

Haryana Panchayati Raj Election Symbols (Reservation and Allotment) Order, 1996

HARYANA

India

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Rule

HARYANA-PANCHAYATI-RAJ-ELECTION-SYMBOLS-RESERVATION-A of 1996

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Haryana Panchayati Raj Election Symbols (Reservation and Allotment) Order, 1996Published vide Notification No. SEC/E-III/96/6818 dated 15-5-1996 Haryana Gazette, (Extra), dated May 16, 1996No. SEC/E-III/96/6818. - To provide for specifications, reservation, choice and allotment of symbols at election to Panchayats 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 Panchayats in the State of Haryana are vested in the State Election Commission by the Constitution of India and the Haryana Panchayati Raj Act, 1994 (Haryana Act 11 of 1994).And Whereas, it is necessary and expedient to provide in interest of purity of elections to the Gram Panchayats, Panchayat Samities and Zila Parishads 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 clause (1) of Article 243 K of the Constitution of India and Section 212 of the Haryana Panchayati Raj Act, 1994 (Haryana Act No. 11 of 1994) and Rule 33 of the Haryana Panchayati Raj (Elections) Rules, 1994 and all other powers enabling it 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 Panchayati Raj Election Symbols (Reservation and Allotment) Order, 1996.(2)It shall extend to the whole of Haryana in relation to elections in all Gram Panchyats, Panchayat Samities and Zila Parishads.(3)It shall come into force on the date of its

publication in the Haryana Government Gazette which date is hereinafter referred to the commencement of this Order.

2. Definition and Interpretation.

(1) In this order unless the context otherwise requires, -(a) "Act" means the Haryana Panchayati Raj Act, 1994 (Haryana Act No. 11 of 1994); (b) "Clause" means a clause of the Paragraph or sub-paragraph in which the word occurs; (c) "contested election" means an election in a Gram Panchayat, Panchayat Ward where a poll is taken; (d) "election" means an election to which this Order applies; (e) "elections 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) "recognized 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 Panchayati Raj (Elections) Rules, 1994; (i) "State Election Commission" means the State Election Commission, Haryana constituted under Article 243-K of the Constitution read with section 212 of the Act, 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 in the Representation of People Act, 1951 or the rules made thereunder or the Haryana Panchayati Raj Act, 1994 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 for 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 list 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 lists 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 1 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 specific 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 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.

8. Allotment of Symbols in panchayat Samiti and Zila Parishad 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 failure in the lot, he shall be considered for the allotment of free symbol sought as his second preference. Should the second choice of symbol could not also be allotted due to 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 candidate has 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 symbol 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 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 an 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 election for the office of Panches and Sarpanches not held on party basis.

(1)In an election not held on Party basis symbols shall be allotted to the contesting candidates for the office of Panch and Sarpanch, seriatum wise from the list of symbols notified by the State Commission as the case may be, in order of 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 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.

10. 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 up 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 symbol 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 recognized 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 unrecognized 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 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 anyone 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 to the registered but unrecognized political parties.

11. When a candidate shall be deemed to be set up by a 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: - (a) the candidate has enclosed a declaration to that effect along with the nomination paper; (b) a notice in writing to that effect has, not later than 3.00 P.M. on the last day of withdrawal of candidatures, been delivered to the Returning Officer; (c) 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 is authorised by the party to send such notice; and (d) the communication with regard to the name and specimen signature of such authorised person are delivered to the Returning Officer of the Gram panchayat or of Panchayat Samiti and Zila Parishad not later than, 3.00 P.M. on the last day of withdrawal of candidatures.

12. 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.

13. 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 make 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 mean 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 of 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, their functions and the names of the Chairman (by whatever name called) on other members of such organs; (j) details of the electoral performance of the recognised 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.