary and expedient to provide, in the interest of purity of elections to Panchayats and Municipalities 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, for the recognition of political parties in relation thereto and for matters connection therewith.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 185 of the Andaman & Nicobar Islands (Panchayats) Regulation, 1994 and section 32 of the Andaman and Nicobar Islands (Municipal) Regulation, 1994 read with rules 35 and rule 40 of the Andaman & Nicobar Islands (Panchayats) (Preparation or Electoral Rolls & Conduct of Elections) Rules, 1995 and rule 28 of the Andaman & Nicobar Islands (Municipal) (Preparation of Electoral Rolls & Conduct of Elections) Rules, 1995, and all other powers enabling it in this behalf, the Commission hereby makes the following Order:-

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

- (a) This Order may be called the Andaman & Nicobar Islands Election Symbols (Reservation and Allotment) Order, 2005.
- (b) It extends to the whole of the territory of the Andaman & Nicobar Islands and applies to all elections to Panchayats and Municipalities in the said territory.
- (c) It shall come into force on the date of its publication in the Andaman & Nicobar Gazette.

**2. Definitions and interpretation:**

In the order, unless the context otherwise requires:

- (a) "Commission" means the Election Commission constituted under sub-section (1) of section 185 of the Andaman & Nicobar Islands (Panchayats) Regulation, 1994.
- (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" recognized by the Election Commission of India as such;

- (d) "Regulation" means Andaman & Nicobar Islands (Panchayats) Regulation, 1994 and the Andaman & Nicobar Islands (Municipal) Regulation, 1994, as the case may be;
- (e) "Rules" means the Andaman & Nicobar Islands (Panchayats) (Preparation of Electoral Rolls & Conduct of Elections) Rules, 1995 and the Andaman & Nicobar Islands (Municipal) (Preparation of Electoral Rolls & Conduct of Elections) Rules, 1995, as the case may be;
- (f) "State party" means a party, if any, recognized by the Election Commission of India as such in the Andaman & Nicobar Islands;
- (g) "Ward" means a territorial constituency of a Municipality.

### **3. Recognition of National and State parties and reservation of symbols for political parties:-**

- (a) Political parties recognized by the Election Commission of India as such National parties under the Election Symbols (Reservation and Allotment) Order, 1968 are hereby recognized as such by the Commission for the purposes of elections to Panchayats / Municipalities in the Andaman & Nicobar Islands.
- (b) Political Parties, if any, recognized by the Election Commission of India as State parties under the Election Symbols (Reservation and Allotment) Order, 1968 in the Andaman & Nicobar Islands are hereby recognized as such by the Commission for the purposes of elections to Panchayats / Municipalities in the Andaman & Nicobar Islands.
- (c) The National parties and State parties so recognized by the Commission 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 parties", "State parties and "Free Symbols" shall be as shown in Tables 1, 2 and 3 respectively.

### **4. Allotment of Symbols to contesting candidates:-**

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 or ward.

### **5. Choice of symbols by candidates of National and State parties:-**

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.

- (a) A reserved symbol shall not be chosen by, or allotted to any candidate in any constituency or ward, other than the candidate set up 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 party or State party in that constituency or ward.

**6. 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 party or a 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 Table 3 of this Order.
- (b) Where any free symbol has been chosen 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 that free 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 symbols 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 subparagraph (d) shall be allotted one of the free symbols not allotted to any other candidate after obtaining their preferences.

**7. When a candidate shall be deemed to be set up by a National party or State party for the purposes of this order:-**

A candidate shall be deemed to be set up by a National party or a 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 duly authorized to send such notice; and
- (d) the name and specimen signature of such authorised 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 Elections, not later than 3.00 p.m. on the last date for making nominations:

Provided that if, for sufficient reasons, the said Forms 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 provisions of clauses (b) and (d) shall be deemed to have been satisfied if these forms have been delivered to the Director of Panchayat / Municipal Elections by the aforesaid date and time.

**8. Concession to candidates set up by a State party not recognized in Andaman & 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 & Nicobar Islands, sets up a candidate at an election in any constituency or ward, then such candidate may, to the exclusion of all other candidates in the constituency or ward, be allotted the symbol reserve for that party in the State or States in which it is recognized as a State party,

notwithstanding that such symbol is not specified in the list of free symbols for the Andaman & 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 had 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 candidates; 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.

**9. Power of Commission to issue instruction and directions.-**

The Commission may issue instruction 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 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 elections.

**10. Repeal.-**

The Andaman & Nicobar Islands Panchayats / Municipalities Election Symbols (Reservation and Allotment) Order, 2000 is hereby repealed.

Sd/-  
**Election Commission**