



GOVERNMENT OF TAMIL NADU
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Part VI—Section 2

**Notifications or Orders of interest to a section of the public
issued by Heads of Departments, etc.**

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

TAMIL NADU STATE ELECTION COMMISSION, CHENNAI

[LOCAL BODIES ELECTIONS—TNSEC—CONCESSION TO POLITICAL PARTIES—CERTAIN AMENDMENTS TO THE
TAMIL NADU LOCAL BODIES ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER 2011 - ISSUED.]

(S.O. No. 83/2011/TNSEC/EG2.)

No. VI(2)/468(f)/2011.

READ : 1. S.O.No. 25/2011/TNSEC/EG2, dated 9th September 2011.

2. S.O.No. 26/2011/TNSEC/EG2, dated 10th September 2011.

Order:

An order to provide for specifications, reservation choice and allotment of symbols on elections to Local Bodies in the State of Tamil Nadu and for matters connected therewith issued by the Tamil Nadu State Election Commission in the Statutory Order first read above.

Whereas, the commission in the Statutory Order second read above notified the list of Recognised Political Parties and the symbols reserved for them in TABLE-I, the list of Registered – Unrecognised Political Parties who are entitled to have preference over independents in the allotment of free symbols in TABLE I -A and the list(s) of free symbols in tables 2 to 5 in accordance with the rules 33, 34 and 35 of the Tamil Nadu Panchayats (Elections) Rules, 1995 and rules 31, 32 and 33 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006.

Whereas, the list of Recognised Political Parties and their symbols were notified based on the notification issued by the Election Commission of India under the Election Symbols (Reservation & Allotment) Order, 1968 and as per the provisions made in the said election Rules pertaining to Local Bodies Election in Tamil Nadu.

Whereas, the Election Commission of India *vide* its notification No.56/99/Judl.III, dated 8th June 1999 substituted a provision under para 10 in the Election Symbols (Reservation & Allotment) Order, 1968, which provides a concession to candidates set up by an unrecognised State party which is recognised State Party in some other State (s) or Union Territories at an Election.

Whereas, the said provision made under para 10 of the Election Symbols (Reservation & Allotment) Order, 1968 provides as follows:—

"10. CONCESSION TO CANDIDATES SET UP A STATE PARTY AT ELECTIONS IN OTHER STATES OR UNION TERRITORIES".

If a political party which is recognized as a State Party in some State or States sets up a candidate at an election in a constituency in any other State or Union Territory in which it is not a recognised State Party, then such candidate may, to the exclusion of all other candidates in the constituency be allotted the symbol reserved for that party in the State or States in which it is a recognised State Party, notwithstanding that such symbol is not specified in the list of free symbols for such other State or Union Territory, on the fulfilment of each of the following conditions, namely:—

(a) that an application is made to the commission 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), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and

(c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment.

Provided that nothing contained in the paragraph shall apply to a candidate set up by a State Party at an election in any constituency in a State which that party is not a State Party and where the same symbol is already reserved for some other State Party in that State.

Whereas, No such provisions were provided in the Tamil Nadu Local Body Election Symbols (Reservation & Allotment) Order, 2011, however the Local Bodies elections rules provide for adopting the parties which are Recognised as a National Party or as a State Party in the State of Tamil Nadu as per the Election Commission of India's Symbol Order, 1968 as recognised parties for the purpose of Local Body Elections in Tamil Nadu.

Whereas, Now a political party viz., All India Forward Bloc which is Recognised as a State Party in this State of West Bengal has represented to this Commission to provide similar concession as under para 10 of the Symbol Order of the Election Commission of India in the Symbol Orders issued by the Tamil Nadu State Election Commission and allot their party symbol "LION" to the candidates set up by the said party in the ensuing Local Body Elections.

Whereas, the Commission conducted hearings with the representative of the said Political Party on 24th September 2011 and perused all the relevant records and documents produced by the party.

Whereas, it is came to know that the State Election Commission, Kerala in its Order No.395/2010/Sec, dated 29th June 2010 reserved the symbol "LION" to All India Forward Bloc Party in the Local Body Elections, in the State of Kerala for Local Body Elections as provided in para 10 of Election Symbols (Reservation & Allotment) Order, 1968 of the Election Commission of India, even though the said Party was not a recognised party in the said State.

Whereas, considering the above, it has become expedient for the Commission to extend such concession to the Candidates set up at elections by a political party which is a State Party in Other States to avail their Party's Symbols in the Local Body Elections also by duly incorporating the similar provisions in the Symbol Order with required changes to suit the requirement for Local Bodies Elections in the State.

Now, therefore, in exercise of the powers conferred under Articles 243 K and 243 ZA 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 as per the clause 11 of the Tamil Nadu Local Body Election Symbols (Reservation & Allotment) Order, 2011 the following amendments are ordered in the Symbol Order issued by the Commission vide S.O.No. 25/2011/TNSEC/EG2, dated 9th September 2011:-

I. After para 7(1) A, the following may be inserted.

"7 (1) B. CONCESSION TO CANDIDATES SET UP BY A STATE PARTY AT ELECTIONS IN OTHER STATES OR UNION TERRITORIES"

If a political party which is recognized as a State Party in some other State or States or Union Territories sets up a candidate at an election in a ward in any Local Body / Panchayat or for the office of the Chairman/Mayor in any Local Body which were held on party basis, then such candidate may, to the exclusions of all other candidates in the said election be allotted the symbol reserved for that party in the State or States in which it is a recognised State Party, notwithstanding that such symbol is not specified in the list of free for such election, on the fulfilment of each of the following conditions, namely:—

(a) that an application is made to the commission 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 or within three days from the date of issue of this order;

(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 8; and

(c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment.

Provided that nothing contained in the paragraph shall apply to a candidate set up by the said party at an election in any Ward/Local Body where the same symbol is already reserved for some other National or State Party of Tamil Nadu.

(By Order of the Tamil Nadu State Election Commission)

Chennai-600 106,
25th September 2011.

V.M. XAVIER CHRISO NAYAGAM,
Secretary,
Tamil Nadu State Election Commission.