

# **Haryana Municipal Election Symbols (Reservation and Allotment) Order, 1996**

HARYANA

India

## **Haryana Municipal Election Symbols (Reservation and Allotment) Order, 1996**

### **Rule**

### **HARYANA-MUNICIPAL-ELECTION-SYMBOLS-RESERVATION-AND-ALLOTMENT ORDER, 1996**

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Haryana Municipal Election Symbols (Reservation and Allotment) Order, 1996Published vide Haryana Government Notification No. SEC/MC/96/6639, dated 14th May, 1996State Election Commission, HaryanaNo. SEC/MC/96/6639. - To provide for specifications, reservation, choice and allotment of symbol at election to Municipalities in the State of Haryana for the recognition of Political Parties in relation thereto and for matters connected therewith.Whereas the superintendence, direction and control of all elections to Municipal Corporation/Municipal Councils/Municipal Committees in the State of Haryana are vested in the State Election Commission by the Constitution of India and the Haryana Municipal Corporation Act, 1994 and the Haryana Municipal Act, 1978.And Whereas, it is necessary and expedient to provide in the interest of purity of elections to the Municipal Corporation, Municipal Councils and Municipal Committees in the State of Haryana 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 connected therewith;Now, Therefore in exercise of the powers conferred under Article 243-ZA of the Constitution of India, Section 9 of the Haryana Municipal Corporation Act, 1994 (Haryana Act No. 16 of 1994) and Section 3A of the Haryana Municipal Act, 1973 (Haryana Act No. 24 of 1973) and Rule 20 of the Haryana Municipal Corporation (Election) Rules, 1994 and Rule 18 of the Haryana Municipal Election Rules, 1978 and all other powers enabling him in this behalf, the State Election Commission, Haryana hereby makes the following order :-

## **1. Short title, extent, application and commencement.**

(1) This order may be called the Haryana Municipal Election Symbols (Reservation and Allotment) Order, 1996. (2) It shall extend to the whole of Haryana in relation to elections in all Municipal Corporations, Municipal Councils and Municipal Committees. (3) It shall come into force on the date of its publication in the Haryana Government Gazette 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 Haryana Municipal Corporation Act, 1994 and the Haryana Municipal Act, 1973; (b) "Clause" means a clause of the paragraph or sub-paragraph in which the word occurs; (c) "contested election" means an election in a Municipal Corporation, Municipal Council, Municipal Committee; (d) "election" means an election to which this Order applies; (e) "election held on party-basis" means an election in which a candidate set-up by a recognized political party gets an exclusive allotment of symbol reserved for that party in accordance with the provisions of this order; (f) "recognised 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 State of Haryana 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 Haryana which is registered with but not recognized either as a National Party or as a State Party in Haryana by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968; (h) "rule" means the Haryana Municipal Corporation (Elections) Rules, 1994 and the Haryana Municipal (Elections) Rules, 1973; (i) "State Election Commission" means the State Election Commission, Haryana, constituted under Article 243-K and 243ZA of the Constitution read with section 9 of the Haryana Municipal Corporation Act, 1994 and Section 3A of the Haryana Municipal Act, 1973; and (j) "sub-paragraph" means a sub-paragraph of the paragraph in which the word occurs. (2) Words and expressions used but not defined in this order but defined in the Representation of the People Act, 1950 or the rules made thereunder or in the Representation of People Act, 1951 or the rules made thereunder or the Haryana Municipal Corporation Act, 1994 and the Haryana Municipal Act, 1973 or the rules made thereunder shall have the meaning respectively assigned to them in those Acts and Rules. (3) In the absence of such definition, the Punjab General Clauses Act, 1898 (Punjab Act 1 of 1898) shall as far as may be, apply in relation to the interpretation of this order as it applies in relation to the interpretation of a Haryana Act.

## **3. Notification by State Election Commission of elections to be held on party basis.**

- For the purpose of this order, the State Election Commission shall notify from time to time the election or elections which shall be held on party-basis and the election or elections which shall not be held on party basis.

#### **4. Classification of Symbols.**

(1) For the purpose of this order symbols are 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 the party.

#### **5. Notification by the State Election Commission of the lists of symbols for elections.**

- The State Election Commission shall notify from time to time :-(a) The lists of reserved symbols and the list or lists of free symbols for use in an election or elections by the political party. (b) The list or list of free symbols for use in an election or elections by the candidates other than political parties.

#### **6. Notification by the State Election Commission of the list of recognized Political Parties and the 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 reserved for them and the list of registered but unrecognized Political Parties. (2) For the purposes 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 I to this order within thirty days of commencement of this order. (3) Every application under sub-paragraph (2) shall be signed by the President, the Secretary or any other office-bearer of the party and the President, Secretary or such other office-bearer is authorised by the party of the recognised political party and the registered but unrecognized political party (by whatever name called) and presented to the State Election Commission. (4) The application under sub-paragraph (5) 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 special 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.

#### **7. Allotment of Symbols.**

- In every contesting 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.

## **8. Allotment of Symbols in Elections not held on party basis.**

(1) In an election not held on party basis, every candidate shall declare in the nomination paper first filed by him, his choice of three free symbols from the list of free symbols for that election indicating the order of his preference. The symbols shall be allotted in accordance with the procedure laid down below :-(a) The allotment of symbol shall be considered in the order of the preference made by the candidates, that is to say, the first preference of the candidates will be considered first, the second preference next and the third preference last. (b) If any symbol has been sought for by more than one candidate the allotment of that symbol shall be decided by drawing a lot between those candidates and the candidate whose name is drawn first shall be allotted that symbol. (c) If any candidate could not be allotted the symbol sought for in his first preference in the lot he shall be considered for allotment of the free symbol sought as his second preference. Should the second choice of symbol could not also be allotted due to conflicting claims for the symbol and failure in the lot, he shall be considered for the allotment of the free symbol of his third preference. Even if this could not be allotted, he should be allotted that first symbol which has not been allotted to any of the candidates out of the list of free symbols notified by the State Election Commission. (d) In an election where the candidates have not declared in the nomination paper first filed by him, his choice of three free symbols from the list of free symbols for that election indicating the order of his preference then the symbols shall be allotted seriatum-wise from the list of free symbols notified by the State Election Commission to the candidates whose names have been mentioned in the list of contesting candidates prepared in Hindi in alphabetical order of Devnagri Script on the last day of withdrawal of nomination, even if the contesting candidates agree among themselves upon their symbol. (2) No candidate will ask for any other symbol but for the symbol notified by the State Election Commission. In case any such symbol which is not notified by the State Election Commission is asked by any candidate, the same will be ignored. (3) Each candidate or his election agent shall be intimated the symbol allotted to him in writing and signature obtained in token of having received that intimation. He shall also be given specimen copy of that symbol, alongwith the said intimation.

## **9. Allotment of symbols in elections held on party basis.**

(1) Choice of the symbol by candidates set up by recognized political parties and allotment thereof : In an election held on party basis every candidate set 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 reserved symbols due to defect of substantial character either in the nomination paper or otherwise, 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 unrecognized 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) Choice of symbol by candidates set up by registered but recognized political parties and by independent candidates : Every candidate who is set-up by the registered but unrecognized political party or who is an independent candidate shall declare in the nomination paper first filed by him, his choice of three

free symbols from the list of free symbols for that election indicating the order of his preference. The symbols shall be allotted in accordance with the procedure laid down below : (a) The allotment of symbols shall be considered in the order of the preference made by the candidates, that is to say, the first preference of the candidates will be considered first, the second preference next and the third preference last: Provided that the allotment of symbols to candidates set up by the registered but unrecognized political parties shall be completed first and only thereafter the allotment of symbol to the independent candidates shall be taken up and allotted from among the remaining free symbols. (b) Where a free symbol has been sought for by only one candidate set up by a registered but unrecognized political party, as his first choice it shall be allotted to that candidate and to no one else. If any free symbol has been sought for by more than one candidate set up by the registered but unrecognized political parties, the allotment of that symbol shall be decided by drawing a lot between those candidates and the candidate whose name is drawn first shall be allotted that symbol. (c) If any candidate set up by the registered but unrecognized political party could not be allotted the symbol sought for in his first preference in the lot he shall be considered for allotment of the free symbol sought as his second preference. Should the second choice of symbol could not also be allotted, due to conflicting claims for the symbol and failure in the lot he shall be considered for the allotment of the free symbol of his third preference. Even if this could not be allotted, he should be allotted any one of the free symbols left after allotting to other candidates set up by the registered but unrecognized political parties in accordance with the procedure set out above. (e) After completing the allotment of free symbols to all the candidates set up by the registered but unrecognized political parties, the remaining free symbols shall be allotted to the independent candidates in accordance with their choice and preference by adopting the procedures for allotment of symbols to candidates set up by the registered but recognized political parties.

**10. [ When a candidate shall be deemed to be set up by a political party.  
[Substituted by Haryana Government Notification NO. SEC/3ME/2010/794  
dated 12th April, 2010.]**

- For the purpose of this order, a candidate shall be deemed to be set up by a political party, if, and only if, - (a) the candidate has enclosed a declaration to that effect along with the nomination paper; (b) the candidate is a member of that political party and his name is borne on the rolls of members of the party; (c) a notice in writing, in Form-B (Annexure-III), to that effect has, not later than 3.00 P.M. on the last date for making nominations, been delivered to the concerned Returning Officer; (d) the said notice is signed by the President, the Secretary or any other office bearer of the party and the President, Secretary or such other office bearer authorised by the party to send such notice in form 'A' in (Annexure-II); (e) the communication with regard to the name and specimen signature of such authorised persons are delivered to the Returning Officer of the Municipal Council/Committee/Corporation not later than 3.00 P.M. on the last date for making nominations; and (f) form A and B (Annexure-II and III) are signed, in ink only, by the said office bearer or person authorised by the party : Provided that no facsimile signature or signature by means of rubber stamp, etc, of any such office bearer shall be accepted and no form transmitted by fax shall be accepted.]

## **11. 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 of Guidance for 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 of 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.

## **12. Power of the State Election Commission to issue instructions and directions.**

- 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 provision is 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 situated; (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 Haryana; (e) the numerical strength of its members and if there are categories its members, the numerical strength in each category; (f) the political principles on which it is based; (g) the policies, aims and the objects which it pursues or seeks to pursue; (h) its programmes, functions and activities in Haryana 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, the functions and the names of the Chairman (by whatever name called) other members of such organs; (j) details of the electoral performance of the recognized political party or registered but not recognized political party in Haryana 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 Haryana Legislative Assembly or any local body in Haryana, if so, the number of such member or members; and (l) any

other particulars which the association or body may like to mention.(Annexure-II)Form-ACommunication with Regard to Authorised Persons to Intimate Names of Candidates set up By Recognised National or State Political Party Registered/Un-Registered Political Party(See The Haryana Municipal Election Symbols (Reservation and Allotment) Order, 1996)ToThe Returning Officer for the\_\_\_\_\_Municipal Corporation/Council/Committee.Subject: General Elections to Municipal Corporation/ Council/ Committee\_\_\_\_\_ Allotment of symbols-Authorization of persons to intimate names of candidates.Sir,In pursuance of the Haryana Municipal Election symbols (Reservation and Allotment) Order, 1996, I, hereby communicate that the following person(s) has/have been authorised by the party, which is National Party/State Party in the State of\_\_\_\_\_ Registered/Un-recognised Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorised to send notice	Name of office held in the party	Municipal Corporation/ Council/ Committee/ Ward in respect ofwhich he has been authorised
1	2	3
1.		
2.		
3.		
4.		
5.		

## 2. The specimen signatures of the above mentioned person(s) so authorized are given below:-

### 1. Specimen signatures of Shri \_\_\_\_\_

(i)\_\_\_\_\_ (ii)\_\_\_\_\_ (iii)\_\_\_\_\_

### 2. Specimen signatures of Shri \_\_\_\_\_

(i)\_\_\_\_\_ (ii)\_\_\_\_\_ (iii)\_\_\_\_\_

### 3. Specimen signatures of Shri \_\_\_\_\_

(i)\_\_\_\_\_ (ii)\_\_\_\_\_ (iii)\_\_\_\_\_

faithfully,President/Secretary,Name of Party.Place:Date :Notes: - 1. This must be delivered to the Returning Officer not later than 3.00 P.M. on the last date for making nominations.

**2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc. of any office bearer shall be accepted.**

**3. No form transmitted by fax shall be accepted.**

(Annexure-III) Form B Notice as to Names of Candidate Set up by the Political Party (See the Haryana Municipal Election Symbols (Reservation and Allotment) Order, 1996) To The Returning Officer for the \_\_\_\_\_ Municipal Corporation/Council/Committee Subject : General Bye Elections to Municipal Corporation/ Council/ Committee \_\_\_\_\_ Setting up of candidate. Sir, In pursuance of The Haryana Municipal Election Symbols (Reservation and Allotment) Order, 1996, I, hereby give notice on behalf of \_\_\_\_\_ (Party). (i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named, and (ii) the person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the party, who will step-up on the approved candidate's nomination being rejected on scrutiny or in his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye-election from this constituency :-

Name of the Municipal Corporation/ Council/ Committee	Name of the approved candidate	Father's/ Mother's Husband's name of approved candidate	Postal address of approved candidate	Name of the substitute candidate who step-in-on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's name of substitute candidate	Postal address of substitute candidate
1	2	3	4	5	6	7

**2. The notice in Form "B" given earlier in favour of Shri/Smt./Sushri \_\_\_\_\_ as party's approved candidate/Shri/Smt./Sushri \_\_\_\_\_ as party's substitute candidate is hereby rescinded.**



**3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.**

Yours faithfully.(Name and Signature of the authorised person of the Party)(Seal of Party)Place  
:Date :