

STATE ELECTION COMMISSION, MAHARASHTRA

New Administrative Building, Opposite Mantralaya,
Madam Cama Road, Mumbai 400 032.

Dated the 31st March 2009.

Order.

MAHARASHTRA ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER, 2009.

An order to provide for reservation and allotment of symbols for the elections to Panchayats and Municipalities constituted under Part-IX and IX-A of the Constitution of India.

No. SEC/RPP-2009/CR-49/D-11.—Whereas, the superintendence, direction and control of all elections to the Panchayats and Municipalities in the State are vested in the State Election Commission, Maharashtra by the Constitution of India ;

And whereas, in the interest of holding elections to the Panchayats and Municipalities in the State and Conduct of such elections in free, fair, transparent and efficient manner, it was expedient to provide for certain matters incidental to the specification, reservation, choice and allotment of symbols for political parties and for matters connected therewith and therefore; the State Election Commission, Maharashtra by it's Order No. SEC/GEN-2000/CR-60/D-10, dated the 29th September 2006 as amended from time to time, made certain provisions with regard to reservation and allotment of symbols for the elections to the Panchayats and Municipalities ;

And whereas, the Commission is satisfied that it is expedient to amend the said Order ;

Now, therefore, in exercise of the powers conferred by Article 243-K and 243-ZA of the Constitution of India, read with section 9A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) and sub-rule (1) of rule 15A of the Maharashtra Zilla Parishads (Electoral Divisions and Conduct of Elections) Rules, 1962 and sub-rule (1) of rule 15A of the Maharashtra Panchayat Samitis (Electoral Colleges and Conduct of Elections) Rules, 1962 sub-section (4) of Section 18A of the Mumbai Municipal Corporation Act, 1888 (Bom. III of 1888), sub-section (4) of Section 14 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LLX of 1949), sub-section (4) of section 9B of the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950) and sub-sections (4) of section 10A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, read with sub-rule (1) of rule 16 of the Maharashtra Municipal Councils and Nagar Panchayats Election Rules, 1966 and of all other powers enabling it in this behalf and in supersession of it's all previous orders' regarding the reservation and allotment of symbols in the elections to the Zilla Parishads, Panchayat Samitis, Municipal Corporations, Municipal Councils and Nagar Panchayats in the State, the State Election Commission, Maharashtra, hereby makes the following order :—

1. Short title, extent, application and commencement.—(1) This Order may be called the Maharashtra Election Symbols (Reservation and Allotment.) Order, 2009.

(2) It extends to whole of the State of Maharashtra and applies in relation to elections to Zilla Parishads, Panchayat Samitis, Municipal Corporations, Municipal Councils and Nagar Panchayats.

(3) It shall come into force on the date of it's publication in the *Official Gazette*.

2. Definitions and Interpretation.—In this Order, unless the context, otherwise requires,—

(1) " commission " means the State-Election Commission, Maharashtra constituted under Article 243-K and 243-ZA of the Constitution of India ;

(2) " constituency " means an electoral division of the Zilla Parishad, electoral college of the Panchayat Samiti, ward of the Municipal Corporation, the Municipal Council or the Nagar Panchayat, as the case may be ;

(3) " contested election " means an election or bye-election in an electoral division of the Zilla Parishad, electoral college of the Panchayat Samiti, ward of the Municipal Corporation, the Municipal Council or the Nagar Panchayat where poll is taken ;

(4) "election" means general election or bye-election to which this Order applies ;

(5) "general election" means any general election, held after the commencement of this Order, for the purpose of constituting a Zilla Parishad, Panchayat Samiti, Municipal Corporation, Municipal Council or Nagar Panchayat in the State ;

(6) "local body" means,—

(a) a Zilla Parishad or a Panchayat Samiti constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

(b) a Municipal Council or Nagar Panchayat constituted under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 ;

(c) Mumbai Municipal Corporation constituted under the Mumbai Municipal Corporation Act, 1888 ;

(d) Nagpur Municipal Corporation constituted under the City of Nagpur Corporation Act, 1948 ; or

(e) any other Corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949 ;

(7) "recognised political party" means a political party recognised as a National Party or as a State Party under the Election Symbols (Reservation and Allotment) Order, 1968, as amended from time to time, issued by the Election Commission of India and which is also registered with the State Election Commission ;

(8) "registered political party" means an association or body of individual citizens of India registered with the State Election Commission ;

(9) Words and expressions used but not defined in this Order but defined in the relevant Acts governing the elections to a local body or the rules made thereunder shall have the meanings respectively assigned to them in the relevant Acts and Rules.

3. Allotment of symbols.—In every contested election, a symbol shall be allotted to a contesting candidate accordance with the provisions of this Order and different symbols shall be allotted to different candidates contesting an election in the same constituency.

4. Classification of symbols.—(1) For the purpose of this Order, symbols shall be either reserved or free ;

(2) Save as otherwise provided in this Order, a reserved symbol is a symbol which is reserved for a recognised, political party for exclusive allotment to contesting candidates set up by that party ;

(3) All symbols other than reserved symbols are free symbols.

5. Classification of registered political parties.—For the purposes of this Order and for such other purposes as the Commission may specify as and when necessity therefor arises, political parties are either recognised political parties or unrecognised political parties.

For the purposes of this Order an "un-recognised political party" means a party registered with the Commission other than a recognised political party.

6. Choice of symbol by candidates of National and State Parties and allotment thereof.—(1) A candidate set up by a recognised National Party at any election to the local bodies in the State shall choose, and shall be allotted, the symbol reserved for that party by the Election Commission of India and no other symbol.

(2) A candidate set up by a recognised State Party at any election to the local bodies in the State, whether such party is a State Party in the State or not, shall choose, and shall be allotted the symbol reserved for that party by the Election Commission of India and no other symbol ;

Provided that a State party recognised in the Maharashtra State shall get the symbol reserved for it :

Provided further that when more than one political party is recognized in States other than Maharashtra and have the same symbol, reserved in different States, the State Election Commission shall allot such reserved symbol only to that State Party whose application for registration under para 3 of the Maharashtra Registration of Political Parties Order, 2009, is first received by the Commission and the State Parties whose applications for such registration are received thereafter, shall be allotted symbols other than those reserved for them.

(3) In any election to the local bodies in the State, a reserved symbol shall not be chosen by, or allotted to any candidate other than a candidate set up by a recognised political party for whom such symbol has been reserved, even if no candidate has been set up by such party in such election.

7. Concession to candidates set up by an unrecognised political party which was earlier recognised as a National or State Party.—If a political party, which is unrecognised at present but was a recognised National Party or State Party in Maharashtra State not earlier than six years from the date of announcement, of election, set up a candidate at an election in a constituency in any Zilla Parishad, Panchayat Samiti, Municipal Corporation, Municipal Council or Nagar Panchayat, as the case may be, then such candidate may, to the exclusion of all other candidates in the constituency be allotted the symbol reserved earlier for that party when it was a recognised National Party or State Party in Maharashtra State, notwithstanding that such a symbol is not specified in the list of free symbols, on the fulfilment of each of the following conditions, namely :—

(a) that an application is made to the Commission by the Party for exclusive allotment of that symbol to the candidate set up by it, within a week after the declaration of the programme of election by the commission ;

(b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at an election and that the party has also fulfilled the requirements of paragraphs of this Order ;

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

Provided that the provisions of this paragraph shall not apply where the same symbol is already reserved for some other National Party or State Party.

8. Choice of symbols by candidates of registered political parties or other candidates and allotment thereof.—(1) Any candidate at an election to local bodies in the State other than a candidate set up by recognised political party shall choose and shall be allotted in accordance with the provisions hereinafter set out in this paragraph one of the symbols specified as free symbols by the Commission.

(2) Where any free symbol has been chosen by only one candidate at such election, the returning officer/ election officer shall allot that symbol to that candidate and to no one else.

(3) Where the same free symbol has been chosen by several candidates at such election, then, if of those several, candidates only one is a candidate set up by registered political party, and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate, set up by the registered political party and to no one else, and if of those several candidates two or more are set up by different registered political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different registered political parties that free symbol shall be allotted and allot that symbol to the candidate on whom the lot falls and to no one else.

9. When a candidate shall be deemed to be set up by a registered political party.—*for the purpose of this order, a candidate shall be deemed to be set up by a political party, if and only if,—*

(1) the candidate has made a declaration to that effect in his nomination paper ;

(2) (a) a notice in writing to that effect has been delivered to the Returning Officer of the constituency and the concerned Collector or Municipal Commissioner, as the case may be—

(i) the political party setting up candidate at any election to Zilla Parishad shall

communicate the names of the authorised persons in Form II-A prescribed under rule 15A of the Maharashtra Zilla Parishads (Electoral Divisions and Conduct of Election) Rules, 1962. Such authorised persons shall give notice of intimation of names of candidates in Form II-B of the said rules ;

(ii) the political party setting up candidate at any election to Panchayat Samiti shall communicate the names of the authorised persons in Form II-A prescribed under rule 15A of the Maharashtra Panchayat Samitis (Electoral Colleges and Conduct of Election) Rules, 1962. Such authorised persons shall give notice of intimation of names of candidates in Form II-B of the said rules ;

(iii) such notice and communication shall be sent to the Municipal Commissioner or, as the case may be, the Collector for the purpose of elections to the Municipal Corporations, Municipal Councils and Nagar Panchayats in the form prescribed in Annexure-I and Annexure-II respectively.

(b) The said notice shall be signed in ink pen or ball point pen by the President, Secretary or any other, officer who is authorised by the party to send such notice. A notice signed on behalf of the President, Secretary or the authorised person; or bearing a counter signature, or rubber stamp signature or signed in any other manner, or a notice sent by fax, shall not be permissible. A notice, which is not so permissible, shall not be accepted by the Collector or the Returning Officer.

10. Notification containing list of symbols.— The commission shall, by one or more notifications published in the *Official Gazette*, specify,—

- (a) the National Parties ;
- (b) the State Parties ;
- (c) the parties from other States for which symbols have been reserved ;
- (d) list of free symbols.

11. Powers of Commission to issue instructions.—The Commission, may issue instructions and directions,—

- (a) for the clarification of any of the provision 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 to the recognised political parties, for which this order makes no provision or makes insufficient provision, and provision is in the opinion of the Commission necessary for the smooth and orderly conduct of elections.

STATE ELECTION COMMISSION, MAHARASHTRA

New Administrative Building, Hutatma Rajguru Chowk

Madame Cama Road, Mumbai 400 032

Dated the 21st January 2017.

Order

MAHARASHTRA ELECTION SYMBOLS (RESERVATION and ALLOTMENT) (AMENDMENT) ORDER, 2017.

No. SEC/RPP-2017/CR-07/D-11.—Whereas, the responsibility of superintendence, direction and control of all elections to the Panchayats and Municipalities in the State is vested in the State Election Commission, under Articles 243-K and 243-ZA of the Constitution of India ;

And Whereas, in the interest of holding elections to the Panchayats and Municipalities in the State and Conduct of such elections in free, fair, transparent and efficient manner, the State Election Commission, Maharashtra, by Maharashtra Election Symbols (Reservation and Allotment) Order, dated the 31st March, 2009, as amended from time to time, has made certain provisions, to provide for certain matters incidental to the specification, reservation, choice and allotment of symbols for political parties and for matters connected therewith ;

And whereas, there are provisions in the said order to allot the symbols reserved by Election Commission of India for the Political parties recognised by the Election Commission of India (currently 15 in the State), during Elections to any Local body in the state. Whereas all other Registered political parties (which are not recognised by Election Commission of India) are allotted different free symbol (by Lottery process wherever necessary) to its candidates for different seats in the same local body elections ;

And whereas, several political parties have requested State Election Commission to amend the above orders because above provisions lead to several difficulties during campaign period since various candidates of one registered political party itself can get different free symbols even in one local body election itself. And whereas, in pursuance to the above request, State Election Commission feels that it may be possible to temporarily reserve a free symbol for a registered political party for a specific local body provided that the political party has won five percent of the seats in the immediate preceding general elections to that local body ;

And whereas, Nagarpalika, Nagarpanchayat, Mahanagarpalika, Zilla Parishad and all Panchayat Samitis in it, are different and independent local bodies, above provisions will have to be applied to each local body separately and independently ;

And whereas, in order to implement the above, the State Election Commission has come to conclusion that, it is necessary to amend paragraph 4(1) and 8(1) and insert new paragraph 4(2A), 6(2A) and 7A in Maharashtra Election Symbols (Reservation and Allotment) Order, dated the 31st March 2009 as amended from time to time. ;

Therefore, Maharashtra Election Symbols (Reservation and Allotment) Order, dated the 31st March 2009, is amended as follows :—

Paragraph 4(1) is substituted by amended paragraph 4(1) as follows :—

“4(1) For the purpose of this order, symbols shall be either a reserve symbol or a free symbol or a temporarily reserved free symbol.”

A new paragraph 4(2A) is introduced after the existing Paragraph 4(2), as follows :—

“4(2A) ‘Temporarily reserved free symbol’ will be a symbol reserved for the registered political party as per the provisions of Paragraph 7A of this order.”

A new paragraph 6(2A) is inserted after the Paragraph 6(2) as follows :—

“ 6(2A) A candidate set up by a registered political party for which a free symbol has been declared as ‘ temporarily reserved free symbol ’ by the competent authority as provided in Paragraph 7A (1) of the order for any election to any local authority, shall choose and shall be allotted such ‘ temporarily reserved free symbol ’ for that election in that local body and no other symbol.

A new paragraph 7A is introduced after the existing Paragraph 7, as follows :—

“ 7A. **Reservation of common symbol for Registered Political Party.**—(1) A registered political party whose candidates got elected to not less than five percent of the seats in a specific local body in the immediate previous general election, subject to minimum of one seat, if the five percent of the total seats in that local body comes to less than one, makes an application to the Competent Authority as prescribed in following sub paragraph, to reserve a symbol out of the free symbols for the candidates to be setup by the said party in the forthcoming election, in that local body, the competent authority on verifying the terms and conditions laid down, declare the free symbol to become a temporarily reserved free symbol for that registered political party for that election, in that local body.

Explanation.—The elected representative shall have to be a candidate set up by the said registered political party in the said immediately preceding general election. He will not be considered merely because he is currently member of the said party.

(2) The Competent Authority for this clause will be “ Collector ” for elections to Zilla Parishads Panchayat Samiti, Municipal Councils and Nagar Panchayats within his jurisdiction and “ Municipal Commissioner ” for the respective Municipal Corporation.

(3) (i) The application under the sub-clause (1) shall be made by a registered political party, to the competent authority, at least three days before the first day fixed for accepting the nominations for the election. The competent authority shall take decision on the application, at least a day before the first day fixed for accepting the nominations, and immediately communicate the decision to the Returning Officer/s appointed for the election of that local body and the concerned registered political party.

Application under this clause shall be made for each Local Body independently. For example, Zilla Parishad and Panchayat Samiti being separate local bodies, independent applications shall be made for each Zilla Parishad and/or Panchayat Samiti :

Provided that if more than one registered political parties make applications for the reservation of same free symbol for the same local body to the competent authority within the prescribed time limit and more than one of these registered political parties are found to be eligible for temporarily reservation of free symbol, then such free symbol shall be allotted to the registered political party whose application is first received by the competent authority and other registered political parties be given choice to choose from the remaining free symbols.

(ii) The application shall be accompanied with the list of candidates set up by the registered political party, who were elected in immediate previous general election held for the said Local body and the certificate of the secretary of the local body certifying the said list of elected candidates.

(iii) The five percent seat of the local body will be arrived at by rounding it to the nearest whole number. In any case number of seats arrived by this method shall not be less than one.

Explanation.—or determining the five percent seats of local body, decimal value below X.5 will be taken as X and decimal value equal to and above X.5 will be taken as X+1.

(iv) The Competent Authority will ascertain the number of seats won by candidates belonging to the said political party from the secretary of the said local body.

(4) This temporarily reserved free symbol so declared by an order of competent authority under this paragraph, shall cease to be a free symbol for that election, in that local body. It will not be available for allotment to any other political party and / or candidate in that local body, for that election.

Explanation.—The free symbol so declared as Temporarily Reserved Free Symbol, under provision of this order, shall remain to be free symbol for any other election to that local body or any election to any other local body

Paragraph 8(1) of the Order shall be substituted as follows :—

“ 8. Choice of symbols by candidates of registered political parties or other candidates and allotment thereof. — (1) Any candidate at an election to local bodies in the State other than a candidate set up by recognised political party and a registered political party for which a free symbol has been declared as “temporarily reserved free symbol” for the election to that local body as provided in paragraph 7(A)(1) of the Order shall choose and shall be allotted in accordance with the provisions hereinafter set out in this paragraph one of the symbols specified as free symbols by the Commission, after excluding the free symbol declared as “temporarily reserved free symbol”, if any under paragraph 7A(1) of this order.

By order of the State Election Commissioner,

SHEKHAR CHANNE,

Secretary,
State Election Commission, Maharashtra.



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-अ-मध्य उप-विभाग

वर्ष ३, अंक ६(२)]

शनिवार, जानेवारी २१, २०१७/माघ १, शके १९३८

[पृष्ठे ६, किंमत : रुपये २६.००

असाधारण क्रमांक ७

प्राधिकृत प्रकाशन

महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपरिषदा, प्राथमिक शिक्षण आणि स्थानिक निधी लेखापरीक्षा अधिनियम यांखालील (भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आदेश व अधिसूचना यांव्यतिरिक्त) आदेश व अधिसूचना.

राज्य निवडणूक आयोग, महाराष्ट्र

नवीन प्रशासकीय भवन, हुतात्मा राजगुरु चौक, मादाम कामा मार्ग, मुंबई ४०० ०३२, दिनांक २१ जानेवारी २०१७.

आदेश

महाराष्ट्र निवडणूक चिन्ह (आरक्षण व वाटप) (सुधारित) आदेश, २०१७.

क्रमांक एसईसी/आरपीपी-२०१७/सीआर-०७/का-११.—ज्याअर्थी, भारतीय संविधानाच्या अनुच्छेद २४३-के व २४३-झेडए नुसार राज्यातील पंचायती आणि नगरपालिका यांच्या सर्व निवडणुकांचे अधिक्षण, संचलन व नियंत्रण यांची जबाबादारी राज्य निवडणूक आयोगाची आहे ;

आणि ज्याअर्थी, राजकीय पक्षाच्या आधारावर लढविल्या जाणाऱ्या राज्यातील स्थानिक स्वराज्य संस्थांच्या (महानगरपालिका, जिल्हा परिषदा, पंचायत समित्या व नगरपरिषदा/नगरपंचायती) निवडणुकांचे पावित्र्य राखणे व अशा निवडणुका निर्भय, मुक्त व पारदर्शक वातावरणात पार पाडण्याच्या दृष्टीने राज्य निवडणूक आयोगाने महाराष्ट्र निवडणूक चिन्ह (आरक्षण व वाटप) आदेश, दिनांक ३१ मार्च २००९ (व त्यामधील वेळोवेळी सुधारणासह) पारित करून राजकीय पक्षांना चिन्ह आरक्षण, निवड व वाटप करणे आणि त्यासंबंधीच्या बाबींविषयी काही तरतुदी केलेल्या आहेत ;

आणि ज्याअर्थी, भारत निवडणूक आयोगाकडून मान्यताप्राप्त पक्ष (सध्या राज्यात एकूण १५) यांना भारत निवडणूक आयोगाने त्यांच्यासाठी राखीव केलेले चिन्ह स्थानिक स्वराज्य संस्थांच्या निवडणुकीच्यावेळी प्रदान करण्याची तरतूद उक्त आदेशात आहे. मात्र इतर सर्व नोंदणीकृत राजकीय पक्षांना (ज्यांना भारत निवडणूक आयोगाची मान्यता प्राप्त नाही) प्रत्येक जागेसाठी मुक्त चिन्ह (आवश्यक असेल तर लॉटरी पद्धतीने) प्रदान करण्याची तरतूद आहे ;

आणि ज्याअर्थी, वरील तरतुदीमुळे एका राजकीय पक्षाला एकाच स्थानिक स्वराज्य संस्थेमध्ये उभे केलेल्या वेगवेगळ्या उमेदवारांना वेगवेगळे चिन्हाचे वाटप होते, ज्यामुळे त्यांना प्रचार करण्यास अडचणी येतात ही बाब अनेक राजकीय पक्षांनी राज्य निवडणूक आयोगाच्या निदर्शनास आणली व उक्त आदेशामध्ये दुरुस्ती करण्याबाबत विनंती केली आहे ;

आणि ज्याअर्थी, वरील विनंतीच्या अनुषंगाने राज्य निवडणूक आयोगाला असे वाटते की, एखाद्या नोंदणीकृत राजकीय पक्षाने जर एखाद्या स्थानिक स्वराज्य संस्थेच्या लगतच्या मागील सार्वत्रिक निवडणुकीमध्ये एकूण जागांपैकी किमान पाच टक्के जागा जिंकल्या असतील तर त्या पक्षाला त्या स्थानिक स्वराज्य संस्थेच्या येत्या निवडणुकीसाठी मुक्त चिन्हांपैकी तात्पुरत्या स्वरूपात एक समान चिन्ह आरक्षित करणे शक्य होईल ;

(१)

आणि ज्याअर्थी, नगरपालिका/नगरपंचायत, महानगरपालिका, जिल्हा परिषद व त्याअंतर्गत पंचायत समित्या या सर्व वेगवेगळ्या व स्वतंत्र स्थानिक स्वराज्य संस्था आहेत, म्हणून उक्त तरतुदी प्रत्येक स्थानिक स्वराज्य संस्थेला वेगवेगळ्या व स्वतंत्रपणे लावणे आवश्यक राहिल ;

आणि ज्याअर्थी, वरील बाबींना कार्यान्वित करण्यासाठी महाराष्ट्र निवडणूक चिन्ह (आरक्षण व वाटप) आदेश, २००९, दिनांक ३१ मार्च, २००९ (व त्यामधील वेळोवेळी सुधारणासह) च्या परिच्छेद ४(१) व ८(१) मध्ये सुधारणा करणे आवश्यक आहे व नवीन परिच्छेद ४(२अ), ६(२अ) व ७अ समाविष्ट करणे आवश्यक आहे ;

त्याअर्थी, महाराष्ट्र निवडणूक चिन्ह (आरक्षण व वाटप) आदेश, २००९ (व त्यामधील वेळोवेळी सुधारणासह) मध्ये खालील प्रमाणे सुधारणा करण्यात येत आहे :—

परिच्छेद ४(१) ऐवजी खालील सुधारित परिच्छेद ४(१) प्रमाणे समाविष्ट करण्यात येत आहे ;

“ ४(१) या आदेशाच्या प्रयोजनार्थ चिन्ह आरक्षित असतील किंवा मुक्त चिन्हे किंवा तात्पुरते आरक्षित मुक्त चिन्हे असतील. ”

परिच्छेद ४(२) नंतर खालील नवीन परिच्छेद ४(२अ) समाविष्ट करण्यात येत आहे ;

“ ४(२अ) तात्पुरते आरक्षित मुक्त चिन्ह हे मुक्त चिन्हांपैकी सदर आदेशाच्या परिच्छेद ७अ च्या तरतुदी प्रमाणे तात्पुरते आरक्षित करण्यात आलेले मुक्त चिन्ह असेल. ”

परिच्छेद ६(२) नंतर खालील नवीन परिच्छेद ६(२अ) समाविष्ट करण्यात येत आहे :—

“ ६(२अ) ज्या नोंदणीकृत पक्षासाठी उक्त आदेशाच्या परिच्छेद ७अ(१) च्या तरतुदीनुसार एखाद्या स्थानिक स्वराज्य संस्थेच्या एखाद्या निवडणुकीसाठी तात्पुरते आरक्षित मुक्त चिन्ह घोषित करण्यात आले आहे, अशा पक्षाने पुरस्कृत केलेल्या उमेदवारास त्यांच्या पक्षाकरिता आरक्षित केलेल्या चिन्हाची निवड त्या स्थानिक स्वराज्य संस्थेच्या त्या निवडणुकीसाठी करता येईल व त्याचे त्यांना वाटप करण्यात येईल व इतर कोणतेही चिन्ह दिले जाणार नाही.

परिच्छेद ७ नंतर खालील नवीन परिच्छेद ७अ समाविष्ट करण्यात येत आहे :—

“ ७अ. नोंदणीकृत राजकीय पक्षासाठी समान चिन्ह आरक्षित करणे—

(१) जर एका नोंदणीकृत राजकीय पक्षाने पुरस्कृत केलेल्या उमेदवार मागील लगतच्या सार्वत्रिक निवडणुकीत एक विशिष्ट स्थानिक स्वराज्य संस्थेच्या एकूण जागांपैकी किमान पांच टक्के जागेवर किंवा ज्या स्थानिक स्वराज्य संस्थांच्या एकूण सदस्य संख्येच्या पाच टक्के जागा ह्या एक पेक्षा कमी येत असतील तर किमान एका जागेवर निवडून आले असतील, तर त्या राजकीय पक्षाने खालील विनिर्दिष्टित केलेल्या सक्षम प्राधिका-याकडे अर्ज करून मुक्त चिन्हांपैकी एक चिन्ह संबंधित स्थानिक स्वराज्य संस्थेच्या आगामी निवडणुकांकरिता, त्यांच्या पक्षाने पुरस्कृत केलेल्या उमेदवारांसाठी आरक्षित करण्यासाठी अर्ज करता येईल. विनिर्दिष्टित केलेल्या अटींच्या अधीन राहून सक्षम प्राधिकारी मागणी केलेले मुक्त चिन्ह त्या नोंदणीकृत पक्षासाठी त्या स्थानिक स्वराज्य संस्थेच्या त्या निवडणुकीसाठी तात्पुरते आरक्षित मुक्त चिन्ह असल्याचे घोषित करेल.

स्पष्टीकरण.—मागील लगतच्या सार्वत्रिक निवडणुकीत निवडून आलेले उमेदवार त्या राजकीय पक्षाने त्या वेळेला पुरस्कृत केलेल्या उमेदवार असणे अनिवार्य राहिल. केवळ आज रोजी पक्षाचे सदस्य आहेत म्हणून त्यांना पक्षातर्फे निवडून आल्याचे समजले जाणार नाही.

(२) उक्त आदेशाच्या तरतुदीनुसार जिल्हा परिषद, पंचायत समिती, नगरपालिका व नगर पंचायतीसाठी सक्षम प्राधिकारी “ जिल्हाधिकारी ” असेल आणि महानगर पालिकांसाठी “ महानगरपालिका आयुक्त ” असेल.

(३)(i) या आदेशाखाली संबंधित राजकीय पक्षाने नामनिर्देशनपत्र दाखल करण्याच्या दिनांकापासून किमान तीन दिवस आधी सक्षम प्राधिका-याकडे अर्ज करणे अनिवार्य राहिल. सक्षम प्राधिकारी सदर अर्जावर नामनिर्देशनपत्र दाखल करण्याच्या किमान एक दिवसापूर्वी निर्णय घेईल व तात्काळ सर्व संबंधित निवडणूक निर्णय अधिकारी आणि संबंधित राजकीय पक्षाला कळवेल.

वरील तरतुदीप्रमाणे प्रत्येक स्थानिक स्वराज्य संस्थेच्या निवडणुकांसाठी स्वतंत्रपणे अर्ज करणे आवश्यक राहिल. उदाहरणार्थ जिल्हा परिषद व पंचायत समिती या स्वतंत्र स्थानिक स्वराज्य संस्था असल्याने प्रत्येक जिल्हा परिषद व प्रत्येक पंचायत समितीसाठी स्वतंत्र अर्ज करणे आवश्यक राहिल :

परंतु जर एका पेक्षा जास्त नोंदणीकृत राजकीय पक्षांनी विहित मुदतीत सक्षम प्राधिका-याकडे एकच मुक्त चिन्ह तात्पुरते आरक्षित करण्यासाठी अर्ज केल्यास व एकापेक्षा जास्त नोंदणीकृत राजकीय पक्ष, उक्त आदेशाच्या तरतुदीप्रमाणे पात्र आढळल्यास, सक्षम प्राधिका-यास ज्या पक्षाचा अर्ज प्रथम प्राप्त झाला त्या पक्षास मागणी केलेले मुक्त चिन्ह वितरित करेल. इतर नोंदणीकृत राजकीय पक्षांना राहिलेल्या इतर मुक्त चिन्हांमधून अन्य मुक्त चिन्ह मागणी करणेबाबत संधी देण्यात येईल.

(ii) अर्जासोबत राजकीय पक्षाने स्थानिक स्वराज्य संस्थेच्या मागील लगतच्या निवडणुकीत सदर पक्षातर्फे निवडून आलेल्या उमेदवारांची यादी जोडावी. तसेच अर्जासोबत स्थानिक स्वराज्य संस्थेच्या सचिवांचे निवडून आलेल्या उमेदवारांबाबतचे प्रमाणपत्रही जोडावे.

(iii) स्थानिक स्वराज्य संस्थेसाठी पाच टक्के इतक्या जागांची संख्या ठरविताना ती नजिकच्या पूर्णांकात घेण्यात यावी. कोणत्याही परिस्थितीत या सूत्राने मिळविलेल्या जागांची संख्या १ पेक्षा कमी असता कामा नये.

स्पष्टीकरण.—स्थानिक स्वराज्य संस्थेच्या पाच टक्के जागा अंतिम करताना, अपूर्णाक X.५ पेक्षा कमी दशांशासाठी X ही संख्या घेण्यात यावी आणि अपूर्णाक X.५ इतक्या किंवा त्यापेक्षा जास्त दशांशासाठी X+१ ही संख्या घेण्यात यावी.

(iv) सक्षम प्राधिकारी उक्त स्थानिक संस्थेच्या लगतच्या मागील निवडणूकीत उक्त राजकीय पक्षांनी पुरस्कृत केलेल्या निवडून आलेल्या उमेदवारांबाबत खात्री उक्त स्थानिक स्वराज्य संस्थेच्या सचिवांकडून करेल.

(४) उक्त आदेशाच्या तरतुदीनुसार सक्षम प्राधिकारी ज्या मुक्त चिन्हास तात्पुरते आरक्षित मुक्तचिन्ह घोषित करेल, असे मुक्त चिन्ह संबंधित स्थानिक स्वराज्य संस्थेसाठी त्या निवडणूकसाठी मुक्त चिन्हाच्या यादीमधून वगळण्यात येईल. असे तात्पुरते आरक्षित घोषित केलेले मुक्त चिन्ह इतर कोणत्याही राजकीय पक्ष किंवा उमेदवारास त्या स्थानिक स्वराज्य संस्थेच्या त्या निवडणूकीसाठी वितरणासाठी उपलब्ध राहणार नाही.

स्पष्टीकरण.—उक्त आदेशाच्या तरतुदीनुसार घोषित करण्यात आलेले तात्पुरते आरक्षित मुक्त चिन्ह इतर निवडणूकीमध्ये किंवा इतर स्थानिक स्वराज्य संस्थेच्या निवडणूकीसाठी/पोट निवडणूकीसाठी मुक्त चिन्ह राहिल ”

परिच्छेद ८(१) ऐवजी खालील सुधारित परिच्छेद ८(१) समाविष्ट करण्यात येत आहे :—

८. नोंदणीकृत राजकीय पक्षाद्वारे उभ्या केलेल्या उमेदवारांद्वारे किंवा इतर उमेदवारांद्वारे चिन्हांची निवड व चिन्ह वाटप—(१) राज्यातील स्थानिक स्वराज्य संस्थांच्या कोणत्याही निवडणूकीस मान्यताप्राप्त राजकीय पक्षांनी आणि ज्या नोंदणीकृत पक्षासाठी उक्त आदेशाच्या परिच्छेद ७अ (१) तरतुदीप्रमाणे संबंधित स्थानिक स्वराज्य संस्थेच्या त्या निवडणूकीसाठी तात्पुरते आरक्षित मुक्त चिन्ह घोषित करण्यात आले आहेत अशा पक्षांनी उभ्या केलेल्या उमेदवारांव्यतिरिक्त उभ्या राहिलेल्या कोणत्याही उमेदवारास या परिच्छेदात यानंतर नमूद केलेल्या तरतुदीनुसार, आयोगाद्वारे मुक्त चिन्हे म्हणून विनिर्दिष्टित केलेल्या चिन्हापैकी एका चिन्हाची निवड करता येईल व त्यानुसार वाटप करण्यात येईल. सदर मुक्त चिन्हामध्ये उक्त आदेशाच्या परिच्छेद ७अ(१) च्या तरतुदीनुसार तात्पुरते आरक्षित मुक्त चिन्ह घोषित केले असल्यास त्याचा समावेश असणार नाही.

मा. राज्य निवडणूक आयुक्त यांच्या आदेशानुसार,

शेखर चन्ने,

सचिव,

राज्य निवडणूक आयोग, महाराष्ट्र.